



**Procedure #**

**Procedure Title            General Dispute Reporting and Resolution Procedure**

<b>Procedure Owner Division / Department</b>	Safe Sport / Operations
<b>Effective Date</b>	May 19, 2020
<b>Last Review Date</b>	May 19, 2020
<b>Applicable Laws, Regulations, or Other Identified Risks</b>	<p>Legislation*: Canadian Criminal Code, Ontario Human Rights Code, and Personal Information Protection and Electronic Documents Act (Canada)</p> <p>Industry Codes/Policies*: Canadian Sport Policy, International Skating Union (“ISU”) Code of Ethics, Universal Code of Conduct to Prevent and Address Maltreatment in Sport (Canada),</p> <p>*Current and as may be amended from time to time</p> <p>Risks: Strategic, Compliance, Operational, Reputational</p>

**Overview**

At Skate Canada, every individual is entitled to a safe, professional, inclusive and respectful environment that treats individuals with fairness, dignity and respect in support of our core values.

Skate Canada is firmly committed to and believes in a proactive approach to creating a Safe Sport environment. The safety and protection of our participants from injury, in our environment is of paramount importance.

This General Dispute Reporting and Resolution Procedure (this “Procedure”) is designed to help Skate Canada take every reasonable measure to promote and maintain a safe, inclusive and respectful environment. This Procedure is used to standardize the measures and procedures to meet the obligations as set out in the National Safe Sport Program and the General Dispute Reporting and Resolution Policy (the “Policy”), ensure that individuals have a process to report general disputes, confidence that there will be no retaliation or reprisal for reports made in



good faith, and reports will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned as much as possible.

### **Systems**

General disputes are reported through the Safe Sport reporting and case management system internal to Skate Canada

### **Definitions**

Certain terms used herein may not be capitalized; however, for the purposes of this Procedure, the following terms herein have the ascribed meanings as set forth below. In addition, all references to the singular include the plural and vice versa.

**Board**, pursuant to the Bylaws, means the board of directors of Skate Canada

**Bylaws** means the bylaws of Skate Canada as amended and which are, from time to time, in force and effect

**Charter** means the Skate Canada Governance Charter which establishes Skate Canada's governance structure and defines key organizational elements of Skate Canada and the Board

**CEO** means Chief Executive Officer of Skate Canada, a Board appointed position

**club**, pursuant to the Bylaws, means a not-for-profit organization that is operating for the general purpose of providing Skate Canada programs and is managed by a volunteer board of directors

**coach**, pursuant to the Bylaws, means a skating expert with the required National Coaching Certification Program qualifications to provide a remunerated service at Skate Canada sanctioned clubs and skating schools, both on and off-ice. These individuals shall have registered, provided full payment and have met all professional coach registration requirements as set annually by Skate Canada

**days** means working days, not including weekends and holidays

**department** means a group of multiple divisions in an organization (e.g., Marketing and Events, Operations, Performance Excellence)



**director**, pursuant to the Bylaws, means a person elected or appointed to serve on the Board

**division** means a section of a department dealing with specific areas of activity, expertise and/or responsibility (e.g., Corporate Services, Finance, Information Technology, Safe Sport and Strategic Communications, are some examples of divisions within the department of Operations)

**general dispute** means a disagreement between parties that is significant to a party to whom this Policy applies:

- in respect of a matter of governance or contract which has a material adverse effect on the figure skating environment in which Skate Canada programs are delivered, and/or
- where an individual has committed a serious breach of the membership rules, regulations and/or policies of Skate Canada

**individual** means a person, and includes registrants, members, parents/guardians of skaters (including minor skaters), as well as persons employed by or engaged in activities, events/competitions, and programs with and/or hosted by Skate Canada, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Skate Canada, officers of Skate Canada, a Skate Canada section (included for the purposes of this Procedure), event volunteers, and spectators

**ISU** means the International Skating Union, which is the exclusive international sport federation recognized by the International Olympic Committee (IOC) administering sports in the branches of figure skating and speed skating throughout the world. The ISU is composed of a number of national associations called ISU Members, who administer ISU sports at the national level and recognize that all international matters are under the sole jurisdiction and control of the ISU

**law** means any applicable legislation, statutes, regulations, policies, rules and codes of conduct established by government, legal or regulatory authority, or by any self-regulated industry association by which Skate Canada is or has agreed to be bound

**member**, pursuant to the Bylaws, means each person that meets the requirements of any of the three Member classes as defined in Article 3 of the Bylaws and that has been duly admitted as a member of Skate Canada (*which includes coaches, clubs, and skating schools*)



**minor** means a child under the age of majority as defined in each province or territory of Canada, as may be amended from time to time. It is the responsibility of the adult to know the age of a minor

**Notice of Appeal** means a formal notice served by the individual informing Skate Canada of their intention to request review of a decision

**officer**, pursuant to the Bylaws, means the President and such other officers as the Board may determine by Ordinary Resolution

**organization** means Skate Canada

**party** means the complainant, respondent, appellant, Skate Canada, and any other individual, persons, or other organizations directly and/or indirectly involved in the complaint

**President**, pursuant to the Bylaws, means the chair of the Board and officer of Skate Canada

**registrant**, pursuant to the Bylaws, means (i) an individual who is registered by a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) an individual who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member, which includes skaters and officials

**Safe Sport division** is a division of the Operations department of Skate Canada, reporting to the Senior Director, Operations, through which an individual may report incidents of injury and general disputes to Skate Canada

**section**, pursuant to the Bylaws, means an organization incorporated or organized in a particular province or territory (and in some cases, a combination thereof) strategically aligned with Skate Canada, that may receive funds from provincial or territorial Governmental Authorities and be subject to applicable sport recognition programs and transfer payment arrangements. Each Section is held to the governance and operating requirements of their respective province and / or territory(ies) and is responsible for skating in their respective jurisdictions

**skater** means (i) a person who is registered at a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) a person who is engaged in any activity provided,



sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member

**skating school**, pursuant to the Bylaws, means an organization other than a club that is operating for the general purpose of providing Skate Canada skating programs

**we, us, our** means Skate Canada, unless noted otherwise

### **Procedure Scope/Applicability**

This Procedure is designed to implement the General Disputes Reporting and Resolution Policy. This Procedure is intended to ensure an appropriate and timely investigation and resolution of general disputes received through the Safe Sport reporting process.

This Procedure applies to all individuals, as defined in the Policy and within this Procedure, in the skating community.

This Procedure applies to general disputes between or amongst individuals to whom this Procedure applies, as defined within this Procedure, that can be escalated to Skate Canada after every effort has been made to resolve the general dispute amongst themselves at the appropriate club/skating school and/or section level through their dispute policies and procedures – see Procedure Steps for complete details on the escalation process to Skate Canada.

To meet the guiding principles as established in the Policy, this Procedure sets out the process for the reporting, investigation and resolution management processes including:

- initiation of general disputes, including the reporting process and timelines
- initial assessment to determine appropriate process to be followed
- informal resolution process
- formal resolution process, including investigation as applicable and response
- decision, including disciplinary action as applicable and appropriate
- appeal process

In addition, the Procedure establishes accountabilities, and roles and responsibilities.



## **Procedure Steps**

Skate Canada works within a multi-level / jurisdictional structure with clubs, skating schools and sections, each having their own dispute resolution process. Disputes must first be directed to the appropriate level where individuals involved in the matter must make a reasonable effort to pursue and resolve the matter amongst themselves at the level at which the situation originated (e.g., through the club and/or section resolution processes) prior to formal escalation to Skate Canada as the final appeal in the process.

After every effort has been made to resolve a general dispute as defined by this Procedure amongst themselves at the appropriate club/skating school and/or section level through their dispute policies and procedures, a general dispute can be escalated to Skate Canada as the final escalation step in the resolution process. In the situation where a section is implicated in the dispute, the dispute is to be reported directly to Skate Canada for resolution. Skate Canada also retains the right to initiate and/or intervene in a general dispute if they are of the view that a circumstance has arisen which is sufficiently serious and significant as to be of importance to skating and/or to the overall ability of Skate Canada to discharge its objectives.

### **General Dispute Reporting Process**

After every effort has been made to resolve a general dispute as defined by this Procedure amongst themselves at the appropriate club/skating school and/or section level through their dispute policies and procedures, the escalation and reporting of the general dispute, as defined within this Procedure, must be made directly with Skate Canada.

The general dispute report must contain as much information as possible about the dispute which is the subject of the concern, including but not limited to dates, times, and locations of the dispute (as applicable), names of any witnesses to the dispute(s), and a detailed description of the dispute.

The general dispute report must be made in writing (electronically or regular mail) to the Safe Sport division of Skate Canada as outlined below within 30 days of the dispute, although this timeline can be waived or extended at Skate Canada's discretion. To encourage timely and appropriate resolution, any dispute made more than six (6) months after the interaction, incident, event or situation experienced or witnessed may not be accepted if the situation is such that an appropriate investigation is no longer feasible.



