

GLOUCESTER SKATING CLUB DISPUTE RESOLUTION POLICY

1. PREAMBLE

- 1.1. The purpose of this policy is to enable disputes with and among Members of the Gloucester Skating Club (GSC) to be dealt with fairly, expeditiously and affordably, without having to have recourse to formal legal and court-like procedures.
- 1.2. Membership with the GSC offers many benefits and privileges. Members of the GSC likewise are expected to fulfill certain responsibilities and obligations, including compliance with GSC policies and all terms and conditions set out in agreements.

2. POLICY STATEMENTS

- 2.1. Gloucester Skating Club supports the principles of natural justice in resolving disputes, including the right to be heard in a dispute, and the right to be heard and treated with impartiality and fairness.
- 2.2. Gloucester Skating Club supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, mediation and arbitration as effective ways to resolve disputes with and among members, and to avoid the uncertainty, costs and other negative effects associated with litigation.

3. USE OF TERMS

- 3.1. In this policy, “days” shall mean total days irrespective of weekends or holidays.
- 3.2. A dispute is the result of a conflict between two or more individuals, which is not immediately resolvable. Disciplinary actions do not necessarily imply a dispute, although these may result in a dispute.
- 3.3. GSC - refers to the Gloucester Skating Club.
- 3.4. *Member* – refers to all individuals engaged in activities with or employed by GSC including but not limited to directors, officers, coaches, athletes, officials, volunteers, employees and contractors.
- 3.5. Complainant – refers to the person or persons reporting a dispute.
- 3.6. Parties – refers to all persons named or involved in a dispute, including the complainant.

4. SCOPE AND APPLICATION

- 4.1. This policy applies to all disputes with and among Members or individuals engaged in activities with or employed by GSC.

- 4.2. A dispute is characterized by a disagreement between two or more parties, and may consist of a 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 include:
- 4.2.1. A complaint alleging that a director, volunteer, employee, skater, team, coach, official, parent/guardian or spectator is guilty of misconduct.
 - 4.2.2. A dispute relating to team selection.
 - 4.2.3. Any other request for resolution of a dispute arising from or relating to the activities of the organization.
- 4.3. This policy does not apply to disputes relating to:
- 4.3.1. Matters of employment;
 - 4.3.2. Doping offences, which are dealt with under the Canadian Policy on Doping in Sport and the Canadian Doping Control Regulations;
 - 4.3.3. The technical rules of Skating, as set out in the Skate Canada Rulebook, issued by the National Governing Body, Skate Canada which may not be disputed.
 - 4.3.4. Disciplinary matters arising during events organized by entities other than GSC, and falling within the jurisdiction of dispute resolution and appeals policies of these other entities.
 - 4.3.5. Criminal offences for which the Appellant(s) is/are seeking a criminal conviction;
 - 4.3.6. Commercial matters for which another dispute resolution process already exists under the applicable law or contract.

5. ADMINISTRATIVE RULES

- 5.1. The administrative rules contained in this policy indicate how disputes will be managed, the timelines to be respected, and the parties to be involved.
- 5.2. These rules may be reviewed from time to time to ensure that they are in accordance with the principles of natural justice.

6. REPORTING A DISPUTE

- 6.1. Any individual subject to this policy may report a dispute.
- 6.2. Reports must be made to the President in writing within fourteen (14) days as set by this policy.

- 6.3. In the absence of the President, a designate shall perform this function and manage subsequent steps.
- 6.4. Should the report involve the President, the report will be subsequently managed by the Vice President of Administration.
- 6.5. The board may refer a dispute directly to the investigation committee for follow-up.

7. REFERRAL AND REVIEW OF COMPLAINTS AND INCIDENTS

- 7.1. Within three (3) days of receiving the written notice of the dispute and summary, the President shall determine whether the matters in dispute and the parties to the dispute are properly within the scope and application of this Policy, or are more properly to be dealt with pursuant to another policy of the GSC. This decision regarding jurisdiction is final and may not be appealed.
- 7.2. After having determined the applicability of the dispute under this policy, the President will refer the dispute to the Investigative Committee or recommend that it proceed directly to the Hearing Panel.
- 7.3. The President may extend the time for submission of a complaint notwithstanding the expiration of the time set by this policy.

8. INVESTIGATION PROCEDURE

- 8.1. Normally disputes will be first referred to the investigation committee for consideration, clarification, and possible resolution.
 - 8.1.1. Composition
 - 8.1.1.1. The composition of the investigation committee shall include a chairperson and such other persons as the chairperson may appoint. These appointments may be made with respect to a specific dispute, or for a period of time.
 - 8.1.1.2. The board shall appoint the Vice President Administration as the chairperson of the investigation committee.
 - 8.1.1.3. Members of the hearing committee and members of the board other than the chairperson of the investigation committee are not eligible to be a member of the investigation committee.
 - 8.1.2. Responsibilities:
 - 8.1.2.1. To screen disputes;
 - 8.1.2.2. To gather information relating to disputes;
 - 8.1.2.3. To take any practical steps to resolve disputes;

- 8.1.2.4. To refer disputes to a hearing committee, when necessary, and fairly present all relevant information.

8.2. Screening of dispute:

- 8.2.1. Upon referral of the dispute to the investigation committee, the chair, in consultation with the members of the investigation committee will determine whether the dispute is valid.
- 8.2.2. If the dispute is considered to be trivial, frivolous or vexatious in nature, the chairperson shall advise the President and the complainant and thereafter shall take no further action in relation to that dispute.

8.3. Investigation of dispute:

- 8.3.1. The chairperson shall appoint a lead for investigation of the dispute.
- 8.3.2. Additional investigation committee members may support the lead in investigating the dispute. If required to ensure timely investigation, additional members may be co-opted by the chair.
- 8.3.3. The chairperson may appoint himself or herself as the investigator or as one of the investigators.
- 8.3.4. The investigator shall:
 - 8.3.4.1. Review the complaint or the request;
 - 8.3.4.2. Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:
 - sending a copy of summary of the complaint to those named in the complaint, those making the complaint or to any witnesses with a request that they respond in writing to the allegations by a date set by the investigator;
 - communicating with or interviewing persons involved in the incident or whose conduct is the subject of the complaint; and
 - communicating with or interviewing other persons who may have relevant information;
- 8.3.5. Where appropriate, the lead of the investigation may recommend that other disputes which come to the light in the course of the investigation also be investigated.
- 8.3.6. Should the Investigation Committee deem that the situation being investigated may involve a criminal offense; the matter shall be referred to the appropriate authority.

8.4. Negotiation and mediation of dispute:

- 8.4.1. The lead of the investigation shall encourage the parties to resolve the dispute directly, based on the information provided. The GSC encourages

all Members to communicate openly and to collaborate in using problem-solving and negotiation techniques to resolve their differences. In almost all cases a negotiated settlement is preferable to any outcome achieved through other dispute resolution techniques and is therefore strongly encouraged.

- 8.4.2. Should the parties agree, mediation of the dispute shall be arranged. The mediator will normally be a member of the Investigation Committee or the Chairperson of the board, by common agreement. The parties may retain an outside mediator by common agreement, at their own cost.

8.5. Referral of dispute:

- 8.5.1. Once the possibility of mediation has been explored, the lead of the investigation will make a recommendation to the President. This recommendation may include:

- 8.5.1.1. That the matter has been resolved between the parties and no further action should be taken;
- 8.5.1.2. That no further action is warranted based on the facts of the case; or
- 8.5.1.3. That the President appoint a Hearing Panel to hear and resolve the dispute.

- 8.5.2. On completion of the investigation, the lead investigator shall make a written report to the President, in consultation with the members of the investigation committee.

- 8.5.2.1. The charge set out in a written report may relate to any matter disclosed during the investigation.
- 8.5.2.2. A report signed by a majority of the investigation committee is a decision of investigators.

9. HEARING PROCEDURES

Hearings shall be conducted in accordance with the principles of natural justice. Characteristics of a fair hearing include:

- The right to be heard in a dispute, and
- The right to be treated with objectivity and impartiality.

