



Paddle Canada Grievance Policy

Scope

Grievances may be brought by any person or group against a member, volunteer, or agent of Paddle Canada, provided the subject of the grievance is in some way related to action(s) or activity the member, volunteer, or agent engaged in that negatively impacts or may negatively impact their continued involvement with Paddle Canada. Grievances may include but are not limited to, matters of an instructional nature, inappropriate conduct, or administrative process.

Definitions and Terminology

Grievance

- a wrong considered as grounds for complaint, or something believed to cause distress, and
- a complaint or resentment in relation to an unjust or unfair act.

Grievance Officers

- A Grievance Officer is a member of the Board of Directors selected by the Board to assist with the administrative aspect of the Grievance process and shall act in a fair and unbiased way in exercising the duties prescribed by this policy.
- The Board of Directors shall select individuals who it deems, in its discretion, to be qualified to serve as Grievance Officers from time to time as required but shall not select someone as Grievance Officer who represents the province or territory in which the grievance originates or is from a province or territory from which any of the parties to the grievance work and/or reside.
- If a grievance is about or related to a specific representative of the Board of Directors, that Director cannot be appointed as the Grievance Officer and may not participate in the selection of the Grievance Officer who will be assigned to manage the grievance
- The Grievance Officer shall be responsible for overseeing all administrative aspects of a grievance including explaining the process to the parties and witnesses and communicating with those parties and witnesses to facilitate the Grievance process.

Grievance Panel

- Each grievance shall be heard by a Grievance Panel made up of two (2) individuals that are not connected to the complainant or respondent or the region or discipline in which the complainant or respondent works and/or resides.
- Grievance Panel members shall be selected by the Board of Directors to serve on an as-needed basis, and shall not be bound to a term but shall continue to act as a panel members until the grievance process in which they are engaged is complete.
- Grievance Panelists can either be members or non-members of Paddle Canada and shall not be members of the Board of Directors.

- Grievance Panelists will act in a fair and unbiased manner and in the best interests of Paddle Canada.
- The Grievance Panel shall hear the evidence and arguments of the parties and any witnesses the parties wish to call or the panel in its discretion may wish to call to give evidence.
- The Grievance Panel shall decide the outcome of the grievance and may apply any Paddle Canada policy that the Grievance Panel in its discretion deems relevant.
- The Grievance Panel shall produce a written decision outlining the evidence and their findings with reference to the evidence presented and the reasoning used to support those findings.
- The Grievance Panel shall apply the balance of probabilities evidentiary standard in arriving at conclusions of fact.

Complainant

An individual or group of individuals that puts forth a grievance. The Complainant may become the Respondent in a Request for Review if a decision of the Grievance Panel is reviewed.

Respondent

An individual or group of individuals about whom the Complaint is made. The Respondent(s) may become the Appellant(s) in a review if the Respondent files a Request for Review of the decision of the Grievance Panel.

Party

A “party” can be a Complainant or a Respondent

Witness

A witness is someone called to give evidence by a party or called to give evidence by the Grievance Panel in exercising their discretion to call witnesses.

Process of Filing a Grievance with Paddle Canada

No grievance that is filed more than two (2) years after the conduct being grieved shall be heard by the Grievance Panel. This time limit is subject to reasonable exceptions at the discretion of the Board of Directors who may consider such factors as:

1. the person subject to the conduct being grieved was not sufficiently aware of the conduct and/or the identity of the perpetrator(s) of the conduct such that no meaningful complaint could be framed as a grievance for the purpose of the process detailed in this policy;
2. the person subject to the conduct being grieved was unable to file a grievance due to a recognized disability.
3. The relevant conduct is ongoing and although some of the conduct was outside the two-year limit, the conduct was sufficiently related to conduct being grieved that it should be considered as if it were within the two-year limit;

4. Any other factor that the Board of Directors, in its sole and absolute discretion deems relevant to the issue of granting an extension of the two-year limitation on filing a grievance.