Reports can be submitted in English or French by way of the following channels to the Safe Sport division of Skate Canada:

Email: [safesport@skatecanada.ca](mailto:safesport@skatecanada.ca)

Telephone: 1-888-747-2372 / extension: 703

Mail:

Attention: Safe Sport  
Skate Canada  
261 – 1200 St. Laurent Blvd.  
Box 15  
Ottawa, ON  
K1K 3B8

### Assessment Process

Upon receiving a general dispute, Skate Canada will assess the information received with the objective of determining if the general dispute should be resolved

- a. at the club, skating school or section level, if reasonable efforts to pursue and resolve amongst themselves at the level at which the situation originated were not previously pursued; or
- b. by Skate Canada to resolve either informally through a discussion and/or an early resolution facilitation process, or resolved formally through the assistance of an investigator, mediator, and/or other available means; or
- c. transferred to the Case Manager to manage the investigation and resolution process, if the report is a complaint of alleged, actual or suspected misconduct

Following the determination that the general dispute should be accepted by Skate Canada, timelines will be established to ensure procedural fairness and that the matter is heard in a timely fashion. A decision to accept or dismiss the general dispute may not be appealed.

Upon acceptance of a general dispute, a receipt of acknowledgement will be provided to the complainant and notice will be provided to any other affected party that a dispute has been received.

### Resolution Process

For a general dispute received and accepted, Skate Canada will lead the appropriate and applicable resolution process and arrive at a final and binding decision. The use of an



independent third-party investigator and/or subject matter experts may be sought to support and/or develop a resolution process for the general dispute, as applicable.

Skate Canada will take appropriate steps to work with the parties to address the dispute with the objective of arriving at a mutually agreed upon resolution. What is appropriate will depend on the nature of the dispute, and other relevant circumstances. The process may include, but is not limited to, an investigation, interviewing the complainant and respondent as well as other individuals necessary to obtain sufficient information upon which to make an assessment.

If appropriate depending on the assessment and nature of the general dispute and at its sole discretion, Skate Canada will attempt to support the parties in the resolution of the issue informally or formally, including, but not limited to, the following means:

- a. communication with individual (s)
- b. early resolution facilitation
- c. mediation
- d. arbitration

If at any time during the resolution process the dispute can be resolved to the satisfaction of the complainant and in a manner acceptable to the respondent and Skate Canada, the resolution will be documented, and a copy provided to the complainant and the respondent.

The circumstances of the general dispute and resolution steps throughout the process will be documented in detail, including responses of the respondent and witnesses. Once the investigation, if required, is completed, a final investigation report will be provided to the Safe Sport division. Once the investigation report has been reviewed, the Safe Sport division will provide a report with a conclusion and final recommendations, including but not limited to disciplinary action as applicable, to the CEO. Upon reviewing the final report, the CEO will render a final and binding decision, including disciplinary action as applicable.

If it is determined through the resolution process that an individual has made a false general dispute or made the general dispute with the intent to harm another individual, this will be investigated separately and disciplinary action may be taken.

#### Decision

The complainant and the respondent, and other parties as applicable, will be notified of the findings and the conclusions made as a result of the investigation. Whenever any





individual is found to have engaged in conduct that constitutes a breach of Skate Canada policies, including but not limited to the Code of Ethics Policy, Skate Canada will take appropriate disciplinary and remedial action to address and correct the situation.

The decision will be distributed by registered mail or email to all applicable parties, including information on the appeal process as applicable, not more than 30 days following the receipt of the investigators report if one is issued and in all other cases, within 60 days of the date the general dispute as accepted, unless other timelines have been established and the parties notified of the same.

#### Disciplinary Action

Disciplinary steps range from informal (e.g., a verbal or written reprimand/warning, education) to formal (e.g., probation, privileges of membership may be temporarily suspended, registrant participation be restricted, suspended or cancelled) and from less serious to more serious up to and including permanent suspension/expulsion, or any other sanctions/penalty that Skate Canada deems just.

Remedial steps that may be recommended range from a verbal or written apology, verbal or written warning, letter of reprimand on the respondent's membership file, etc. to a defined requirement (e.g., payment of a fine/levy, probation, requiring formal counselling or training curriculum etc.).

The appropriate disciplinary and/or remedial action, or any oversight/monitoring action or otherwise to be taken, will be at the sole discretion of the CEO. What is appropriate in any given situation will vary, and will depend on a number of factors which may include (among other things) the nature and severity of the situation, whether this is a new or recurrent problem, etc.

Records of all decisions and supporting documentation (including, without limitation, reports, initial assessment, investigation reports, resolution, corrective action, etc. as applicable) will be maintained by Skate Canada in a secure location and in accordance with the Record Retention Policy.

