

EXTERNAL COMPLAINTS & DISPUTE RESOLUTION POLICY

Updated September 15, 2014

PURPOSE

Canadian Sport Institute Pacific (CSI Pacific) supports an environment of safety, trust and mutual respect for all its external Stakeholders and Partners. CSI Pacific believes that conflict brings an opportunity for change and greater understanding, and encourage all external Stakeholders and Partners to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences.

Regrettably, not all conflict can be resolved through direct and open communication and formal procedures are necessary to resolve the complaint. In situations where serious conflict exists and intervention is necessary the following procedures have been put in place, in an effort to resolve conflict in an expedient, yet fair manner.

POLICY STATEMENT

This policy sets out the procedures that will be used to handle any complaint, dispute, or breach in agreement between CSI Pacific and its external Stakeholders and Partners.

DEFINITIONS

The following terms have these meanings in this Policy:

- a) *"Clients"* – Users of CSI Pacific services, including on-site services, such as athletes, coaches, medical staff, and other personnel connected to a team or athlete;
- b) *"Complainant"* – The Party initiating a complaint;
- c) *"Days"* – Days irrespective of weekend and holidays;
- d) *"Employees and Volunteers"* – Individuals employed by, or engaged in activities on behalf of, CSI Pacific including: staff members, contract personnel, volunteers, medical personnel, researchers, administrators, Board members, directors or strategic volunteers for the Board;
- e) *"Respondent"* – The Party who is the subject of the complaint;
- f) *"Parties"* – The Complainant, Respondent, and any other Individuals or persons affected by the complaint;
- g) *"Staff"* – Any individual employed by, or engaged in activities on behalf of, CSI Pacific including employees, contract personnel, volunteers, medical personnel, researchers, and administrators; and
- h) *"Stakeholders and Partners"* – Any group, business, or individual who has a funding relationship with CSI Pacific which allows CSI Pacific to deliver programs and services to its clients, or who partners with CSI Pacific to provide a program or service to CSI Pacific's clients or otherwise in the fulfillment of CSI Pacific's mission.

APPLICATION

CSI Pacific will provide an environment in which all Stakeholders and Partners involved with the Institute are treated with respect. Association with CSI Pacific, as well as participation in its activities, brings many benefits and privileges. External stakeholders, and partners are expected to fulfill certain responsibilities and obligations including complying with the terms laid out in the Funding or Partnership Agreement. Conduct that breaches these values may be subject to disciplinary action pursuant to this Policy. Since disciplinary measures may be taken, CSI Pacific provides Stakeholders and Partners with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

This Policy applies to all external Stakeholders and Partners. Complaints against clients of CSI Pacific should be directed to the client's National or Provincial sport organization, as appropriate.

This Policy applies to discipline matters that may arise during the course of CSI Pacific business, activities, and events including, but not limited to:

- contact with clients;
- travel associated with CSI Pacific activities;
- the CSI Pacific office environment, and;
- any business activities or programs related to CSI Pacific.

Disciplinary matters and complaints arising within the business, activities, or events organized by entities other than CSI Pacific will be dealt with pursuant to the policies of these other entities unless requested and accepted by CSI Pacific at its sole discretion.

PROCEDURES

1. INFORMAL COMPLAINT PROCESS

It is CSI Pacific's intention that Stakeholders and Partners will use open communication and attempt to resolve issues of conflict using the Informal Procedures and Alternate Dispute Resolution techniques before issuing a formal complaint.

Stakeholders and Partners are first encouraged to take initial steps to speak to the person they are having concerns with. Many times disputes arise due to misunderstandings and miscommunications.

If the request is unsuccessful, or if it is considered inappropriate or uncomfortable to make such a request, Stakeholders and Partners should discuss the matter with Chief Executive Officer (or designate) for review, with the objective of resolving the dispute via alternate dispute resolution (ADR) and/or mediation (see Dispute Resolution and Mediation section below).

Alternative Dispute Resolution and Mediation

CSI Pacific supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute within the Canadian Sport Institute Pacific when all parties to the dispute agree that such a course of action would be mutually beneficial.

2. FORMAL COMPLAINT PROCEDURES

Before issuing a formal complaint, Stakeholders and Partners should attempt to resolve the issue using the Informal Complaint Process. If the issue is not satisfactorily resolved, or requires a formal complaint to be issued, the following process will be followed:

1. The complainant should submit a formal complaint in writing, using the External Formal Complaint Form, to the Chief Executive Officer (or designate), or where the Chief Executive Officer is involved, the Board, within ten (10) days of the latest alleged occurrence. Such a complaint must be in writing and signed. Anonymous complaints may be accepted at the sole discretion of the Chief Executive Officer (or designate);
2. The Chief Executive Officer (or designate) will review the formal complaint and facts that have become known through the Informal Complaint Process and the Alternate Dispute Resolution

Process (if applicable), who will determine the appropriate action to be taken such as disciplinary action, external mediation, or an investigation; and

3. A Complainant wishing to file a complaint outside of the ten (10) day period must provide a written statement giving reasons for an exemption from this limitation. The decision to accept, or not accept, the complaint outside of the ten (10) day period will be at the sole discretion of Chief Executive Officer (or designate) of CSI Pacific. This decision may not be appealed.

3. INVESTIGATION PROCEDURES

Any incident of violence, workplace bullying, harassment of any kind or discrimination of any individual by employees, managers, contractors, stakeholders, or partners involved with CSI Pacific is taken seriously and will be investigated immediately upon hearing of the incident or as warranted through a complaint.

The process for investigations includes the following steps:

1. The Chief Executive Officer (or designate) will be responsible for initiating an in-house investigation at once in all cases of inappropriate workplace behaviour. The course of the investigation might involve outside authorities;
2. The investigator appointed will determine a fair and unbiased process to follow. Investigations will:
 - be undertaken promptly and diligently, and given the circumstances, be as thorough as possible;
 - be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations;
 - be sensitive to the interests of all parties involved, and maintain confidentiality as appropriate;
 - be focused on finding facts and evidence, including interviews with the complainant, respondent, and any witnesses; and
 - incorporate, where appropriate, any need or request for assistance from the complainant or respondent during the investigation process.
3. The investigation process may include, but not be limited to:
 - the implementation of interim workplace measures such as placing the complainant and/or respondent on investigative leave with pay, or to arrange temporary transfer or reassignment, if possible;
 - interviews with all employees involved including the complainant, the respondent and any witnesses, who are all expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed; and
 - review of any evidence, such as emails, hand written notes, photographs, or physical evidence of any kind (e.g. vandalized objects).
4. If the complainant and the respondent agree on what happened, then the investigator may not have to investigate any further;
5. All investigations will result in a written report with recommendations for resolution to the Chief Executive Officer (or designate), or the Board, as the case may be, who will inform the relevant parties of the final decision;
6. If the evidence found in the investigation upholds the allegation of inappropriate workplace behaviour, CSI Pacific shall initiate immediate follow-up and disciplinary action (as appropriate) up to and including immediate dismissal. The decision to dismiss will be made by either the Chief Executive Officer (or designate), or the Board, as the case may be; and
7. Reports of inappropriate workplace behaviour found to be frivolous, vindictive, or vexatious in nature, may lead to disciplinary action up to and including termination of employment.

4. DISCIPLINARY ACTION

The Chief Executive Officer (or designate) may apply disciplinary actions, depending on the seriousness of the incident:

5. CONFIDENTIALITY

The discipline and complaints process is confidential and involves only the Parties, the Investigator, the Chief Executive Officer (or designate), and any independent advisors to the Chief Executive Officer (or designate). Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

6. TIMELINES

The CEO may in his/her discretion extend the timelines above.

7. RECORDS AND DISTRIBUTION OF DECISIONS

All incidents that result in disciplinary action shall be recorded and maintained by CSI Pacific. Other Canadian Sport Institutes/Centres may be advised of any decisions.