

1.07 Dispute Resolution and Appeal Policy

Definitions

1. The following terms have these meanings in this Policy:

- a) *"Complainant"* – The individual alleging a complaint
- b) *"Days"* – Any day of the week, including weekends and holidays
- c) *"GO"* – Golf Ontario
- d) *"Individuals"* – All categories of membership defined in GO's Bylaws, as well as all individuals engaged in activities with GO including, but not limited to, athletes, coaches, managers, officials, parents, volunteers, and committee or board members of GO.
- e) *"Parties"* – The Complainant, Respondent, and any other Individual given status at the hearing of a complaint.
- f) *"Respondent"* – The Party against whom the complaint is alleged

Purpose

2. It is the policy of GO that procedures are available by which disputes or complaints which a Complainant may have with certain decisions, administrative or otherwise, of Golf Ontario can be addressed openly, promptly and fairly.

Application of this Policy

3. This Policy applies to all Individuals defined in the Definitions Section to disputes that may arise during GO's business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps and travel associated with GO. This Policy **does not** apply to any Association employees as such matters are governed by GO's policies that expressly apply to its employees.

The following decisions of the GO **will not** be subject to appeal under this policy:

- Decisions of the Board of Directors;
- Matters that are decided by and within the jurisdiction of the general membership of GO including enactment of and amendment of the By-Laws and election of Directors and Officers;
- Decisions made based on the Rules of Golf or the Rules of Amateur Status, each of which have their own appeal procedures that must be followed;
- Enactment of and amendment to or repeal of competition rules;

- Those decisions which are required of or imposed upon GO by outside authorities or agencies (e.g. Coaching Association of Canada, Canadian Centre for Ethics in Sport, World Anti-Doping Agency, Sport Dispute Resolution Centre, etc.);
- Disciplinary matters arising during events organized by entities other than GO, which are dealt with under the policies of the other entities;
- Volunteer appointments and the withdrawal of those appointments by the Board of Directors and its appointed committees;
- Matters of budgeting and budget implementation;
- Matters of operational structure, employment and staffing.
- Notwithstanding the foregoing, for any matters related to the Athlete Assistance Program Nomination or de-carding, all appeals must follow the Policies and Procedures of the MTCS Quest for Gold OAAP Program. A full description of the Program Objectives and Appeal Policy is located at <http://gao.ca/supporting-the-game/financial-assistance/athlete-assistance/>

Disputes arising within the business, activities, or events organized by entities other than GO will be dealt with pursuant to the policies of the other entities.

Appeal Process and Timelines

4. Any Individual who wishes to appeal a decision will have fifteen (15) days from the date the decision was announced by GO, to submit a Notice of Appeal addressed to:

Golf Ontario
P.O. Box 970
Uxbridge, Ontario L9P 1N3
Attn: Executive Director

Notice of Appeal

5. The Notice of Appeal must:
 - a) be signed by the complainant;
 - b) state whether all or only part of the decision is being appealed;
 - c) state the grounds upon which the appeal is based; and
 - d) be accompanied by a two hundred dollar (\$200.00) fee, payable to Golf Ontario (which fee shall be refunded only if the appeal is successful).

Within three (3) days of receipt of a Notice of Appeal, the GO Executive Director will advise the Chair of the Appeals Panel of the Notice of Appeal and will forward it with a certification that the requirements of the Notice of Appeal, as stated above, have been complied with and shall acknowledge receipt of the Notice of Appeal to the Complainant.

The Chair shall inform the Complainant of the process and anticipated timelines for the Appeal.

Composition of Appeals Panel

6. An Officer of Appeals shall be appointed by the President and approved by the Board of Directors of GO annually.

Dispute Resolution and Mediation

7. Before any complaint proceeds to a formal stage, it will first be referred to GO Executive Director, if the dispute directly involves the Executive Director an Association delegate will be appointed with the objective of resolving the dispute via alternate dispute resolution (ADR) and/or mediation. All complaints will be addressed within 15 days of receipt.

Procedure for the Appeal

8. Upon receipt of a Notice of Appeal, the Officer of Appeals shall:
 - Review the grounds upon which the appeal is based and determine whether it warrants a hearing;
 - If a hearing is granted, the Officer of Appeals shall:
 - select members of the Appeal Panel;
 - Make a ruling as to whether or not the Complainant may or may not continue to take part in the activities of GO until the decision of the Appeals Panel is rendered;
 - Take such action as may be required to ensure that the hearing takes place as soon as reasonably possible, whether in person or by telephone conference call; and
 - Notify within fifteen (15) days of the receipt of the Notice of Appeal, by the quickest means possible (whether by telephone, fax, email, or otherwise), the Complainant, GO and all interested parties given status to the appeal, as determined below, of the date, time, and location of the hearing; and confirm such details in writing if communicated by phone or in person.

The procedure under which the hearing is conducted shall be as follows:

- The Complainant and GO shall have status at the hearing, as of right, and all other parties wishing status at the hearing of the appeal shall request same from the Appeals Panel, who shall determine such status;
- To the extent possible, the hearing shall be open to all parties granted status by the Appeals Panel following rules determined by the Officer of Appeals;
- At least three (3) days prior to the date of the hearing, the Complainant, GO and all parties granted status at the hearing shall all each send to all the others and to the members of the Appeal Panel a written statement of their version of the facts relating to the appeal and any written submissions they wish to make;
- The Complainant may then appear at the hearing, in person and/or by representative and all other parties with status may also appear at the hearing in person and/or by representative and GO may appear by one or more representatives;
- All Parties shall have the opportunity for rebuttal of other parties' submissions prior to or during the hearing;
- The Complainant may request that the appeal hearing be carried out by a telephone conference call and all other parties granted status may also request they be heard by a telephone conference call;
- The Complainant may request that the appeal hearing be carried out on the basis of the written submissions and all other parties granted status may also request that they be heard by written submissions.
- The Appeals Panel shall have the opportunity to examine or hear such evidence as it requires, and it may call upon any other person or representative of any organization to address it on any aspect of a matter before it;
- No formal procedure shall be followed at the hearing, but all of the Parties shall be given, in the opinion of the Appeals Panel, a fair and reasonable opportunity to be heard;

- Notwithstanding the above, the Complainant shall present his/her evidence first at the hearing before any other parties do so. The order of the evidence of the other Parties shall be determined by the Appeals Panel.
- The costs and expenses incurred by any party shall be borne by that party unless the Appeals Panel rules otherwise.

Appeals Decision

9. The Appeals Panel shall render a written decision within ten (10) days following the conclusion of a hearing and shall deliver a copy of same to the Complainant, to the Executive Director of GO and to any other parties granted status in the matter. The Appeals Panel shall have the authority to issue a verbal or summary decision where time is of the essence with the written decision to follow.

The decision of the Appeals Panel shall be final and binding subject to the right of the Complainant, GO and any party granted status in the matter to seek a review of such decision pursuant to the alternate dispute resolution services of the Sport Dispute Resolution Centre of Canada.

Modification of Criteria

10. This policy may be revised at any time at the discretion of GO.