

## Dispute and Resolution Policy

### Fort Henry Heights Skating Club #1000490

Implementation	Date: September 1st, 2024
Next review by Board of Directors	Date: September 1st, 2026

#### **POLICY Purpose:**

The Fort Henry Heights Skating Club (FHHSC) 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 or FHHSC/Skate Ontario/Skate Canada rules, regulations and/or policies.

#### **POLICY Scope:**

This policy applies to all individuals engaged in activities (on or off ice) with FHHSC. 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).

This Policy applies to general disputes between or amongst individuals, as defined above, in accordance with FHHSC General Dispute Reporting and Resolution Procedure (“Procedure”).

Violations of any FHHSC/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.

**POLICY Statement:**

Reporting Process

General Disputes may be reported to FHHSC via email to [fhhskskatingclub@gmail.com](mailto:fhhskskatingclub@gmail.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 FHHSC.

Review and Investigation

Upon receipt of a complaint, the complaint will be reviewed by FHHSC Executive 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 FHHSC/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 FHHSC.

Decisions/Sanctions

The FHHSC Executive 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 FHHSC will be more severe if FHHSC 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 FHHSC 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 FHHSC authority or jurisdiction, as set out in FHHSC’s governing documents;

- procedures were not followed as laid out in the Bylaws or approved policies of the FHHSC;
- 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 FHHSC 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 FHHSC, up to and including expulsion from membership in FHHSC.

### Timelines

If the circumstances are such that a timely resolution is not possible, the FHHSC (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 FHHSC.

### Exceptions

If the complaint contains any allegations of misconduct as defined below, 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](http://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.

## Fort Henry Heights Skating Club (FHHSC) Dispute Resolution Procedures

### Sample A

- If there is a general dispute between individuals and members of the FHHSC, they are **required** to try to resolve the dispute themselves using the Skate Ontario Dispute Resolution Toolkit.
- If the parties do not wish to try to resolve the dispute by themselves, they must attempt Early Resolution Facilitation or Mediation to facilitate the dispute before referring the dispute to Skate Ontario.
  - Parties must use the Skate Ontario Dispute Resolution Toolkit when preparing Early Resolution Facilitation or Mediation.
- If the dispute is not resolved through Early Resolution Facilitation or Mediation the dispute must be referred to Skate Ontario.
- Skate Ontario will then assess the most appropriate level and dispute resolution mechanism to use to resolve the dispute.

### Sample B

- If there is a general dispute between individuals and members of the FHHSC, they are **required** to try to resolve the dispute themselves before referring the dispute to Skate Ontario.
- Parties must attempt Early Resolution Facilitation or Mediation to facilitate the dispute before referring the dispute to Skate Ontario.
  - Parties must use the Skate Ontario Dispute Resolution Toolkit when preparing Early Resolution Facilitation or Mediation.
- If the dispute is not resolved through Early Resolution Facilitation/Mediation the dispute must be referred to Skate Ontario.
- Skate Ontario will then assess the most appropriate level and dispute resolution mechanism to use to resolve the dispute.

### Sample C

This sample has a distinct clause that includes statement about harm and directs them to go directly to using a third party for Early Resolution Facilitation/Mediation.

- If there is a general dispute between individuals and members of the FHHSC, they are **required** to try to resolve the dispute themselves or through Early Resolution Facilitation/Mediation before referring the dispute to Skate Ontario.
  - Parties must use the Skate Ontario Dispute Resolution Toolkit when preparing Early Resolution Facilitation or Mediation.
- **If one or more of the parties deems that the dispute may escalate or cause harm to one or more of the parties it is recommended that they proceed**

**directly to using a neutral third party to conduct a Early Resolution Facilitation/Mediation.**

- If the dispute is not resolved through Early Resolution Facilitation/Mediation the dispute must be referred to Skate Ontario.
- Skate Ontario will then assess the most appropriate level and dispute resolution mechanism to use to resolve the dispute.

**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.

- i. Communication between with individual(s) and the FHHSC:** For this dispute resolution mechanism, costs for the facilities, hosting and parties travel costs will be equally shared between the FHHSC and the parties to the dispute.
- ii. Early resolution facilitation and mediation costs:** For early resolution facilitation and mediation, the cost for the third-party early resolution facilitator or mediator, hosting and facility costs will be equally shared between the FHHSC. Parties will be responsible to pay for their own travel costs.
- iii. Arbitration costs:** For arbitration, the cost for the third-party arbitrator, hosting and facility costs will be equally shared between the FHHSC. Parties will be responsible to pay for their own travel costs.

For all dispute resolution mechanisms, the parties are responsible for their own legal costs.

**Governance / Oversight**

This Procedure is reviewed and approved at a minimum every two years in conjunction with the Policy, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy