



DISPUTE RESOLUTION POLICY

1. Application

This dispute resolution policy does not apply to complaints made or proceedings taken under the ROW NOVA SCOTIA discrimination and harassment policies.

This dispute resolution policy applies to all members of ROW NOVA SCOTIA and to all individuals participating in activities of, or employed by, ROW NOVA SCOTIA. This shall include, but is not be limited to, athletes, coaches, officials, volunteers, employees, directors, officers and members of ROW NOVA SCOTIA.

This dispute resolution policy applies to all complaints that may arise during the course of ROW NOVA SCOTIA business, activities and events, including but not limited to, the office environment, competitions, practices, training camps, team selection, travel associated with competitive activities and any meetings of staff, committees or the Board of Directors. This dispute resolution policy also applies to disputes between individuals associated with ROW NOVA SCOTIA but outside business, activities and events of ROW NOVA SCOTIA when the conduct giving rise to such dispute adversely affects relationships within ROW NOVA SCOTIA's work and sport environment.

2. Dispute Resolution Body

A committee will be appointed, as the need arises, to resolve disputes governed by this dispute resolution policy.

2.1 Committee

- 1) A committee will be established consisting of a chairperson and two other persons (appointed by the chairperson.)
- 2) The Board of Directors shall appoint the chairperson of the committee.
- 3) In the event that any member of the committee has a conflict of interest or is biased, that person shall declare the conflict or bias and the Board of Directors shall appoint a replacement.

3. Misconduct

3.1 Any matter, conduct or thing, whether or not disgraceful or dishonorable, is misconduct and may form the basis for making of a complaint in accordance with this dispute resolution policy, if:



- 1) It is contrary to the best interests of ROW NOVA SCOTIA or of any participant (athlete, coach, official or spectator).
- 2) It is contrary to the bylaws of ROW NOVA SCOTIA.
- 3) It is contrary to any Code established by ROW NOVA SCOTIA, including but not limited to, the ROW NOVA SCOTIA Code of Ethics and Code of Conduct.
- 4) It is a failure to comply with an order made pursuant to this dispute resolution policy by the Board of Directors or a hearing committee.

4. Referral and review of complaints and incidents

4.1 Complaints must be made to the President promptly, in writing, and within not more than 6 months of the incident occurring.

4.2 The President may, in extenuating circumstances, extend the time for submission of a complaint notwithstanding the expiration of the 6 month time period referred to above.

4.3 The President shall refer the following matters to the chairperson of the committee:

- 1) Any complaint received in writing within the time frames set out in Sections 4.1 and 4.2, as applicable; and
- 2) Any request made by the Board of Directors in writing, to investigate an incident in which misconduct may have occurred.

4.4 If the chairperson of the committee is satisfied that the complaint is not valid or does not raise an issue of misconduct or is trivial, frivolous or vexatious in nature, the chairperson shall advise the complainant and the President and thereafter shall take no further action in relation to that complaint.

4.5 Where the chairperson has not dismissed a complaint pursuant to Section 4.4, the chairperson and fellow committee members shall conduct an investigation.

5. Investigation

5.1 The committee shall:

- 1) Review the complaint or the request
- 2) Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:
 - a) sending a copy or 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 committee;
 - b) communicating with or interviewing persons involved in the incident or whose conduct is the subject of the complaint; and



c) communicating with or interviewing other persons who may have relevant information.

- 3) Extend the investigation to include misconduct in any other incident that comes to the attention of the committee.
- 4) When practical to do so, encourage the parties to resolve the dispute directly.

5.2 In disputes of a nature that the committee considers to be minor, the hearing may be conducted in writing. The parties shall be:

- 1) informed that a committee has been established;
- 2) informed of the charge or dispute to be heard;
- 3) provided with a copies of this dispute resolution policy;
- 4) invited, within a time specified by the committee, to make written submissions of any information or arguments relevant to the deliberations of the committee; and
- 5) informed of the findings of the committee;

5.3 If the committee does not consider the dispute to be minor, the parties shall have a right to be heard in person:

- 1) At least 3 days before the date of the hearing, or such other period as is agreed to by the parties, the parties shall be:
 - (a) informed that a committee has been established;
 - (b) informed of the charge or dispute to be heard;
 - (c) provided with a copy of this dispute resolution policy.
- 2) The committee shall hear the charge or dispute and shall determine whether or not misconduct has occurred or rule on the issues in dispute.
- 3) Parties may be represented by legal counsel at their own expense.
- 4) There is to be full right:
 - a) to examine and re-examine all witnesses
 - b) to present evidence in defense and reply.
- 5) If the complainant fails to attend the hearing the committee may dismiss the complaint. Where the party whose conduct is the subject of the complaint (the “respondent”) or any other party fails to attend the hearing, the committee may proceed in his or her absence.
- 6) If, during the course of a hearing, the evidence shows that the respondent may be guilty of misconduct different from or in addition to any misconduct specified in the charge, the committee shall adjourn the hearing for any period that the committee considers sufficient to give the respondent an opportunity to prepare a defense to the amended charge, unless the respondent consents to continue the hearing.
- 7) The committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.
- 8) The hearing shall be in-camera.



- 9) The deliberations of the committee shall be conducted in private, and no person who is not a member of the committee shall be present.
- 11) Decisions of the committee shall be determined by a majority of the three person committee.