#### Appeal Process

The decision of the CEO is final and binding on all parties, subject to a right for an independent appeal to the Board.



A decision may be appealed by delivering a written Notice of Appeal addressed to the Board as outlined below within 15 days from the date that the decision letter is sent by registered mail or email to the individuals involved. The Notice of Appeal must indicate:

- intention to appeal;
- name and address of individual appealing;
- identity of the individual whose decision is being appealed and any affected parties;
- copy of the decision being appealed or description of decision if a written decision or document is not available;
- grounds for the appeal;
- detailed reasons for the appeal;
- why the sanction is inappropriate; and
- all evidence to support their position of appeal.

**Appeals can be submitted as follows:**

**Attention: Board of Directors  
Skate Canada  
261 – 1200 St. Laurent Blvd  
Box 15  
Ottawa, ON  
K1K 3B8**

Any documentation which the parties wish to have the Board consider as part of the appeal must be in writing and provided to all parties in accordance with the timelines, as determined by the Board.

In addition to any other powers properly conferred upon the Board as part of the Bylaws or Charter of Skate Canada, the Board shall have the power to:

- dismiss the appeal summarily and without formal investigation if it determines that the appeal is frivolous or vexatious
- affirm, reverse, nullify/cancel, or modify the decision appealed from, including but not limited to the following
  - lift suspension with no restrictions
  - lift suspension with restrictions
  - confirm suspension and/or expulsion

The written appeal decision by the Board including any actions, as applicable depending on the outcome of the appeal, will be rendered within 60 days of receipt of the Notice of Appeal. The appeal decision, including as applicable any disciplinary and/or corrective action to be taken as a result of the decision, will be delivered via registered mail to all



applicable parties and the CEO of Skate Canada. The date on which the Board sends the written decision via registered mail to the applicable parties will be deemed to be the date on which the decision was rendered.

An appeal decision of the Board is final and binding on all parties. Individuals also retain the right to exercise any other legal avenue that may be available.

After completion of the appeal process, the Board will return all copies of the documentation from the appeal process, including any notes taken by the Board during the appeal, and a copy of the decision, and any disciplinary and/or corrective action to be taken to address the complaint or the appeal decision as applicable, to Skate Canada for safe-keeping in a secure location in accordance with the Record Retention Policy.

## **Roles and Accountabilities**

### **Skate Canada**

Skate Canada is responsible for taking all reasonable steps to meet our commitment to Safe Sport and the corresponding principles as outlined in the Policy and this Procedure, including

- implementation of the necessary preventative measures to ensure the Policy and Procedure are deployed and followed; and
- responding to any Safe Sport reported general dispute
- advancement of Safe Sport policies, education and advocacy initiatives
- monitoring the external environment for new developments and advances impacting Safe Sport principles

### **Board**

The Board is accountable for:

- the approval and oversight of the Policy and this Procedure to ensure that the Policy is consistent with the strategic direction, objectives and strategic plans of Skate Canada
- ensuring, in cooperation with the CEO, that appropriate resources are directed to the Safe Sport program
- monitoring and evaluating, in conjunction with the CEO, the effectiveness of the Safe Sport program, and adjust delivery as necessary to meet established goals and objectives
- the appeal process, including the review and rendering of a final and binding decision and related actions (disciplinary and/or corrective) as applicable for appeals
- decisions and acts as required by Skate Canada as defined with the Bylaws



## CEO

The Board has assigned the responsibility the implementation of the Policy and this Procedure to the CEO, who is responsible for:

- ensuring the organization has the appropriate resources to develop ongoing prevention measures
- developing and implementing operational procedures and practices for Safe Sport
- developing an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and adjusting delivery as necessary to meet established goals and objectives
- developing a communication and partnership strategy within the skating community to ensure a Safe Sport environment for all of our participants
- providing a quarterly standing report on general disputes to the Board on the number and nature of the reports received and trends, including decisions (as applicable)
- decisions and acts as required by Skate Canada as outlined within this Policy
- reviewing the investigation report and rendering a final and binding decision, including disciplinary action as applicable, subject to appeal by the Board

## Senior Director, Operations (reporting to the CEO)

The Senior Director, Operations, who has responsibility of the Operations department of Skate Canada, which includes the Safe Sport division, is responsible for:

- ongoing evolution (subject to the approval of the Board), application and maintenance of the Policy and this Procedure
- implementing and maintaining a National Safe Sport Program, including preventative measures and reporting and resolution processes
- regularly reviewing and maintaining the Policy and this Procedure
- providing a quarterly standing general dispute report to the CEO on the number and nature of the reports received and trends

