



Policies and Procedures of the Abbotsford Minor Hockey Association

P-13

Dispute Resolution Policy

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1. Introduction

- 1.1. Where appropriate, the AMHA strongly encourages parties to a dispute to seek a resolution through direct or through voluntary mediation and the exercise of common sense before resorting to the review procedures set forth in this policy.
- 1.2. The intent of this policy is for when members are at an impasse and cannot come to an informal resolution, or when so required by another AMHA policy.
- 1.3. Any member of the AMHA or any member of a team playing under the auspices of the AMHA (such member is in this policy call the complainant) who is affected by a decision of the directors, of any committee formed by the directors, or of any body or individual which has been delegated authority to make decisions on behalf of the directors (the person or body making the decision is in this policy call the respondent) shall have the right to request a review of that decision.
- 1.4. References in this policy to a complainant shall include at least one of the complainant's parents/guardians where a minor is the complainant.
- 1.5. This policy shall not apply to matters relating to:
 - 1.5.1. Rep Player Selection
 - 1.5.2. Team Officials Selection
 - 1.5.3. Abuse and Harassment Policy
 - 1.5.4. Decisions of the PCAHA, BC Hockey or Hockey Canada
 - 1.5.5. The rules of the game of hockey

2. Dispute Resolution Process - Informal

- 2.1. As noted in section 1.1 above the AMHA encourages members to resolve conflicts in an informal nature in and amongst members. As such, the general guidelines for informal resolution include:
 - 2.1.1. Stage 1 - Member to Member direct communication(s). This may involve face-to-face discussions, telephone, and/or emails.
 - 2.1.2. Stage 2 - Using a Team Official as neutral third party. In the event the dispute is with the Team Manager, the Coach should be used as the neutral third party. In the event the dispute is with a coach, the Team Manager should be used as the neutral third party.
 - 2.1.3. Stage 3 - Discussion with Division Director and parties who require resolution.
 - 2.1.4. Stage 4 - Go to formal dispute resolution process stated in section three (3).

3. Dispute Resolution Process - Formal

- 3.1. A complainant who wishes to have a decision reviewed shall have seven (7) days from the date on which he/she received notice of the decision to submit written notice of intention to seek review, which notice shall include the reasons for the request for review, to the President and/or Executive Director.
- 3.2. A review will only be undertaken if there are sufficient grounds. Sufficient grounds include circumstances in which the respondent:
 - 3.2.1. Made a decision for which it did not have authority or jurisdiction as set out in the governing documents;
 - 3.2.2. Failed to follow procedures as laid out in the bylaws or the policies or rules of the AMHA;
 - 3.2.3. Made a decision which was influenced by bias;
 - 3.2.4. Failed to consider relevant information or took into account irrelevant information;
 - 3.2.5. Exercised its discretion for any improper purpose;
 - 3.2.6. Made a decision which was patently unreasonable or that had no evidentiary basis; and/or
 - 3.2.7. Imposed a penalty which was unduly harsh in all circumstances.
- 3.3. Within five (5) days of receiving notice of a request for review, the President and/or his/her designate) shall appoint three persons to constitute a review panel in accordance with the following:
 - 3.3.1. The review panel shall be comprised of persons with no significant relationship with the appellant, shall have had no involvement with the decision being reviewed, and shall be free from bias or conflict;
 - 3.3.2. Where feasible, at least one of the review panel members shall be from among the appellant's peers;
 - 3.3.3. Where feasible, the appellant shall be given the opportunity to recommend one of the review panel members;
 - 3.3.4. At the time of appointment, the President (and/or his/her designate) shall designate one member of the review panel as chairperson.
- 3.4. Notwithstanding the previous paragraph, if at the time of delivering the notice of intention to seek review, the appellant advised the President (and/or his/her designate) that he/she wishes to have the review conducted by a single person and if within a further two (2) days the parties at the initiative of the President (and/or his/her designate) are able to agree on that single person, the review panel on whether there are sufficient grounds is final and may not be further reviewed.
- 3.5. If the President and/or Executive Director (or their designate) is of the view there are insufficient grounds for a review, it shall notify the appellant of this decision in

- writing, providing reasons. If the review panel is of the view that there are sufficient grounds for a review, it shall schedule a hearing.
- 3.6. A review panel shall conduct a hearing in such manner as it thinks appropriate in the circumstances, provide that:
 - 3.6.1. The hearing shall be held within fourteen (14) days of the review panel's appointment;
 - 3.6.2. The complainant and respondent shall be given seven (7) days notice of the date, time and place of the hearing;
 - 3.6.3. A quorum shall be all three review panel appointees;
 - 3.6.4. A decision of the review panel shall be by majority vote;
 - 3.6.5. Copies of any written documents which either the complainant or respondent wish to have the review panel consider shall be provided to the other party and to the review panel at least two (2) days prior to the hearing, provided that a rebuttal document shall be delivered as soon as feasible following receipt of the document being rebutted;
 - 3.6.6. The complainant and the respondent may be accompanied by a representative or advisor, although the representative/advisor is an observer only.
 - 3.6.7. The review panel or either party may request that any other person may participate and give evidence at the hearing.
 - 3.7. Within five (5) days of concluding the hearing, the review panel shall deliver its written decision, with reasons. The review panel may decide:
 - 3.7.1. To set aside, vary or uphold the decision under review;
 - 3.7.2. To make any decision it feel the respondent should have made and/or
 - 3.7.3. To refer the matter back to the respondent for a new decision, correcting any errors that were made.
 - 3.8. The review panel is entitled to grant the following relief or impose the following penalties:
 - 3.8.1. A reprimand and/or warning;
 - 3.8.2. A demand that a person offer an oral or written apology to the appropriate person;
 - 3.8.3. A suspension;
 - 3.8.4. A demand that a person make restitution for any damage or costs caused;
 - 3.8.5. A recommendation to the directors that a member be expelled from the AMHA;
 - 3.8.6. The placement of a person on probation;
 - 3.8.7. A requirement that a person take remedial courses;
 - 3.8.8. Dismissal of a person from his/her position;
 - 3.8.9. A combination of any of the above; or
 - 3.8.10. Such other remedy or penalty considered appropriate in the circumstances.

- 3.9. A copy of the decision shall immediately be delivered to each of the parties and to the President.
- 3.10. If the circumstances of the dispute are such that this policy will not allow a timely review, the President (and/or his/her designate) may direct the timelines to be shortened. Should this be the case, the parties and the review panel are expected to make every effort to comply with the shortened timelines in order to conclude the review in a timely way.
- 3.11. If the circumstances of the dispute are such that an appeal cannot be concluded within the timelines set out in this policy, the President (or his/her designate) shall seek agreement from the parties to extend timelines.
- 3.12. The appellant shall have the right to decline a hearing in favor of a documentary review. In this event, the review panel shall request both parties to provide written submissions upon which the review panel make its decision.
- 3.13. The decision of the review panel in connection with the decision under review shall be final and binding and not open to any further review or appeal. However;
 - 3.13.1. If the decision of the review panel reaches a conclusion on an issue other than the decision under review, and
 - 3.13.2. If that conclusion has an adverse effect on any person (for example, if that decision imposes or recommends a penalty on one of the parties or third party), then that decision shall be deemed to be a decision subject to review under this policy.