



DISPUTE RESOLUTION POLICY			
<b>Reviewed:</b>	October 28, 2016	<b>Effective:</b>	November 10, 2016
<b>Next Review:</b>	November 2019	<b>Approval:</b>	Board of Directors

Athletics Ontario (AO) believes that athletics (track & field, cross country, race walking, road running, and trail running) is a sport that offers a variety of individuals many positive things.

Membership in Athletics Ontario and participation in its activities provides many benefits and opportunities to participants (registered Members - individual or club). As part of this membership, all registered Members are expected to act in accordance with the AO By-Law, rules and regulations, policies, and processes. In addition, members are obligated to fulfill agreements or contracts they have entered into and abide by all decisions rendered by the Association, which affect them. Noncompliance by a Member may result in sanctions and/or termination of membership.

## 1. APPLICATION

This Policy outlines the mechanisms and procedures for resolving Association disputes, which includes complaints. It provides recourse to parties who have valid grounds to appeal certain decisions made by AO, and the decisions of those to whom a decision making authority has been delegated by AO. The Policy reflects AO's commitment to treat all Members fairly and with respect.

This Policy encompasses an integrated process that provides sufficient internal options and external alternatives to ensure that issues can be resolved with appropriate transparency and timeliness, and in accordance with the principles of natural justice and procedural fairness.

Natural justice and procedural fairness applies in situations where a decision could potentially have a detrimental effect on the rights, interests or legitimate expectations of a person. Procedural fairness requires that:

- (a) The respondent is heard
- (b) The decision is not biased
- (c) The decision is based on relevant and reliable evidence

The principles of natural justice apply to all complaints; that complaints are dealt with in a timely manner; and parties advised of the reason for any delays. Where an anonymous complaint is lodged, no action will be taken.

## 2. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

- (a) **"Member"** refers to any entity approved for membership as defined in the AO By-Law (person, group of persons organized and associated for the purpose of athletics and registered as a Member of AO), as well as all individuals engaged in activities with AO (including, but not limited to, athletes; coaches; officials; volunteers; team managers; club administrators, coaches or

board members; committee members, directors and officers of AO; employees; spectators at AO sanctioned events; and parents/guardians of athletes.

- (b) **“Days”** refers to total calendar days, irrespective of weekends or holidays (time by which an action must be complete).
- (c) **“Complainant”** refers to the Member who reports a complaint and is seeking remedy.
- (d) **“Respondent”** refers to the entity (individual or group) which is the subject of a complaint, dispute, or whose decision is being appealed.
- (e) **“Appellant”** refers to the Member who is appealing a lower decision.
- (f) **“Parties”** refers to the Complainant, Respondent, and any other Individuals, persons, or organizations affected by the complaint or dispute.
- (g) **“Summary Dispute Resolution”** refers to a process which is shorter and simpler than the regular Dispute Process. This process is available for situations that require prompt action and generally involve a small number of clear-cut issues.

### **3. DISPUTE RESOLUTION**

There are a few distinct but inter-related processes that comprise the AO Dispute Resolution Policy: (a) the AO Dispute Resolution Process, (b) AO Summary Dispute Resolution Process, (c) AO Appeal Process, or the Sport Dispute Resolution Centre of Canada (SDRCC) Process. These processes are summarized below:

#### **(a) AO Dispute Resolution Process**

This Process applies to matters in dispute/complaint between AO and its Members, or between AO Members, in relation to conduct or actions which are alleged to have contravened the AO By-laws, rules and regulations, policies, contracts or agreements. Where a final decision has been made regarding a dispute, no further action may be taken. Previously filed disputes cannot be submitted for reconsideration except through the Appeals Process, where applicable. Parties who perceive that decisions rendered by the Panel at the conclusion of this Process are procedurally unfair may appeal such decisions through the AO Appeal Process.

Alternatively, in limited situations, with the mutual consent of all affected parties, decisions rendered by the Panel at the conclusion of the Dispute Resolution Process may be submitted to binding arbitration pursuant to the policies of the Sport Dispute Resolution Centre of Canada (SDRCC) (See section 4).

The AO Dispute Resolution Process is set out in **Appendix A**

#### **(b) AO Summary Dispute Resolution Process**

This Process applies only to individual AO Members who are High Performance athletes within the Provincial or National Team Programs and have signed an AO Athlete Code of Conduct.

The AO Summary Dispute Resolution Process is a procedure that allows issues to be resolved in a time-sensitive fashion when recourse through the AO Dispute Resolution Process is not feasible or practical. This process is intended to facilitate and expedite decision-making when disputes arise in

situations where there is a critical lack of time or when decisions may affect an athlete's eligibility for competition or other time-sensitive participation with Provincial or National Team Programs.

This Process can be used by an athlete to appeal disciplinary sanctions imposed as a result of a breach of the AO Athlete Code of Conduct, or by AO to deal with other specified breaches or disputes. Decisions made by means of this Process may be appealed in the same manner as specified for the AO Dispute Resolution Process above.

For any matters related to the Quest for Gold Program, all appeals must follow the Policies, Procedures and criteria of the Quest for Gold Program.

The AO Summary Dispute Resolution Process is set out in **Appendix B**.

### **(c) AO Appeal Process**

This Process provides an option for Members to appeal, in limited situations, decisions made by AO or any individual that has been delegated decision-making authority by the AO Board. Decisions that may be accepted for an appeal include, but are not limited to, funding, contracts or agreements, harassment, team selection, discipline, and as well, decisions made through the AO Dispute Resolution Process or Accelerated Dispute Resolution Process. Decisions reached through the AO Appeal Process are *final and binding on all parties*.

The AO Appeal Process is set out in **Appendix C**.

## **4. SPORT DISPUTE RESOLUTION CENTRE OF CANADA**

AO provides to all Members the option of seeking redress through an appeal to Sport Dispute Resolution Centre of Canada (SDRCC) rather than the internal AO Appeal Process.

SDRCC provides an additional avenue for resolving disputes without the harm and cost of litigation. After the internal process for dispute resolution has been exhausted, or where the parties prefer to seek resolution externally, appeals may, on consent by all parties, be referred to SDRCC for mediation or binding arbitration as an alternative to – but not in addition to – the AO Appeal Process.

Referral to SDRCC must be by mutual agreement of all affected parties to the dispute and is irrevocable. The SDRCC has the discretion to accept an appeal for arbitration or to reject it. All parties to an accepted appeal must sign an arbitration agreement confirming that the Arbitration decision is final and binding and that there is no further right of appeal.

For more information on the SDRCC, please visit their website at [www.crdsc-sdrcc.ca](http://www.crdsc-sdrcc.ca)

## **5. UNDERSTANDING THE PROCESS**

Individuals who are in doubt or who require further elaboration are invited to direct their questions to the AO Executive Director or the Board Chair.