## Director, Safe Sport and Strategic Communications

The Director, Safe Sport and Strategic Communications, reporting to the Senior Director, Operations, is responsible for:

- the oversight of the Safe Sport division
- the Safe Sport reporting and resolution process for general disputes in accordance with the Policy and as outlined within this Procedure
- providing a quarterly standing incident of injury report to the Senior Director, Operations on the number and nature of the reports received and trends



The Safe Sport division, reporting to the Director, Safe Sport and Strategic Communications, is responsible for:

- receiving and action general disputes received through the Safe Sport division reporting process in accordance with the Policy and as outlined within this Procedure
- the general dispute report management process, including providing a report with a conclusion and final recommendations, including but not limited to disciplinary action as applicable, to the CEO for consideration
- consolidating, filing, and retention all records of reports received, together with the status/results of investigations/actions taken
- maintaining reports on trends and statistics on the number and nature of the reports received on general disputes

#### Coaches, Clubs, Skating Schools and Sections

In addition to what is required of every individual, coaches, clubs, skating schools and sections have an additional obligation to oversee and address the behaviours of others, by setting a good example and by taking positive action whenever they become aware of any potential breach of the National Safe Sport Program, Code of Ethics, the Policy and/or this Procedure. To achieve this, coaches, clubs, skating school and sections are responsible for:

- promoting and maintaining a safe and respectful skating environment
- reinforcing all elements of the Policy, this Procedure, the Code of Ethics, and other related policies and procedures
- having policies and procedures to address general disputes at the club, skating school or section level, as applicable prior to escalation to Skate Canada

#### Individuals

Every individual has a responsibility to take a proactive approach to creating a Safe Sport environment, and commit to the safety and protection of our participants from injury. This means not engaging in, allowing, condoning, or ignoring behaviour that violates the National Safe Sport Program, the Policy, the Skate Canada Code of Ethics and/or this Procedure. To achieve this, individuals are required to:

- acquire a clear understanding of safety prevention measures and respectful behaviours, for example the requirements as outlined in the Skate Canada Code of Ethics
- ensure that their actions, behavior and conduct comply with the Policy, the Skate Canada Code of Ethics, this Procedure



- take positive measures to prevent and confront disrespectful and unsafe behaviours and practices
- immediately report all violations of the Policy, this Procedure, the National Safe Sport Program and the Skate Canada Code of Ethics
- take all applicable education and training, as prescribed from time to time

### **Controls and Monitoring**

The primary controls and monitoring mechanisms for this Procedure are as follows:

- reporting and resolution management processes including:
  - initiation of general disputes, including the reporting process and timelines
  - initial assessment to determine appropriate process to be followed
  - informal resolution process
  - formal resolution process, including investigation as applicable and response
  - decision, including disciplinary action as applicable and appropriate
  - appeal process
- establishes accountabilities, and roles and responsibilities
- preventative measures to support the Program including, but not limited to, policies and procedures, risk identification and management, required education and training programs as prescribed from time to time (e.g., Respect in Sport, etc.), coach certification program, coach “in good standing” requirements, resources and tools, and ongoing communication and awareness
- quarterly standing report to the Board on the number and nature of the reports received and trends, including decisions (as applicable)

Lastly, this Procedure is reviewed in conjunction with the Policy at a minimum every three (3) years, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

### **Related Documents**

Skate Canada

Code of Ethics  
General Dispute Resolution and Reporting Policy  
National Safe Sport Program

Enterprise Risk Management Policy  
Online Criminal Record Check Procedure  
Policy Management Policy



Privacy Policy  
Record Retention Policy

#### Government and Industry Resources

Government of Canada/Sports Canada: ethics and safety in sport

Coaching Association of Canada: Coaches Code of Ethics, and the Responsible Coaching Movement

<http://coach.ca/responsible-coaching-movement-s17179>

Canada Olympic Committee: education resources aimed at promoting a safer and more inclusive sport environment

International Olympic Committee (IOC):

<https://www.olympic.org/educational-tools>

International Skating Union (ISU):

- ISU Code of Ethics

National Coaching Certification Program Code of Ethics:

[https://www.coach.ca/files/NCCP\\_Code\\_of\\_Ethics\\_2016\\_EN.pdf](https://www.coach.ca/files/NCCP_Code_of_Ethics_2016_EN.pdf)

Sport Dispute Resolution Centre of Canada:

<http://www.crdsc-sdrcc.ca>

#### **Questions/ Contact Information**

For questions, please refer to the Director, Safe Sport and Strategic Communications