

Ontario Artistic Swimming – Internal Complaint and Mediation Process

Purpose

This process outlines how Ontario Artistic Swimming (OAS) manages internal complaints that do not meet the threshold for referral to ITP Sport (Independent Third Party)

1. Receipt of Complaint

Submission

- Complaints must be submitted in writing to the OAS Executive Director (ED) using the designated email (complaints@ontarioartisticswimming.ca).
- The complaint must include:
 - Name and contact information of the complainant
 - Name(s) of the respondent(s)
 - Description of the alleged conduct, including dates, locations, and context
 - Any supporting evidence or witness information

Acknowledgment

- The ED acknowledges receipt within five (5) business days.
- If the complaint appears to meet UCCMS criteria (e.g., maltreatment, discrimination, harassment, abuse), it is redirected to ITP Sport for independent management.
- If the complaint is internal (e.g., interpersonal conflict, communication breakdown, procedural issues, minor code of conduct concerns), the OAS internal process is initiated.

2. Preliminary Review

Assignment

- If the complaint filed was previously reviewed by an OAS member Club:
 - Appeal of the decision is limited to procedural errors, bias, or new evidence.
 - Appeal must be made within 14 calendar days of receiving the outcome.
- The ED refers the complaint to the OAS Safe Sport Committee (SSC).

Initial Assessment

The SSC conducts a preliminary review within 10 business days to:

- Confirm jurisdiction (i.e., falls under OAS internal process)
- Determine if the complaint is frivolous, vexatious, or outside mandate
- Assess potential conflicts of interest
- Decide whether:
 - The matter is suitable for informal resolution or mediation, or
 - A formal internal review is required

Communication

- The SSC informs all parties of:
 - The next steps
 - Their right to representation or support
 - Expected timelines
 - Confidentiality obligations

3. Mediation with SSC Option

Purpose

Mediation provides a confidential, facilitated discussion to restore relationships and promote understanding without determining fault.

Process

1. **Agreement to Mediate:**
Both parties must voluntarily agree to mediation.
2. **Preparation:**
The SSC may meet each party separately to clarify issues and desired outcomes.
3. **Mediation Session:**
 - Conducted virtually
 - Focuses on communication, problem-solving, and mutual understanding.
4. **Outcome:**

- If a resolution is reached, the SSC drafts a Confidential Settlement Agreement, signed by both parties.
- The agreement may include commitments, behavioural expectations, or follow-up actions.

5. Record:

- The ED keeps a confidential record of the mediation outcome.
- If mediation is unsuccessful, the matter proceeds to formal review.

4. Formal Internal Review

Investigation

If mediation is not appropriate or fails:

- The SSC gathers relevant documents, interviews parties/witnesses, and compiles findings.
- Parties are given an opportunity to respond to information gathered.

Findings and Recommendations

- Within **30 business days**, the SSC issues a written report to the Executive Director summarizing:
 - Facts and evidence reviewed
 - Determinations regarding breaches of policy or conduct
 - Corrective or restorative actions (e.g., apology, training, behavioural expectations)
 - Its final decision

Decision

- Both parties are provided with a written summary of:
 - The decision
 - Rationale
 - Next steps (if applicable)

5. Resolution and Follow-Up

Implementation

- Corrective or restorative measures are implemented promptly.
- The ED monitors compliance and provides support if needed.

Record Keeping

- All records are maintained confidentially for seven (7) years.