



Alberta Rugby Union

11759 Groat Road
Edmonton, AB T5M 3K6

Alberta Rugby Union

Dispute Resolution and Appeals Policy

Effective Date: October 1, 2018

Board Approved:





1. Policy Objective

The purpose of this policy is to resolve disputes of any nature between Rugby Alberta and its Sub-Unions, Member Clubs and Registered Members and, in the case of membership denial or revocation, Non-registrants, using techniques of Alternate Dispute Resolution (ADR), thus avoiding the need to resort to litigation. As a condition of membership and affiliation with Rugby Alberta, all sub-unions, member clubs, and registered members agree to abide by the provisions and jurisdiction of this policy.

2. Policy Statement

Rugby Alberta is committed to observing the rules of natural justice in all cases that will affect one of the parties involved. Rugby Alberta will:

- Assign a Case Manager, responsible for implementing this policy and handle all administrative aspects. The Case Manager may be a Rugby Alberta employee or external service provider;
- Inform the defending parties of the facts on which any decision will be based on, so that the defendant can prepare a defense;
- Give the defending party sufficient time to prepare such defense;
- Notify the relevant parties of the time, date and location of the hearing;
- Inform the defending party of any documents in the possession of the other party;
- Allow the relevant parties to present evidence by any means deemed appropriate to the case at issue, including the right to be represented by counsel or by any other representative authorized by the party.
- Uphold the right to a fair hearing process; and
- Ensure that all parties are protected against any conflict of interests of the decision makers.

3. Application

This policy covers all governance, strategic, operational and financial policies and procedures of Rugby Alberta.

4. Accountability

This policy applies to all Members of Rugby Alberta, including Board Members, Members of Staff, Committee Members, Rugby Alberta Working Groups as well as any member, contractor or volunteer that is acting on behalf of Rugby Alberta, sub-unions, or member clubs.

5. Supporting Policies

Rugby Alberta Member Code of Conduct
Rugby Alberta Bylaws
Rugby Alberta Rules & Regulations





6. Policy Implementation

- 6.1 A claim may be initiated under this policy by completing the prescribed form and submitting it to Rugby Alberta along with the prescribed fee.
- 6.2 Any such claim under this policy, 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.
- 6.3 The Case Manager will receive the form and will determine, in their sole discretion, if the dispute is to be dealt with under this policy. In making this determination, the Case Manager may consult with a Dispute Resolution Officer.
- 6.4 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 Rugby Alberta. The Case Manager, 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.
- 6.5 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.
- 6.6 Where additional parties are identified, they will participate in the proceedings of this policy only to the extent determined by the Case Manager.

7. Mediation

- 7.1 Upon receiving a claim, the Case Manager 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 Rugby Alberta's Roster of Dispute Resolution Officers who is appointed by the Case Manager.
- 7.2 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 Rugby Alberta, to Rugby Canada, to any other entity, or to any Court. A copy of the mediation agreement is to be provided to the Case Manager.



8. Arbitration

- 8.1 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.
- 8.2 Upon confirmation by the Case Manager, 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. 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 submitted by the party or parties within the timelines established by the Case Manager.
- 8.3 Arbitration will occur before a Panel appointed by the Case Manager. The Panel will be composed of 1 to 3 individuals from Rugby Alberta'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.
- 8.4 The Panel will be provided with all the claimant's and respondent's written materials for review prior to scheduling the arbitration hearing.

9. Hearing

- 9.1 Rugby Alberta 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.
- 9.2 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.
- 9.3 The Panel may determine to decide the matter via documentary submissions alone.
- 9.4 The Case Manager will participate in the hearing and will assist the Panel in an administrative capacity.
- 9.5 The parties will be responsible for their own costs to prepare for and participate in the hearing. Rugby Alberta will be responsible for the costs of the Panel.
- 9.6 Should any party choose not to participate in the hearing, the hearing will proceed nonetheless.

10. Decision

- 10.1 The Panel may determine such remedy or remedies as it deems appropriate for the matter in dispute.
- 10.2 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.





- 10.3 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.
- 10.4 The Panel will remain seized of its decision and may be consulted by the parties or Rugby Alberta on interpretation or implementation of its decision.
- 10.5 The Panel will determine whether or not to refund all or a portion of the claimant's fee, The Panel's decision will be binding on the parties and on Rugby Alberta and its Sub-Unions, Member Clubs and Registered Members and Non-Registrants where applicable, and may only be appealed on procedural grounds. Such grounds are strictly limited to the Panel:
- Making a decision for which it did not have authority or jurisdiction as set out in the policies of Rugby Alberta;
 - Failing to follow the procedures as set out in this Policy; or
 - Making a decision that was influenced by bias. Appeals on procedural grounds will be made to Rugby Canada, in accordance with their policies for appeals. There will be no further appeal to any other entity or any court.





11. Submitting an Appeal

An individual who wishes to appeal under this policy will submit a written Notice of Appeal to the Case Manager indicating his or her intention to appeal, his or her contact information, the reasons and grounds of the appeal, a summary of evidence to support the appeal, and the remedy requested. This notice must be submitted within 10 days of the Organization issuing its decision.

Decisions may only be appealed on procedural grounds, which are limited to the Organization:

- Making a decision for which it did not have authority or jurisdiction as set out in its governing documents;
- Failing to follow procedures laid out in its approved policies;
- Making a decision that was influenced by bias;
- Failing to consider relevant information or taking into account irrelevant information in making the decision; or
- Making a decision that was grossly unreasonable.

12. Receiving the Appeal

The Case Manager will review the Notice of Appeal and will decide if the appeal falls within the jurisdiction of this policy, is brought in a timely manner, and satisfies procedural grounds. If the Case Manager determines that the appeal may not proceed because it is not under this policy's jurisdiction, is not timely, or is without grounds, the parties will be notified in writing, stating reasons. There is no further appeal of this decision by the Case Manager.

13. Procedures

If the Case Manager is satisfied that the appeal may proceed, then a hearing before a Tribunal will take place.

The Case Manager will appoint a Tribunal, which will consist of a single Adjudicator who is not connected to the decision and who has expertise hearing and deciding appeals, to hear and decide the appeal.

14. Hearing the Appeal

The Hearing will be governed by the procedures that the Administrator and the Tribunal deem appropriate in the circumstances. The Tribunal will have authority to rule in the event of any dispute about procedure.





Alberta Rugby Union

11759 Groat Road
Edmonton, AB T5M 3K6

15. Decision

After the Hearing, the Tribunal will issue a written decision with reasons. The Tribunal may decide:

- To reject the appeal and confirm the decision being appealed; or
- To uphold the appeal, identify the error and refer the matter back to the Organization; or
- To uphold the appeal and vary the decision but only where the Tribunal has determined that the error or errors cannot be corrected by Rugby Alberta due to lack of clear procedures, lack of time, or lack of neutrality.

Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

16. The decision of the Tribunal will be final and binding upon the parties.