Solved by Parties

In all cases, it is highly recommended that complainants and respondents attempt to resolve issues informally by communicating or negotiating with the other party before contacting the Paddle Canada Executive Director.

If the parties cannot reach a resolution, the complainant may submit a grievance to the Paddle Canada Executive Director by email, or letter. The Executive Director will ensure that it is assigned to a Grievance Officer selected by the Board.

If the grievance is about or by the Executive Director and it cannot be resolved informally between the parties, the complainant will submit a grievance to the last appointed Grievance Officer or the President of the Board of Directors or the Board of Directors as a whole in the event that the complainant feels neither of the other options to be appropriate in the circumstances.

If the grievance is about or by a member of the Board of Directors and it cannot be resolved informally, the complainant will submit the grievance to the Executive Director.

First Contact and Grievance Committee Engaged

The Executive Director will log and acknowledge receipt of the complaint within 5 business working days. If the Executive Director is the Respondent, whoever received the Grievance shall log and acknowledge receipt of the complaint within 5 business working days unless this duty is assigned to a Grievance Officer in which case the Grievance Officer shall log and acknowledge receipt of the complaint within 5 business working days from the original receipt of the Grievance by an official of Paddle Canada.

In the case where the Executive Director, a Director, or any member becomes aware of potential improper conduct, harassment, or discrimination, they may initiate a grievance process even if a complainant has not filed a formal complaint. Initiation of a grievance process in relation to claims of harassment or discrimination shall be understood to be equivalent to satisfying the duty to investigate such concerns under employment-related (eg. *Occupational Health and Safety Act* R.S.O. 1990 c. O. 1) and/or Human Rights legislation (eg. *Human Rights Code* R.S.O. 1990 c. H.19) unless another Paddle Canada Policy expressly supersedes this policy.

The Executive Director (ED) will assign the file to the Grievance Officer (GO) selected to handle that grievance.

The GO and the ED will review the grievance and decide if this can be resolved without a Grievance Panel. For example: if the complaint is about a simple policy breach, that can be resolved by contacting the respondent without the need for a formal grievance process. If this should happen, the grievance shall only be considered resolved if and when all parties to the grievance agree it is resolved.

If the grievance is about or by the Executive Director, the Board of Directors will review the grievance and decide if it can be resolved without a Grievance Panel. If this should happen, the grievance shall only be considered resolved when all parties to the grievance agree it is resolved.

If it is determined that a Grievance Panel is needed, the Grievance Officer will then ensure the two (2) people selected by the Board to sit on the Grievance Panel commence the investigation/ hearing phase of the grievance. The Grievance Panel will connect with the complainant and respondent and shall endeavor to provide a decision within 90 days from the date of contact from the parties.

Investigation/ Hearing Phase

If the grievance goes to the Grievance Panel

- The grievance panel will investigate the complaint by reviewing all material from the Complainant, the Respondent, and receive information from other parties as witnesses if needed.
- The Grievance Panel may request additional information from witnesses and other committees (e.g. Program Development Committees on program and instructor expectation, guidelines, procedures, program material, etc.).
- The Grievance Panel may request additional submissions from members of a program committee if they deem it may be relevant.
- Notification may be given to the Complainant and Respondent if additional time is needed by the Grievance Panel
- The Grievance Panel may conduct the investigation/ hearing in person, online, by correspondence or another manner as it deems appropriate or practical in the circumstances
- Should the Grievance Panel wish to conduct a hearing in person, it may do so with all parties present or not and may order the exclusion of witnesses during the hearing as it deems appropriate or practical in the circumstances.

After the investigation/hearing phase, the Grievance Panel shall submit a written report to the ED and GO its findings with its reasoning in support of those findings and make recommendations. The recommendations should consider but not be limited to the following options: no action; coaching; a written reprimand; suspension of membership for a specified period to develop skills or further investigation and monitoring; termination of membership; etc..

