



# North York Cosmos SC - Club Policy

## DISPUTE RESOLUTION

### PROCEDURE 1.0 - GENERAL

- 1.1 The purpose of this Operational Procedure is to resolve disputes of a 'corporate' nature between and/or among Ontario Soccer (referred to as Ontario Soccer in this policy), District Associations, Clubs, Leagues and Registrants and, in the case of denial of membership, Non-Registrants using techniques of Alternate Dispute Resolution (ADR), thus avoiding the need to resort to litigation.
- 1.2 As a condition of membership in Ontario Soccer, or in one of its District Associations, all District Associations, Clubs, Leagues, and Registrants agree to abide by the provisions and jurisdiction of this Operational Procedure.
- 1.3 As the purpose of this Operational Procedure is to promote alternatives to litigation, Ontario Soccer may refuse to hear a dispute, or discontinue hearing a dispute that has already commenced, if the party or parties engage in litigation, or send a lawyer's letter threatening litigation that is either directly or indirectly related to the matter in dispute.
- 1.4 The implementation of this procedure is the responsibility of Case Manager appointed by Ontario Soccer Chief Executive Officer. The Case Manager will retain the authority to screen the dispute and/or appoint a Designate to handle the administrative aspects of this Operational Procedure. The Case Manager may be an Ontario Soccer employee or an external service provider.
- 1.5 Ontario Soccer will establish a Roster of trained Dispute Resolution Officers, who will serve as mediators and/or arbitrators under this Operational Procedure.
- 1.6 In the event that Ontario Soccer is a party to a dispute under this Operational Procedure, then the Case Manager will refer all responsibility for implementation of this Policy to an external service provider.

### PROCEDURE 2.0 - MATTERS SUBJECT TO DISPUTE RESOLUTION

- 2.1 This Operational Procedure applies to disputes relating to the following matters:
  - a) The calling and holding of general meetings of members
  - b) The preparation, presentation and approval of financial statements
  - c) The nomination and election of Directors and Officers
  - d) The removal of Directors and Officers
  - e) The acceptance, rejection and removal of members
  - f) The calling and holding of Board meetings
  - g) Breaches of parliamentary procedure
  - h) Other matters of a similar corporate or governance nature

### PROCEDURE 3.0 - INITIATING THE DISPUTE PROCESS

- 3.1 Ontario Soccer, District Association, Club, League, Registrant or, Non-Registrants in accordance with Operational Procedure 1.1. may initiate a claim under this operational procedure by completing the prescribed form and submitting it to Ontario Soccer along with the prescribed fee. (Form to be linked)



- 3.2 Any such claim under this operational procedure, will be submitted within 30 days of the decision, action, breach or other event relating to the claim. Disputes which are not based on a specific decision, action, breach or other event can be submitted at any time.
- 3.3 Notwithstanding 3.2 above, the Case Manager will have sole discretion, to waive the time limit of 30 days.
- 3.4 The Case Manager will receive the form and will determine, in their sole discretion, if the dispute is to be dealt with under this Operational Procedure. In making this determination, the Case Manager may consult with a Dispute Resolution Officer.
- 3.5 Normally there will be two parties to a dispute: the party initiating the claim ('claimant') and the party responding to the claim ('respondent'). Additional entities or individuals wishing party status may make a request in writing to Ontario Soccer. The Case Manager, or Designate, will provide a copy of such request to the claimant and respondent and will solicit their input on the request. However, the Case Manager, will retain the authority to identify and accept additional parties to the dispute.
- 3.6 As a general rule, additional persons or entities will only be granted party status if they are materially affected by the outcome of the dispute; if they can offer a perspective on the dispute that is not offered by the other parties; and if their contributions to the proceedings would be useful in achieving a resolution.
- 3.7 Where additional parties are identified, they will participate in the proceedings of this Policy only to the extent determined by the Case Manager.

