



*Canadian Association of Snowboard Instructors (CASI)*

## Complaints Process

**CASI welcomes complaints and feedback from members and the snowboarding community in general.**

This process outlines how CASI will respond to concerns and complaints, except where other processes may be specified in a policy. CASI is committed to the safe disclosure of complaints of actual or perceived breaches of the Code of Ethics or any other CASI policy or process. The principles of administrative fairness will guide the complaints process, engagement with parties, and decision-making.

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### Who can bring a complaint?

Any person, including members of the public, can bring a complaint or provide feedback to CASI. Individuals who bring complaints are referred to in this process as “Complainants”, anyone responding to the complaint as “Respondents”, and together the “Parties”. If any Party involved is under the age of 18, they may have a parent, guardian, or other adult as their representative in the process. Parties may also opt to have a support person. The role and limits of participation of the support person in this process will be discussed in advance.

Any person who makes a complaint or provides feedback in good faith will not face negative consequences for taking part in the complaint process. However, anyone who knowingly and falsely makes a complaint, withholds information, or provides false information during the process may have a complaint brought against them by a CASI representative.

### What are the steps in the feedback/complaints process?

#### ***STEP 1: Try to resolve the concerns informally***

If appropriate, try to resolve your concerns directly with the person(s) involved, or contact your Program Manager or a member of the CASI operations staff team for support and guidance.

If the concern is about the actions or inactions of an individual who is employed by a resort or participating in an activity sponsored by another entity, the concern may be properly dealt with under the policies of the resort or other entity. If brought to the attention of CASI, CASI will, in its sole discretion, determine whether it is appropriate to review the matter.

## ***STEP 2: Make a formal complaint to CASI***

If you are unable to resolve your concerns directly with the person(s) involved, you may wish to make a formal complaint. Please contact us by email ([feedback@casi-acms.com](mailto:feedback@casi-acms.com)) and provide a brief description of the concern(s) / details of actions or inactions, including dates, times, and the other individuals involved (names and roles, if known). Please note any outcomes that you are seeking. The complaints process is normally done in writing, however, if you require an accommodation, please call us at [\(877\) 976-2274](tel:877-976-2274).

### ***Initial review***

The Executive Director, or their designate, will review your complaint and advise of next steps. Depending on the nature and severity of the concerns they may:

- a) Suggest informal resolution as an option for resolving the concerns (e.g., mediation or a facilitated discussion);
- b) Dismiss the complaint without further action, with or without referrals, if in their sole discretion:
  - the complaint is about something that CASI is unable to review (for example, complaints that are unrelated to CASI, its members, policies, role or function, or should be dealt with by another entity or through another process),
  - if the outcomes sought are not something that CASI can achieve through its processes,
  - if the concerns have already been reviewed by CASI, or
  - if the concerns are determined to be frivolous or not made in good faith.
- c) Conduct further review, or assign the complaint to another staff member for further review, and decide;
- d) Convene a panel of at least three (3) members of the current CASI Team ("Panel") to review the complaint and decide;
- e) Seek legal advice or arrange for an independent investigation of the complaint; or
- f) Report the concerns to the police or other authority, for example, if the complaint involves harm to a minor or a criminal act. See CASI Reporting Responsibilities.

### ***Review of the complaint***

- (1) **Scope and format.** The Executive Director, their designate, or the Panel ("Decision-maker") will determine the form and scope of the review process, including how and what information is gathered. For example, the Decision-maker may call the Parties to discuss the concerns, request information or responses by email, arrange for a video conference, and/or review policies or other documents before deciding.
- (2) **No hearing.** As a general practice, there will not be a hearing.

- (3) **Timelines.** The Decision-maker will be clear with the Parties about timelines throughout the process, and will make every effort to make decisions in a timely way. Any delays will be promptly communicated to the participants.
- (4) **Confidentiality.** The process is confidential, which means only those who need to be involved to participate in, or help to resolve, review, make decisions, or enforce sanctions related to the concerns that have been brought forward should be involved. Individuals involved in the review process are expected to keep confidential and not share information or materials from the process, except as required by law or expressly permitted.
- (5) **Reporting.** If at any time during the review process a Decision-maker identifies conduct that may result in criminal charges, or learns that a legal proceeding is underway, they may report to the policy or other authority, and suspend the CASI process until the outcome of the proceeding.
- (6) **Anonymous complaints.** If a concern is shared by a Complainant who does not wish to disclose their identity, or if the Complainant requests anonymity, CASI will take all reasonable steps to protect their identity, unless otherwise required by law. However, anonymity may limit the ability of the Decision-maker or an Investigator to investigate the alleged wrongdoing or act in response to the complaint. CASI has absolute discretion about whether or not to act on anonymous complaints.
- (7) **Independent Investigations.** If CASI determines that a matter should be investigated by an independent external investigator (“Investigator”), CASI will ensure that the Investigator has appropriate competencies and expertise to carry out the investigation and no connection to any of the participants or a conflict of interest in relation to CASI. The Investigator will determine the form of the investigation, subject to any applicable policies, laws, legislation, and the principles of administrative fairness. Upon completion of the investigation, the Investigator will provide a report, including a summary of evidence and determination on a balance of probabilities, about whether the complaint has been upheld and/or whether a breach of CASI’s policies has occurred, and may include recommendations for Sanctions. The Executive Director will review the report and render a decision.

### ***Decision-making***

- (8) **Evidence.** Decision-makers may request and consider any evidence which they consider relevant. Decisions will be made on a balance of probabilities after consideration of relevant information.
- (9) **Sanctions.** After a decision is made, if there is a finding that a policy has been breached, appropriate sanctions may be applied. The possible sanctions and considerations for applying sanctions are outlined here in this document (see “CASI Sanctions”).
- (10) **Reasons.** Where possible, CASI will communicate decisions in writing with reasons for the decision, to the Parties.
- (11) **No appeal.** Decisions cannot be appealed; parties may request reconsideration (below).
- (12) **Records.** Information about complaints, including outcomes and written decisions, will be securely maintained by CASI.

(13)**Follow-up.** If the decision contains any follow-up actions for CASI, those actions will be implemented as soon as possible, or on the timeframes outlined in the decision.

### ***STEP 3: Requests for reconsideration***

In limited circumstances, Parties may be able to make a request for reconsideration of a decision or sanction. Reconsideration is a discretionary remedy; there is no right to reconsideration. Reconsideration provides an opportunity for CASI to correct errors and consider changed circumstances. A request for reconsideration may be considered if, for example, there were circumstances beyond a Party's control that prevented them from fully participating in the process, new evidence not available earlier, or exceptional factors that suggest that the decision or sanctions should now be reconsidered.

#### ***Making a request for reconsideration.***

All requests for reconsideration must be made as early as possible. CASI may also reconsider a decision on its own initiative, where appropriate. Requests for reconsideration must be done in writing, and sent to the Executive Director unless accommodation is required. The requests must include:

- The original decision letter/email
- Reasons for the request
- All documents and information that supports the request, and
- The remedy or alternative sanction sought.

#### ***Review of requests for reconsideration***

The Executive Director, or designate, will review the request ("Reviewer"). A request for reconsideration may be refused, without further action, on the basis that:

- a) The request is simply disagreeing with or challenging the decision or sanctions.
- b) The request repeats arguments or information that was already shared during the resolution process or is simply reframing original concerns.
- c) The request raises new arguments or information that was not presented earlier, which could and should have been shared during the resolution process; or
- d) The request failed to include the required information.

The Reviewer may contact the original decision-maker(s) if they have questions about whether a reconsideration request raises new issues or submissions. The Reviewer may also request additional information from the Parties or anyone involved in the original resolution process.

#### ***Reconsideration decision.***

The Reviewer will issue a decision either refusing or granting the request for reconsideration, all or in part, with reasons. If the request for reconsideration is granted, the Reviewer may determine:

- a) That the original decision should be reversed and the sanctions removed.

- b) That the original decision stands, but a different or lesser sanction is appropriate, or
- c) That the matter should be reviewed again by a different decision-maker or a panel, or
- d) If the Reviewer has determined that a membership suspension or revocation sanction is no longer appropriate, that decision will go to the Board of Directors for reconsideration, with the Reviewer's recommendation. The decision on whether to reinstate membership rests with the Board of Directors.

## CASI Sanctions

In general, any sanction imposed must be proportionate and reasonable. Progressive discipline is not required, and a single incident may justify elevated or combined sanctions.

Sanctions may be time limited, and temporary or provisional measures may be imposed immediately, prior to the completion of any internal processes, at the sole discretion of the organization, if appropriate or necessary. For example, where a breach occurs during a program or training session, a person may be immediately removed from the program or training session.

The Board of Directors must approve all sanctions imposed as a result of a breach of the *Code of Ethics*, however, an immediate temporary membership suspension may be imposed by the Executive Director without approval in situations of risk or harm to members, participants, or the general public.

The following sanction(s) may be imposed singularly or in combination:

- a) **Verbal or written reprimand**—including details of breach(es) and noting that future incidents may result in more severe sanctions.
- b) **Educational requirement** – specified educational requirement to be undertaken within a specified time frame, with notation that failure to complete the educational requirements will result in more severe sanctions.
- c) **Temporary suspension of membership or from participation**, in any program, course, activity, or event for a specified time and/or subject to specific conditions.
- d) **Loss of privileges or other conditions, restrictions, or probation** for a specified or unlimited period, either for specific course or events or with conditions.
- e) **Permanent suspension of membership or Ineligibility to participate**, in any capacity, in any program, course, activity, or event.
- f) **Other appropriate sanctions** – including apology, termination of contract, behavioural contracts, recommendation to compensate for direct financial losses, ineligibility for refund of fees paid, or other restrictions or conditions.

In determining appropriate sanction(s), the decision-maker may consider:

- a) Nature of the breach, including ongoing or potential threats to safety.
- b) Relationship between the parties, including positions of trust and power imbalances.

- c) Any history of prior behaviour and/or sanctions imposed by the organization.
- d) Ages of the individuals involved.
- e) Impact on the individuals involved, the organization, or the community.
- f) Acceptance of responsibility for actions or inactions.
- g) Openness and cooperation in the resolution process.
- h) Special circumstances, such as lack of appropriate knowledge or training, addiction, illness; decisions made in other proceedings (e.g., legal, criminal, administrative).
- i) Deterrence for future possible conduct; or
- j) Other mitigating and aggravating circumstances.