9.1. Establishment and Composition of the Hearing Panel:

- 9.1.1. Upon receipt of an investigation committee report recommending a hearing, the President shall appoint a hearing panel.
- 9.1.2. The Hearing Panel shall normally consist of three (3) individuals, none of whom shall be members of the board, members of the investigation

committee, involved in the dispute or have a significant relationship with any of the parties.

9.1.3. The parties may request that a member of the parties' peer group be appointed to the hearing panel. Every reasonable effort will be taken to ensure that a representative member not directly involved in the dispute is appointed. These members shall be in addition to the core panel, so that there is an uneven number of panel members.

9.1.4. The panel members shall choose a chairperson from their number. The chairperson shall conduct events and coordinate activities associated with the hearing. Where decisions cannot be reached by consensus, the chairperson shall hold the final and deciding vote.

9.2. Preparing for a Hearing:

9.2.1. Preliminary Conference

9.2.1.1. The Preliminary Conference of the Hearing Panel shall normally be conducted by teleconference.

9.2.1.2. The Hearing Panel shall first consider the Investigation Committee report and determine whether the hearing format shall be Documentary or Oral.

9.2.1.2.1. Documentary hearings shall be used where the nature of the dispute is considered to be straightforward or minor in nature. Oral hearings may be conducted by teleconference where practical.

9.2.1.2.2. The Hearing Panel's determination shall be based on considerations of procedural fairness and natural justice.

9.2.1.3. The Hearing Panel shall consider the evidence provided to determine whether clarification is required. This may include clarification of the dispute, evidence presented, or other matters in the Investigation Committee's report

9.2.1.4. At the Preliminary Conference the Hearing Panel shall establish:

- The order and procedure of the hearing;
- The timing of the hearing;
- The identification of witnesses; and
- Any other procedural matter, which may assist in expediting the hearing.

9.2.2. Notification of Parties

9.2.2.1. Parties shall be informed of the dispute to be heard, and the timelines for its resolution. Copies of this dispute resolution policy are to be provided to the parties.

- 9.2.2.2. Parties shall be notified of the type of hearing, and, in the case of an Oral Hearing, of the time and place when it will be held.
- 9.2.2.3. Parties shall be notified of any information they are required to provide, together with timelines for its provision.
- 9.2.2.4. The Hearing Panel shall ensure that requirements of parties constitute reasonable expectations.

9.3. Documentary Hearing Process:

- 9.3.1. Parties shall have the opportunity to present their perspectives in writing.
- 9.3.2. Each party shall be provided with a full package of the material to be considered by the Hearing Panel.
- 9.3.3. The Hearing Panel or other parties may request clarification within established timelines.

9.4. Oral Hearing Process

- 9.4.1. The hearing shall be conducted in an appropriate neutral location chosen by the Hearing Panel.
- 9.4.2. Parties shall have the opportunity to present their perspectives. Witnesses may also be heard, at the discretion of the Hearing Panel.
- 9.4.3. The Hearing Panel or other parties may request clarification.

9.5. Hearing Panel Deliberations and Decision

- 9.5.1. All Hearing Panel deliberations shall be held *in camera*.
- 9.5.2. As a general rule, the Hearing Panel shall consider any evidence that is relevant to the matters in dispute. Judicial rules of evidence will be relaxed. The Hearing Panel shall have authority to consider hearsay evidence provided the Hearing Panel gives to such evidence appropriate weight as might be reasonable in light of the circumstances of its inclusion.
- 9.5.3. The Hearing Panel shall design an appropriate remedy to resolve the dispute.
 - 9.5.3.1. Should the dispute include a complaint, that complaint may be upheld or may be denied.
 - 9.5.3.2. Should the dispute include an incidence of misconduct, a disciplinary sanction may be recommended consistent with the GSC Disciplinary Policy.

