

# ASC General Dispute Reporting and Resolution Policy

Approved by the ASC Board of Directors February 14, 2025

## **POLICY STATEMENT**

The Ancaster Skating Club (ASC) is committed to the principles of Safe Sport and places the highest priority on ensuring there is a safe, professional, inclusive and respectful environment for all participants. The General Dispute Reporting and Resolution Policy (“Policy”) has been established to support a Safe Sport environment by promoting awareness, implementing prevention measures and establishing a process to report and address general disputes that may arise.

ASC supports the principles of dispute resolution and is committed to the techniques of negotiation, facilitation, mediation and arbitration as effective ways to resolve disputes with and among members. Every effort is to be made to resolve general disputes at the Club level through this Policy and accompanying procedure. General disputes include matters such as breach of contracts and/or policies/rules/regulations of the Ancaster Skating Club or the facility, or as applicable, Skate Ontario or Skate Canada.

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information being reported is true and accurate. Retaliation against an individual who made a report in good faith will not be tolerated, however, any allegations that prove not to be substantiated and prove to have been malicious or intentionally false will be viewed as a serious offence, subject to disciplinary action.

## **POLICY SCOPE/APPLICABILITY**

This Policy applies to general disputes that may arise between or amongst individuals or members (as defined within this Policy) when engaged in Club activities (on or off the ice) such as practices, events/competitions, related travel, meetings and programs with and/or hosted by the Club. This Policy may also apply to an individual’s conduct outside of ASC’s business, activities and events, when such conduct:

- a) Adversely affects relationships within ASC and Skate Ontario/Skate Canada (and its work and sport environment);
- b) Is detrimental to the image and reputation of ASC and Skate Ontario/Skate Canada; and/or,
- c) Is sufficiently serious and significant as to be of general importance to skating and/or of general importance to the overall ability of ASC to discharge its objectives.

Disputes are characterized by a disagreement between two or more parties and may consist of single or multiple incidents. The gravity of a dispute may vary significantly and may be characterized by a range of actions, implications, or consequences. Examples of general disputes covered by this Policy can be found in Appendix A, as well as the type of disputes that are more appropriately addressed by Skate Ontario or Skate Canada.

It can be noted that this Policy does not apply to instances where individuals/participants/parents/etc. would like to provide feedback to the Club; the feedback form available on the Club website ("Board Review Form" under the Contact Us tab) can be used for these instances. This Policy also does not apply to situations involving misconduct; these are to be reported directly to Skate Canada.

## **DEFINITIONS**

Certain terms used herein may not be capitalized; however, for the purposes of this Policy, 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 Ancaster Skating Club (ASC).

**Bylaws:** mean the **Bylaws of** ASC that govern the organization outlining the rights, roles and responsibilities of the Board and members.

**Costs:** Costs for dispute resolution include the cost of the facilitator or mediator and any other facility and hosting costs.

**Early resolution facilitation:** Is an informal dispute resolution process whereby a neutral third-party facilitator who is a professional mediator facilitates communication with parties to help them reach a resolution. In this process the parties make the decisions and the facilitator guides the conversation.

**Early resolution facilitator:** The resolution facilitator is a professional mediator whose role is to provide a forum for parties to openly communicate with one another and, where possible, guide them to an amicable settlement.

**General dispute:** means a disagreement between parties 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 ASC/Skate Ontario/Skate Canada programs are delivered, and/or where an individual has committed a serious breach of the membership rules, regulations and/or policies of ASC/Skate Ontario/ Skate Canada.

**Individual:** means a person, and includes registrants, volunteers, parents/guardians of minor skaters, skaters over the age of majority, coaches, instructors as well as persons engaged in

activities, events/competitions and programs with and/or hosted by Skate Ontario or ASC, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of ASC, officers of ASC, and other non-member persons involved in Club events or activities (eg., vendors, etc.).

**Interest-based Mediation:** means a process where an independent mediator facilitates a dispute between parties. The mediator helps the parties communicate and negotiate more respectfully, efficiently and effectively to create an agreement. In interest-based mediation, the mediator has no decision-making authority – it is the parties' responsibility to make the decisions and create the agreement.

**Interest-based Mediator:** means an independent third-party who is a knowledgeable, neutral, process manager who is trained in conflict resolution and mediation.

**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 ASC and Skate Ontario is or has agreed to be bound.

**Member:** pursuant to the Bylaws, means each individual that meets the requirements of the Bylaws and that has been duly admitted as a member of ASC.

**Misconduct:** means acts, conduct and/or behaviours that result in or have the potential to result in physical or psychological harm, which for the purposes of Policy includes: maltreatment, behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation, abuse of authority, bullying, harassment, and discrimination.

**Minor:** means a child under the age of majority and as defined in the province of Ontario, as may be amended from time to time. It is the responsibility of all to know the age of a minor.

**Participants:** means all persons covered under the definition for Individuals.

**Safe Sport:** means a program designed to protect the safety (both physical and emotional) and welfare of all participants through prevention, comprehensive policies and protocols, risk identification and management, education, training, resources and communication.

**Skater:** means a person who is registered at the Club with Skate Canada and Skate Ontario and who is subject to all applicable rules, regulations and policies of ASC, Skate Canada and Skate Ontario, and who is either (i) a minor who is not a member, or (ii) an adult 18 or over who is a member.

## **RESPONSIBILITIES**

### **Board of Directors**

The ASC Board of Directors has overall accountability for the approval and oversight of this Policy to ensure that the Policy is consistent with the strategic direction, objectives and strategic plans of ASC. The Board is responsible for ensuring the organization has the appropriate resources to develop and implement prevention measures, operational procedures and practices for Safe Sport, and to ensure a Safe Sport environment for all individuals associated with the Club and/or its activities/events. The Executive Board consists of the President, Vice-President, Past-President, Treasurer and Secretary, and is responsible for receiving reports and recommendations from the ASC Dispute Resolution Committee.

### **Individuals**

All individuals are responsible to:

- be familiar with and understand the provisions of this Policy, the supporting Procedure, the ASC and Skate Ontario Codes of Conduct, as well as other applicable ASC and Skate Ontario policies and protocols, including those specifically identified in this Policy;
- treat everyone with professionalism, respect, inclusiveness, dignity, and fairness in alignment with ASC core values;
- support the ASC goal of providing the safest possible environment for all of our participants;
- when making a report under this Policy, act in good faith and have reasonable grounds for believing the information being reported is true and accurate;
- follow all confidentiality requirements if involved in the reporting or investigation of a complaint or dispute;
- protect all individuals who report general disputes from retaliation or reprisal; and
- take all applicable education and training, as prescribed from time to time.

### **ASC Dispute Resolution Committee**

The ASC Dispute Resolution Committee (“Committee”) consists of the following Board of Director members:

- President
- Vice-President
- Past-President, or one additional Board member (determined on an annual basis)

If the dispute or complaint involves any Board member on the Committee, they will be replaced with another member of the Executive Board (Treasurer or Secretary) for the particular dispute or complaint.

The Committee is responsible for:

- Carrying out an initial assessment of the reported complaint or dispute to determine the appropriate process to be followed as well as timelines;
- Investigation of the complaint or dispute;
- Making decisions and recommendations regarding the complaint or dispute;
- Consulting with the Executive Board or Board as necessary regarding any complaints or disputes that have financial or reputational impacts to ASC;
- Upon completion of the investigation, providing the Executive Board with a written report including any decisions and recommendations to resolve the dispute;
- Providing a final response (in writing) to the Complainant and Respondent.

## PROCEDURE

### 1. Reporting Process:

- 1.1 General disputes must be reported to the Club in writing via email, within thirty (30) days of the occurrence of the dispute; extenuating circumstances beyond this timeframe may be considered at the sole discretion of the Board of Directors. Any dispute reported 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.
- 1.2 Reports of complaints or disputes are to be emailed to the President at [president@ancasterskatingclub.ca](mailto:president@ancasterskatingclub.ca). If the complaint or dispute involves the President, the dispute can be reported to the general Club email, at [info@ancasterskatingclub.ca](mailto:info@ancasterskatingclub.ca).
- 1.3 The email should contain the following information:
  - a) What the complaint/dispute is; clearly state the concern(s), and what the Complainant would like to see come out of the Dispute Resolution Procedure.
  - b) Provide detailed and verifiable support for the complaint (email chains, policies that are not being followed, description/date of specific incident(s), etc.).

### 2. Assessment Process:

- 2.1 The Dispute Resolution Committee (“Committee”) will assess the information received, determine if the general dispute should be accepted and resolved by the Club, or refer the complaint/dispute to Skate Ontario or Skate Canada.

- 2.2 The Committee will acknowledge receipt of the complaint in writing within 10 business days to the Complainant and will establish timelines for the investigation and resolution process.
- 2.3 The Committee will notify any other affected parties regarding the reported general dispute, and the initiation of the resolution process.

**3. Resolution Process:**

- 3.1 The Committee will review the file and work with the parties to address the dispute and arrive, if feasible, at a mutually agreed upon resolution.
- 3.2 The Committee will collect information, review policies and procedures, and interview the complainant, respondent, any witnesses or other involved individuals to obtain sufficient information to make an assessment and informed decision and identify corrective actions.
- 3.3 If appropriate, the Committee may recommend the use of the Skate Ontario Dispute Resolution Preparation Tool, posted on the ASC website Resources tab, under “Policies – Other”.
- 3.4 Depending on the assessment and nature of the general dispute, the Committee will attempt to support the parties in the resolution of the issue(s) informally or formally, through methods that may include, but are not limited to, the following means:
  - a) communication with individual(s);
  - b) early resolution facilitation;
  - c) mediation; and/or
  - d) arbitration.
- 3.5 The Committee may recommend the use of a third-party facilitator or mediator under the following circumstances:
  - The complaint, dispute or topic is complex;
  - Extra capacity is needed to manage and guide the process;
  - Additional expertise is needed; and/or,
  - There is a history of disagreement and conflict on this dispute and topic.If a third-party facilitator or mediator is used, the costs involved will be addressed as outlined under the “Cost” section of this Procedure. The Committee must obtain approval from the Executive Board and Board to utilize and pay for a third-party facilitator/mediator prior to proceeding with this option, and/or with the arbitration option.

3.6 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 the Committee, the resolution will be documented, with a copy provided to both the complainant and the respondent.

3.7 The Committee will document all steps taken throughout the process (summary of complaint, responses of the respondent and witnesses, policies reviewed, etc.). The Committee will consult as necessary with the Executive Board or full Board regarding complaints or disputes, particularly with situations that may have a financial or reputational impact on ASC.

3.8 Once the investigation is complete, the Committee will make recommendations for resolution to the Executive Board, which may include:

- That the matter has been resolved between the parties and no further action needs to be taken; or,
- Recommendations for action that would resolve the dispute, including corrective actions, disciplinary sanctions or preventative measures; in most cases, measures will be limited to actions to be taken to prevent future instances of similar complaints or disputes.

The Committee will provide a written report to the Executive Board, including its conclusions, decisions and recommendations related to any matter disclosed during the investigation.

3.9 Once the Executive Board reviews and accepts the Committee's report (including conclusions, decisions and recommendations), the Committee will provide a written report notifying the parties of the investigation findings and any decisions/recommendations/ remedial actions/disciplinary steps.

3.10 Remedial or preventative actions that may be recommended could include a verbal or written apology, general education, establishment or updating of ASC policies, etc. Disciplinary steps could range from informal (verbal or written reprimand/ warning and/or education) to formal (probation, temporary suspension of membership privileges, restriction/suspension/cancellation of registrant participation, etc.).

3.11 ASC will take steps to implement any recommended preventative measures.

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

**4. Confidentiality:**

4.1 Once a general dispute has been reported and until the parties come to a resolution through this Procedure, no individual is permitted to disclose either the existence of a complaint or confidential information or records that form part of the review/investigation, to any individual outside of the complaint, except as strictly required for the purposes of the review/investigation, resolution, taking corrective action with respect to the complaint or as otherwise compelled by law.

4.2 ASC (including the members of the ASC Dispute Resolution Committee, Executive Board and Board as applicable) shall be required to maintain confidentiality of the general dispute, inquiry or record thereof, including contents of meetings, interviews, results of investigations, discipline and other information only to the extent practical and appropriate.

**5. Records:**

Records of all supporting documentation (including, without limitation, reports, initial assessment, investigation reports, resolution, corrective action, etc., as applicable) will be maintained by ASC in a secure location.

The Committee and Board may consider the decisions of previous investigations but are not bound by the precedent.

**6. Costs:**

The following schedule outlines how costs will be distributed for the different dispute resolution mechanisms; the payment of costs may vary if all parties mutually agree. For all dispute resolution mechanisms, the parties are responsible for their own legal costs, if applicable.

6.1 Communication between/with individual(s) and the Club:  
Costs (if applicable) for facility/meeting room rentals will be covered by ASC.  
Parties will be responsible for their own travel costs.

6.2 Early resolution facilitation and mediation:  
Costs for facility/meeting room rental will be covered by ASC. Costs for a third-party early resolution facilitator or mediator will be shared equally between the Club and the parties involved with the dispute or complaint. Parties will be responsible for their own travel costs.

6.3 Arbitration:



Costs for facility/meeting room rental will be covered by ASC. Costs for arbitration will be shared equally between the Club and the parties involved with the dispute or complaint. Parties will be responsible for their own travel costs.

**7. Appeal Process:**

The decision of the ASC Dispute Resolution Committee and ASC Executive Board is final and binding on all parties. Appeals may only be submitted to ASC based on procedural grounds as stipulated in the General Disputes Reporting and Resolution Policy. The individual appealing the decision will bear the onus of proof in the appeal, and must demonstrate, on a balance of probabilities, that the decision-makers have made an error. In addition, the individual appealing the decision must have abided by the terms of the resolution process in all respects, including complying with the confidentiality restrictions as outlined in this Policy. Appeals must be initiated within thirty (30) days from the date that the initial general dispute decision letter is sent from the Committee to the involved individuals.

Decisions of the Club and Committee may be appealed to Skate Ontario, in accordance with the relevant Skate Ontario policies and procedures.

**8. Governance/Oversight:**

The ASC General Dispute Reporting and Resolution Policy and Procedure is to be reviewed by the Board of Directors at a minimum of every two years, or sooner if there are legislative or regulatory changes.

## **APPENDIX A – EXAMPLES OF DISPUTES**

### **A.1 Examples of General Disputes to be Addressed Initially at the Club Level:**

- Relationship issues between Club members, or the Club and a member.
- Disagreement on the Board processes and decisions that followed the correct procedure.
- Split Board.
- Contract disputes between a coach and the Club.
- Disagreement on a Coach process or decision that followed the correct Club procedure.
- Conflict and disagreement between coaches (difference in values, philosophies and/or styles).
- Coach, parent and/or skater disagreement on feedback given to the athlete from the coach.
- Conflicts of interest not disclosed to the Club by a Board member.
- How to build, repair or restore relationships following disagreement or disputes.

### **A.2 Examples of Disputes to be Addressed at the Skate Ontario Level:**

- Issues related to guidance, enforcement and compliance issues where a Board of Directors is not following their bylaws, for example:
  - not having the correct Board composition;
  - not holding an Annual General Meeting;
  - Club not following proper Board recruitment and nomination process;
  - Club not following proper budgeting and accounting procedures;
  - Financial management of organization in question by members.
  - Club not operating in accordance with Skate Canada's Minimum Operating Standards.
  - Board not complying with provincial requirements of Not-for-Profit organizations.
- Issues related to Skate Ontario or Skate Canada membership requirements or program delivery standards, or minimum operating procedures.

### **A.3 Examples of Disputes to be Addressed by Skate Canada:**

- Coach soliciting skaters (solicitation): Report to [safesport@skatecanada.ca](mailto:safesport@skatecanada.ca).
- Allegations of Misconduct: Report to Skate Canada's Independent third party <https://www.integritycounts.ca/org/skatesafe>.
- Allegations of coach breaching Skate Canada Code of Ethics: Report to [safesport@skatecanada.ca](mailto:safesport@skatecanada.ca).