## **PROCEDURE 4.0 - MEDIATION**

- 4.1 Upon receiving a claim, the Case Manager, or Designate, will contact the disputing parties to determine if they wish to use mediation to resolve their dispute. Where the disputing parties agree that mediation would be mutually beneficial, mediation will be pursued in accordance with standard mediation practice using the services of a mediator from Ontario Soccer's Roster of Dispute Resolution Officers who is appointed by the Case Manager.
- 4.2 The conduct of any such mediation will be confidential among the disputing parties and the mediator, and any resolution of the dispute achieved by the parties will be reflected in a written mediation agreement. The written mediation agreement will be binding on the parties and there will be no further appeal to Ontario Soccer, to Canada Soccer, to any other entity, or to any Court. A copy of the mediation agreement is to be provided to the Case Manager.

## **PROCEDURE 5.0 - ARBITRATION**

- 5.1 Where mediation is attempted and fails, or where the disputing parties determine at the outset that mediation would not be possible or beneficial, the dispute will proceed to arbitration.
- 5.2 Upon confirmation by the Case Manager, or Designate, that the dispute is proceeding to arbitration, the claimant will prepare a detailed written submission for the Case Manager within the timelines established by the Case Manager, or Designate. This claimant's submission will be provided to the other party or parties, who will prepare a written response within the timelines established by the Case Manager. The claimant will be provided an opportunity to prepare a written rebuttal to any responses submitting by the party or parties within the timelines established by the Case Manager.



- 5.3 Arbitration will occur before a Panel appointed by the Case Manager. The Panel will be composed of 1 to 3 individuals from Ontario Soccer's Roster of Dispute Resolution Officers. The Panel members will have no involvement with the dispute and will be free from actual or perceived bias or conflict of interest. The Mediator involved with the dispute or any mediator previously involved with the case may not serve on the Panel.
- 5.4 The Panel will be provided with all the claimant's and respondent's written materials for review prior to scheduling the arbitration hearing.

## **PROCEDURE 6.0 - HEARING**

- 6.1 Ontario Soccer will schedule the arbitration hearing at a place that is convenient to the parties and the Panel. The Panel will have full authority to determine the procedures to be followed at the hearing.
- 6.2 Where the parties or the Panel members are not in close proximity, the Panel may choose to conduct the hearing by telephone conference call or via electronic communications.
- 6.3 The Panel may determine to decide the matter via documentary submissions alone.
- 6.4 The Case Manager, or Designate, will participate in the hearing and will assist the Panel in an administrative capacity.
- 6.5 The parties will be responsible for their own costs to prepare for and participate in the hearing. Ontario Soccer will be responsible for the costs of the Panel.
- 6.6 Should any party choose not to participate in the hearing, the hearing will proceed nonetheless.

## **PROCEDURE 7.0 - DECISION**

- 7.1 The Panel may determine such remedy or remedies as it deems appropriate for the matter in dispute.
- 7.2 The Panel's decision will be in writing, with reasons, and will be communicated to the parties within 14 days of the conclusion of the hearing. Where timelines are urgent, the Panel may issue a verbal decision or a summary written decision, provided a written decision with reasons is issued within 14 days.
- 7.3 In cases where the parties are able to determine their own remedy or remedies, with the assistance of the Panel, such remedies may be reflected in a settlement order endorsed by the Panel and having the same binding effect as if it had been the Panel's decision.
- 7.4 The Panel will remain seized of its decision and may be consulted by the parties or Ontario Soccer on interpretation or implementation of its decision.
- 7.5 The Panel will determine whether or not to refund all or a portion of the claimant's fee,
- 7.6 The Panel's decision will be binding on the parties and on Ontario Soccer, District Associations, Leagues, Clubs, Registrants and Non-Registrants where applicable, and may only be appealed on procedural grounds. Such grounds are strictly limited to the Panel:
  - a) Making a decision for which it did not have authority or jurisdiction as set out in the policies of Ontario Soccer; or
  - b) Failing to follow the procedures as set out in this Policy; or



c) Making a decision that was influenced by bias.

Appeals on procedural grounds will be made to Canada Soccer, in accordance with their policies for appeals. There will be no further appeal to any other entity or any court.