The Grievance Panel shall include in their decision an executive summary section that summarizes their findings without the reasoning used to reach those findings and the Panel's recommendations. This executive summary shall be written in such a way as to be suitable for delivery to the parties. Within 10 business days of receipt, the GO and/or ED shall report the decision and the recommendations to the parties in writing and may include the contents of the Panel's executive summary. In the event that the removal or suspension of a member is recommended, the Board of Directors must approve this decision.

In the case of a complaint against or by the ED, the Grievance Panel shall submit its decision and recommendations to the Board of Directors. The Board of Directors will take the recommendations into consideration in determining what if any action(s) to take. The Board shall also communicate the

decision and recommendations of the Grievance Panel to the parties within 10 days of receiving the written decision.

In the case of a complaint against or by a representative of the Board, the Grievance Panel shall submit its written decision and recommendations to the Board of Directors (without including the Director who is subject to the investigation). The Board of Directors (excluding the director who was a party to the grievance) will take the recommendations into consideration in determining what if any action(s) to take and the Board shall communicate the decision and recommendations of the Grievance Panel to the parties. Any Director who was a complainant or respondent in the Review Process, shall not have a vote in any vote by the Board in determining how the grievance will be addressed by way of disciplinary action or otherwise.

Outcome: Discipline Outcomes

Typically, progressive discipline will progress through the following steps:

Coaching – informal or formal

Verbal Warning – formal (for clarity, a verbal warning shall be recorded in writing by making a record of the date, time, and essential warning communicated verbally)

Written Warning – formal

Suspension of Membership – formal

Termination of Membership

Degrees of discipline shall be used in relation to the problem at hand. Paddle Canada reserves the right to skip the first four steps in the progressive disciplinary pathway and move straight to termination of membership where the Board deems it necessary.

Request for Review

If the Complainant or Respondent is unsatisfied with the decision and/ or recommendations of the Grievance Panel, they can request a Review by the Paddle Canada Board of Directors.

A Request for Review shall not be heard unless the party or parties requesting it do so on the basis of one or more of the following grounds:

1. There is new evidence that was not available at the time the Grievance Panel made its decision;
2. The decision was based on a material error of fact that demonstrates a fundamental misapprehension of the evidence presented to the Grievance Panel
3. There is substantial evidence that one or more members of the Grievance panel were biased.
4. There is substantial evidence of a lack of appropriate procedural fairness in the process of the Grievance Panel that could have affected the outcome.

The Paddle Canada Board of Directors will then reply to the request within 30 days with one of the following responses:

1. Notification that more time is required to examine or resolve the grievance (to a maximum of 30 days); or
2. To provide the Complainant or Respondent with their decision and a summary of the reasons for that decision.

The decision of the Board on a Request for Review is final. There is no further level of appeal or review.

Confidentiality

The identity of the Complainant and Respondent and the details of a grievance will be kept confidential by all those involved in the grievance process to the greatest extent possible, except when required for the purposes of the investigation/ hearing phase. (eg. the respondent has a right to know the identity of the complainant and the nature of the complaint against them and witnesses may need certain information for the Panel to ask questions in a meaningful way.)

Conflict of Interest

When either the Executive Director, Grievance Officer, or members of the Grievance Panel find themselves in a conflict of interest with a grievance, they shall recuse themselves from discussion and decision-making functions related thereto.

Referral to the Police

Where a grievance is found to contain evidence of criminal or suspected criminal activity the matter may be referred to the police. The Paddle Canada Member suspected of criminal activity may be suspended until the completion of this judicial process at the discretion of the Board of Directors as per article 16 of the Paddle Canada By-laws.

Human Rights Complaints

The Complainant may have the right to file a complaint with their provincial or territorial Human Rights Commission. There are time limits to these complaints so individuals should seek this information out themselves. For example: in Alberta, a complaint must be made within twelve months from the time of the alleged incident that is a violation of the Human Rights, Citizenship and Multiculturalism Act. If there is an open investigation, that Paddle Canada Member may be suspended until the completion of the investigation as per article 16 of the Paddle Canada By-laws.

Approved March 2022

To be reviewed after each use of the policy, or annually.