- 9.5.4. The Hearing Panel shall determine how costs of the hearing, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.
- 9.5.5. The Hearing Panel may consider recommendations to be provided to the relevant committee or body. It is not within the authorization of the Hearing Panel to change or alter any rule, criteria, policy, procedure of bylaw of the GSC.
- 9.5.6. The Hearing Panel shall notify the President of its findings, and provide a written report. The report shall be available to all parties.
- 9.5.7. The GSC recognizes the right of the parties to appeal the decisions of GSC.

10. TIMELINES FOR COMPLETION

- 10.1. The investigation, hearing and decision of the hearing panel shall be completed as soon as practical in the circumstances of the complaint.
- 10.2. The guidelines for resolving disputes are set out in Appendix A. The Board of Directors may amend these timelines from time to time. The board may set time guidelines for any matters that the board considers appropriate, including the time for complaints to be made to the President, and the time for completion of steps in the hearing process.
 - 10.2.1. In deciding an appeal from a decision of the hearing panel, the board may consider the failure to comply with time guidelines.
 - 10.2.2. If the circumstances of a complaint or a dispute are such that this policy will not allow a timely resolution of the matter, or if the circumstances of a complaint or a dispute are such that the matter cannot be resolved within the timelines dictated in this Policy, the President, Investigation Committee or Hearing Panel may direct that these timelines be revised.

11. CONFIDENTIALITY

- 11.1. In order to demonstrate respect for all parties, the GSC shall abide by principles of confidentiality in implementing the Dispute Resolution Policy. The GSC will only release appropriate information pertaining to disputes, including where disclosure is directed by the Panel as part of the remedy to resolve the dispute, is required by law, Canada's Doping Policy, or is in the best interests of the public.

12. CONFLICT OF INTEREST

- 12.1. Activities pursuant to this Dispute Resolution Policy shall be conducted in accordance with the GSC Conflict of Interest Policy.

13. RECORDS AND USE OF DECISIONS

- 13.1. The Board shall maintain a record of all decisions of hearing panels and of all decisions of the board on appeal.
- 13.2. The hearing panel and board may consider the decisions of previous hearing panels and boards, but are not bound by the precedent.
- 13.3. Decisions of a hearing panel and decisions of the board on appeal are matters of public interest and shall be publicly available without disclosing the names of the individuals involved. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.
- 13.4. If the panel or board decides that making the decision publicly available will unduly violate the privacy of any person, the panel or board may direct that the decision or part of the decision should be kept confidential.

APPENDIX A - TIMELINES

Step	Section	Timeline (days) from the previous step	Days since knowledge of the dispute
I. Written Notice of Dispute to President			1
II. President to Review Complaint		3	4
III. President to offer Mediation between the parties		5	9
IV. President to refer the dispute to the Investigation Committee		14	23

Investigation Committee

V. Screening of Dispute		1	24
VI. Establishment of Panel		2	26

Hearing Panel

V. Establishment of Panel	8	10	36
VI. Screening of Dispute	10	2	38

Decision

VII. Preliminary Conference	11	7	45
VIII. Written confirmation of decisions taken during the Preliminary Conference	11.6	2	47
IX. Hearing	12	As decided during the Preliminary Conference	Unspecified
X. Decision	15	5	52

APPENDIX B: WRITTEN NOTICE OF INCIDENT OR COMPLAINT

Date: _____
MM DD YYYY

RESPONDENT

Name of Respondent: _____

Address of Respondent: _____

Telephone Numbers of Respondent: Home: (____) ____ - _____
Work: (____) ____ - _____
Other: (____) ____ - _____

Fax Number of Respondent: (____) ____ - _____

E-Mail of Respondent: _____

REPRESENTATIVE

Name and Coordinates of the Representative, if any (including phone numbers): _____

Home: (____) ____ - _____
Work: (____) ____ - _____
Fax: (____) ____ - _____
E-mail: _____

JUSTIFICATION

- Justification for the incident or complaint (reasons);
and
 - Summary of the evidence that supports this justification (Documents, Pictures, Rules & By-Laws, Audio-Visual, etc.).
- _____

Summary of evidence:

Witness N° 3:

Name:

Coordinates:

Summary of evidence:

Witness N° 4:

Name:

Coordinates:

Summary of evidence:
