



General Dispute and Resolution Policy

Implemented by the KSC Board: November 14, 2024

PURPOSE

The Kemptville Skating Club ("the club") places the highest priority on ensuring there is a safe, professional, inclusive, and respectful environment for all participants and the General Dispute Reporting and Resolution Policy ("Policy") has been established to ensure such an environment. This Policy promotes awareness, fairness, equity, transparency, prevention and the appropriate timely response and resolution of reported violations to this Policy. Critical to creating and maintaining a safe environment includes the establishment of preventative measures; as well as accessible reporting and resolution mechanisms to ensure fair and equitable treatment of all participants. This Policy encourages the fair and impartial management of general disputes and is intended to encourage and enable all individuals to whom this Policy applies to submit and respond to concerns classified as a general dispute in nature. General disputes include matters such as breach of contracts and of the club/Skate Ontario/Skate Canada rules, regulations and/or policies.

APPLICATION

This policy applies to all individuals engaged in activities (on or off ice) with the club. An individual means a person, including registrants, volunteers, parents/guardians of skaters (including minor skaters), as well as persons engaged in activities, events/competitions, and programs with and/or hosted by the club (including coaches and staff members). This Policy applies to general disputes between or amongst individuals, as defined above, in accordance with the club's General Dispute Reporting and Resolution Procedure ("Procedure"). Violations of any club/Skate Ontario/Skate Canada policies may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including expulsion, as applicable and appropriate, and/or as permitted by the Bylaws of the club. This Policy establishes the Procedure and is designed to ensure an appropriate and timely resolution of reports of general disputes.

REPORTING PROCESS

General Disputes may be reported to the club via email to kemptvilleskatingclub@hotmail.com

ACTING IN GOOD FAITH

Anyone reporting a concern must be acting in good faith and have reasonable grounds for believing the information being reported is true and accurate. 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 up to and including expulsion from membership in the club.

REVIEW AND INVESTIGATION

Upon receipt of a complaint, the complaint will be reviewed by the club's Dispute and Resolution Committee ("the committee") to determine the merits of the complaint and next steps in accordance with the Procedure. Once a full investigation has been performed, following the process outlined in the accompanying Procedure, a recommendation will be made by the committee whether a violation of this Policy and/or related club/Skate Ontario/Skate Canada policies and procedures has occurred. The committee will provide a recommendation for what actions, if any, must be taken by one or more of the involved parties. In most cases, measures will be limited to corrective actions to be taken to prevent future instances of similar violations. If it is

determined that sanctions should be imposed, sanctions imposed will be proportionate to, and reflective of, the nature and severity of the violation, and may involve one or more of a series of disciplinary measures, including suspension or expulsion from membership of the club.

DECISIONS AND/OR SANCTIONS

The club's committee will present the findings and recommended actions to be taken by the club to the Board of Directors for a final decision. In instances where there is multiple or repeat complaints of a similar nature against a specific party, sanctions imposed by the club will be more severe if the club finds a party has not/will not take the appropriate/required corrective action as communicated in the decision of the original complaint.

APPEAL PROCESS

The decision of the club as it related to this Policy may be appealed, only in accordance with this Policy and the Procedure, if and as applicable. Not all decisions may be appealed. Decisions may only be appealed on procedural grounds where it has been demonstrated that:

- a decision was made outside of the club's authority or jurisdiction, as set out in club's governing documents;
- procedures were not followed as laid out in the Bylaws or approved policies of the club;
- a decision was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or that the decision was influenced by factors unrelated to the substance or merits of the decision;
- discretion was exercised for an improper purpose.

An appeal of any decision and/or sanction imposed by the club may be appealed to Skate Ontario.

CONFIDENTIALITY

Once a general dispute has been reported and until a decision is released, to protect the interests of all parties, no individual is permitted to disclose either the existence of a complaint or confidential information or records that form part of the investigation of the complaint to any individual outside of the complaint except as strictly required for the purposes of investigating, taking corrective action with respect to the complaint or as otherwise compelled by law. Any breach of the confidentiality requirements as outlined herein will be treated as a serious offence. The individual who breached the confidentiality requirements may be subject to disciplinary action, at the sole discretion of the club, up to and including expulsion from membership in the club.

TIMELINES

If the circumstances are such that a timely resolution is not possible, the club (depending on the nature of the report) may direct that the timelines as outlined in the Procedure be revised. Records of all decisions, including all supporting documentation (investigation reports, any corrective action taken, notes, etc.), will be maintained by the club.

EXCEPTIONS

If the complaint contains any allegations of misconduct as defined below, the complaint will also be automatically redirected to the Skate Canada external independent third-party Case Manager process by way of the following channels:

Online: www.skate-safe.ca

Telephone: 1.833.723.3758

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.

DISCLAIMER: Printed hard copies of controlled documents are considered uncontrolled. All personnel using hard copies for ease of reference are required to determine the up-to-date status of any hard copy document ensuring it matches the current electronic version.

General Dispute and Resolution Procedure

Implemented by the KSC Board: November 14, 2024

OVERVIEW

This *General Dispute Reporting and Resolution Procedure* (this "Procedure") is designed to help the Kemptville Skating Club (the "club") take every reasonable measure to promote and maintain a safe, inclusive, and respectful environment. This Procedure standardizes the measures and procedures to meet the obligations as set out in the General Dispute Reporting and Resolution Policy (the "Policy"). This Procedure ensures that individuals have a process to report general disputes, it instills confidence that there will be no retaliation or reprisal for reports made in good faith; and it mandates that reports will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned as much as reasonably possible.

SCOPE

This Procedure implements the General Dispute Reporting and Resolution Policy and is intended to ensure an appropriate and timely investigation and resolution of general disputes received through the reporting process. This Policy and Procedure apply to all individuals engaged in activities (on or off ice) with the club. An individual means a person, including registrants, volunteers, Board members, parents/guardians of skaters (including minor skaters), as well as persons engaged in activities, events/competitions, and programs with and/or hosted by the club (including coaches and staff members).

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 the appropriate process to be followed;
- a resolution process, including investigation as applicable and response; and
- decision, including disciplinary action as applicable and an appropriate appeal process.
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REPORTING PROCESS

General Disputes may be reported to the club via email to kemptvilleskatingclub@hotmail.com. The email should contain the following information:

1. What the complaint is – clearly stated concern and what result the complainant would like to see come out of this process.
2. Provide detailed and verifiable support for your complaint (email chains, policies that are not being followed, etc.)

The general dispute complaint must be made in writing by email to the club within thirty (30) days of the occurrence of the dispute. Extenuating circumstances may be considered at the sole discretion of the Board of Directors.

To encourage timely and appropriate resolution, 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.

ASSESSMENT PROCESS

When a general dispute is reported by email, the General Dispute and Resolution Committee (the "committee") will assess the information received. Following a determination by the committee that a general dispute reported should be accepted and resolved by the club, timelines will be established by the Committee to ensure procedural fairness and timely resolution.

Upon the club's acceptance of a general dispute, the committee will acknowledge receipt of a complaint, in writing, within 10 business days. Notice will be provided to any other affected party that a general dispute has been reported and the resolution process has been initiated at that time.

RESOLUTION PROCESS

When a general dispute is reported to and accepted by the club, as determined by the committee, the committee will lead the appropriate and applicable resolution process and arrive at a final decision.

The committee will proceed to review the file presented to the club in the formal complaint email. The committee 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, and interviewing the complainant and respondent as well as any witnesses and other individuals necessary to obtain sufficient information upon which to make an assessment and informed decision.

If appropriate, depending on the assessment and nature of the general dispute, the committee, at discretion of the Board of Directors, 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:

1. communication with individual(s);
2. early resolution facilitation;
3. mediation; and/or
4. 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 the committee, the resolution will be documented, with a copy provided to both the complainant and the respondent.

The circumstances of the general dispute and resolution steps throughout the process will be documented in detail by the committee, including a summary of the complaint and response(s) of the respondent and any witnesses.

Once the investigation is completed, an investigation report and recommendations on further action to be taken will be prepared by the committee and submitted to the Board of Directors for review. The investigation report will include a summary of the process that has been undertaken, the findings of the investigation/review and where applicable, may include the recommended corrective actions to be taken by one or more of the involved parties and/or disciplinary sanctions to be reviewed by the Board of Directors for final approval.

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 or sanctions may be taken.

DECISION

The complainant and the respondent, and other parties as applicable, will be notified of the findings and the conclusions made because of the investigation. Whenever any individual is found to have engaged in conduct that constitutes a breach of club/Skate Ontario/Skate Canada policies, including but not limited to the Code of Ethics Policy, the club 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 thirty (30) days following the decision, if one is issued, and in all

other cases, within sixty (60) days of the date the general dispute was accepted, unless other timelines have been established and the parties have been notified of the same.

DISCIPLINARY ACTION

Disciplinary steps range from informal (e.g. a verbal or written reprimand/warning and/or 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/penalties that the club and committee deems appropriate and proportional.

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.).

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 the club in a secure location.

APPEAL PROCESS

Appeals may only be submitted 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-maker has 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.

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

- Decisions of the club and committee may be appealed to Skate Ontario, in accordance with the relevant Skate Ontario policies and procedures.
- Decisions of Skate Ontario may be appealed to Skate Canada, in accordance with the relevant Skate Canada policies and procedures.

A decision may be appealed by delivering a written Notice of Appeal within thirty (30) days from the date that the initial general dispute decision letter is sent to the individuals involved from the club.

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 as outlined in the policy;
- why the sanction is inappropriate; and
- all evidence to support their position of appeal.

Appeals can be submitted as follows:

Attention: Skate Ontario via email to complaints@skateontario.org

Subject Line: Appeal of Decision from Kemptville Skating Club dated DD/MM/YYYY

Any documentation which the parties wish to have considered as part of the appeal must be in writing.

Skate Ontario will review and determine next steps in the appeal process as per their General Dispute and Resolution Policy.

EXCEPTIONS

If the complaint contains any allegations of ***misconduct*** as defined in the General Dispute and Resolution Policy, the complaint will be automatically redirected to the Skate Canada external independent third-party Case Manager process by way of the following channels:

Online: www.skate-safe.ca

Telephone: 1.833.723.3758