



Dispute Resolution Policy

Procedures for Dispute Resolution

Languages Canada's Dispute Resolution Policy is designed to judiciously evaluate and reconcile a complaint related to a member's possible violation of the Code of Ethics. Non-compliance with or disregard for Languages Canada's Code of Ethics can result in punitive action as per this Dispute Resolution Policy. Penalties include, but are not limited to, expulsion from the association and the imposition of financial penalties for re-application to the association.

As a condition of membership in Languages Canada, members agree to always abide by and defer to the Code of Ethics, be bound by this Dispute Resolution Policy, and agree to publicize this Dispute Resolution Policy to their students and agents as a recourse for managing serious disputes that are considered irreconcilable.

Process:

1. Languages Canada will appoint an Ombudsman who will be responsible for managing the Dispute Resolution Policy. The Ombudsmen will be either a de facto Associate or Honourary Member of the Board, and not be a Full Member of Languages Canada.
2. In the event of a formal dispute, the Languages Canada Ombudsman will strike a dispute resolution panel ("DRP") that is constituted from three (3) members of the Languages Canada Board and the Languages Canada Ombudsman (1). At least one (1) of the three (3) Languages Canada representatives will be a member of the Executive Committee. Efforts will be made by the Ombudsman, when appointing the DRP members, that they be as far removed as possible from the claimant(s) and program(s) in question.
3. Subject to the timelines set out herein, the DRP will determine how and when it will conduct its duties under this policy. It will be entitled to conduct meetings and interviews using telephone or video conferencing.
4. Within seven (7) days of receiving a complaint against a member by fax, e-mail, or letter, the Languages Canada office will advise the Complainant that formal complaints should only be submitted as a last possible recourse if no settlement can be made. If the Complainant still wishes to proceed, a formal written signed complaint on the Complainant's letterhead, if applicable, is required.
5. The Languages Canada office will acknowledge receipt of the complaint to the Complainant within seven (7) days of receiving the formal written complaint.
6. The DRP will review the written complaint and determine whether the complaint has merit (see Guidelines for Issues). The DRP will also determine in the case of all Complaints whether further investigation is necessary to determine the legitimacy of the Complaint.
7. Complaints that lack merit and are determined by the DRP as to have been made maliciously or frivolously will be considered a serious breach of the Code of Ethics, and dealt with accordingly.
8. If the determination of the DRP is that the complaint has merit, the DRP will deliver to the Complainee a copy of the formal complaint within 30 days of receiving the formal written complaint.
9. The Complainee will have ten (10) days after receipt of the complaint to respond in writing to the DRP regarding the complaint.
10. The Dispute Resolution Panel will convene to discuss the complaint as well as the response, and will deliberate and reach a conclusion with respect to the Complaint. After receiving the response in point 9, the DRP shall issue a formal written response within thirty (30) days to the Complainant and the Complainee, outlining its findings or any concerns the DRP wishes the parties to address.

11. The Complainant and the Complainee shall have ten (10) days from their receipt of the DRP statement to make a final response.
12. The DRP, on receiving any final submissions from the Complainant and the Complainee, shall convene to make a final decision. The final decision will be submitted to the Languages Canada Executive, the Complainant and the Complainee within thirty (30) days of receipt of the final submissions from the parties.

Appropriate Issues for Dispute Resolution:

1. The DRP will review complaints to determine if the complaints are covered under the existing Languages Canada Code of Ethics and/or fall within the limits of its jurisdiction. It will refer the parties to more appropriate channels for dispute resolution should it deem this course of action to be more appropriate.
2. Complaints received may fall under the following categories:
 - student re: program
 - agent re: program
 - program re: program
 - public re: program
3. Complaints which will be accepted for investigation by the DRP include:
 - Violations of Languages Canada Code of Ethics

Possible Actions under Dispute Resolution Policy

1. Depending on the severity of the situation, and on whether or not this is a repeat offender, decisions may include taking specific actions, third party mediation, membership termination, suspension, and imposing fines to re-enter the association.

Administrative and Legal:

1. Any conclusions from a DRP are binding on the parties, and may include punitive action that includes expulsion from Languages Canada and a financial penalty to re-apply.
2. No member or Complainant shall have any recourse against Languages Canada or any of its members or employees in the event of dissatisfaction with this process.
3. This process is not intended to usurp the jurisdiction of the courts or any other administrative tribunal. It is intended to assist the Complainant and Complainee to resolve differences and to enable Languages Canada to deal with violations of its rules and procedures effectively, for the benefit of the organization.
4. All internal deliberations of the DRP regarding a complaint are confidential and will not be subject to subpoena or other distribution to any other parties.
5. Languages Canada will not be responsible for any costs associated with any legal action or mediation which the Complainant and Complainee may engage in.

Recommendations:

1. A series of hypothetical guidelines should be sent to membership to gather consensus on judgments.
2. Formal selection of a Languages Canada Ombudsman will be announced and ratified at each Languages Canada AGM.
3. There is a need to assure that adequate liability insurance covers anyone participating in a DRP.