5.4 On completion of the investigation or hearing, the chairperson of the committee shall make a written report to the Board of Directors. The committee's report will contain recommendations on appropriate action or may indicate no further action is warranted based on the facts of the case.

6. Interim suspension of member

6.1 In cases of alleged serious misconduct or if there is a risk of physical or emotional harm to other persons, the committee may submit written reasons to the Board of Directors recommending that, pending the outcome of an investigation, an athlete, team, coach, official, parent/guardian or spectator under investigation:

- 1) be suspended from participation or
- 2) be allowed to continue participation subject to conditions or restrictions.

7. Acting upon the Committee's report

7.1 If the committee recommends no further action on a complaint, the President may provide a copy of the committee's report containing such recommendation to the Board of Directors and the person or person(s):

- 1) whose conduct is the subject of the complaint
- 2) who initiated the complaint

8. Disciplinary Powers

8.1 Where the committee finds a respondent guilty of misconduct, it may make one or more of the following recommendations, in writing:

- 1) that the respondent be expelled from the ROW NOVA SCOTIA indefinitely
- 2) that the respondent be suspended from the ROW NOVA SCOTIA for a specified period
- 3) that the respondent be suspended pending the satisfaction and completion of any conditions specified in the order
- 4) that the respondent may continue to participate only under conditions specified in the order
- 5) that the respondent be reprimanded
- 6) A fine or levy including restitution of any expenses incurred by the victim or complainant of by ROW NOVA SCOTIA in undertaking remedial action or in conducting the investigation and hearing



7) Any other recommendation that the committee considers just and appropriate in the circumstances.

8.2 In making a recommendation the committee shall take into consideration:

- 1) The age, experience and maturity of the respondent;
- 2) The nature of the misconduct;
- 3) Any information which, in the opinion of the committee is reliable and relevant to the determination of an appropriate order, including:
 - a) previous misconduct of the respondent, regardless of whether or not that misconduct was the subject of discipline
 - b) the character of the respondent

9. Deference to Other Authorities

9.1 Where the President or chairperson of the committee believes that the person(s) whose conduct is being investigated may be guilty of a criminal offense, that person may refer the matter to an appropriate authority.

10. Time for Completion

10.1 The investigation, hearing and decision of the Board of Directors shall be completed as soon as practical in the circumstances of the complaint.

10.2 The Board of Directors may set time guidelines for any matters that the board considers appropriate, including but not limited to, the time for completion of steps in the hearing process.

10.3 In deciding an appeal from a decision of the hearing committee, the Board of Directors may consider the failure to comply with time guidelines.

11. Appeal to the Board

11.1 A person may appeal the decision of the committee to the Board of Directors by serving a written notice of appeal within 14 days of receipt of the decision where:

- 1) the person has been found guilty of misconduct by the committee;
- 2) the person is subject to discipline; or
- 3) the person who initiated the complaint was advised that no further action would be taken.

11.2 The written notice shall state the grounds of appeal and the appeal may be heard only if there are sufficient grounds. Sufficient grounds include, but are not limited to, instances where:

- 1) the committee made a decision outside of its jurisdiction or authority;



- 2) the committee did not follow the procedures set out in this policy or those mandated by the Board of Directors;
- 3) the decision of the committee was influenced by bias; or
- 4) the decision of the committee was grossly unreasonable or unfair.

11.3 No member of the Board of Directors shall participate in the hearing of an appeal if:

- 1) The board member has a conflict of interest or is biased
- 2) If there is any reasonable basis on which it may appear that the board member may have a conflict of interest or may be biased.

11.4 If all board members are unable to participate in the hearing, the board shall appoint a committee of not more than three persons to hear the appeal.

11.5 On hearing an appeal the Board of Directors or the appointed committee may:

- 1) Dismiss the appeal
- 2) Quash the finding of guilt
- 3) Direct further inquiries by the committee or appoint a new committee to reinvestigate the matter

11.6 The appeal decision of the Board of Directors or the appointed committee shall be final and binding.

12. Effect of Expulsion or Suspension

12.1 When a person(s) is expelled or suspended from the organization pursuant to this policy, that person(s) is not eligible to serve any function within the organization or attend any organization activities.

13. Reinstatement

13.1 A person who has been expelled may apply to the board for reinstatement.

13.2 Subject to ROW NOVA SCOTIA bylaws, on receipt of an application of reinstatement the Board of Directors shall review the application and, if in the opinion of the Board of Directors the application disclosed information which may justify reinstatement, the board may investigate the application by taking any steps it considers necessary.

13.3 On completion of its review, the Board of Directors may:



- 1) Where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, direct that the person be reinstated under any terms and conditions that the board considers appropriate.
- 2) Refuse to reinstate the person.

POLICY ADMINISTRATION

Costs

ROW NOVA SCOTIA shall be responsible for the costs of the administration of this policy including costs of any mediation or investigation services. All parties retaining legal or any other assistance shall be solely responsible for the cost incurred.

Policy Review

This policy shall be reviewed by the Board of Directors on an annual basis. In the case of a significant revision of the relevant human rights codes, or as a result of finding that a procedure contained in the policy is either contrary to legal practices or inoperable, the policy may be reviewed and revised when appropriate.