
**Policies & Procedures
of the
Vancouver Thunderbird
Minor Hockey Association**

P-18

DISPUTE RESOLUTION POLICY

Date Revised:	June 2010	Revision No.:	2
---------------	-----------	---------------	---

1. Where appropriate, the VTMHA strongly encourages parties to a dispute to seek a resolution through direct discussion or through voluntary mediation and the exercise of common sense before resorting to the review procedures set out in this policy. This is particularly the case when the dispute arises between a player or parent / guardian and a coach or other team official.
2. Any member of the VTMHA or any member of a team playing under the auspices of the VTMHA (such member is in this policy called 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 called the “respondent”) shall have the right to request a review of that decision.
3. References in this policy to a complainant shall include at least one of the complainant’s parents or guardians where the complainant is a minor.
4. This policy shall not apply to matters relating to :
 - a) Policy P-9: Rep Player Selection;
 - b) Policy P-10: Rep Team Official Selection;
 - c) Policy P-16: Harassment and Abuse Policy;
 - d) Decisions of the PCAHA, BC Hockey or Hockey Canada; or
 - e) the rules of the game of hockey.
5. 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.
6. A review will only be undertaken if there are sufficient grounds. Sufficient grounds include circumstances in which the respondent:
 - a) Made a decision for which it did not have authority or jurisdiction as set out in the governing documents;
 - b) Failed to follow procedures as laid out in the bylaws or the policies or rules of the VTMHA;
 - c) Made a decision which was influenced by bias;
 - d) Failed to consider relevant information or took into account irrelevant information;
 - e) Exercised its discretion for an improper purpose;
 - f) Made a decision which was patently unreasonable or that had no evidentiary basis; and / or
 - g) Imposed a penalty which was unduly harsh in all the circumstances.

7. Within five (5) days of receiving notice of a request for review, the President (or his / her designate) shall appoint three persons to constitute a review panel in accordance with the following:
 - a) 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;
 - b) Where feasible, at least one of the review panel members shall be from among the appellant's peers;
 - c) Where feasible, and subject to subparagraph 6 a), the appellant shall be given the opportunity to recommend one of the review panel members; and
 - d) At the time of appointment, the President (or his / her designate) shall designate one member of the review panel as chairperson.
8. Notwithstanding the previous paragraph, if at the time of delivering the notice of intention to seek review, the appellant advises the President (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 (or his / her designate) are able to agree on that single person, the review panel referred to in this policy shall be comprised of that single person.
9. Within seven (7) days of its appointment, the review panel shall review the notice of appeal and shall decide whether or not there are sufficient grounds for the appeal. The decision of the review panel on whether there are sufficient grounds is final and may not be further reviewed.
10. If the review panel is of the view that 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.
11. A review panel shall conduct a hearing in such manner as it thinks appropriate in the circumstances, provided that:
 - a) The hearing shall be held within fourteen (14) days of the review panel's appointment;
 - b) The complainant and respondent shall be given seven (7) days notice of the date, time and place of the hearing;
 - c) A quorum shall be all three review panel appointees;
 - d) A decision of the review panel shall be by majority vote;
 - e) 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;
 - f) The complainant and the respondent may be accompanied by a representative or advisor; and
 - g) The review panel or either party may request that any other person may participate and give evidence at the hearing.

12. In order to keep costs to a minimum or to convenience either of the parties, the hearing may be conducted by means of a telephone conference call.
13. Within five (5) days of concluding the hearing, the review panel shall deliver its written decision, with reasons. The review panel may decide:
 - a) To set aside, vary or uphold the decision under review;
 - b) To make any decision it feels the respondent should have made; and / or
 - c) To refer the matter back to the respondent for a new decision, correcting any errors that were made.
14. The review panel is entitled to grant the following relief or impose the following penalties:
 - a) A reprimand and / or a warning;
 - b) A demand that a person offer an oral or written apology to the appropriate person;
 - c) A suspension;
 - d) A demand that a person make restitution for any damage or costs caused;
 - e) A recommendation to the directors that a member be expelled from the VTMHA;
 - f) The placement of a person on probation;
 - g) A requirement that a person take remedial courses;
 - h) Dismissal of a person from his / her position;
 - i) A combination of any of the above; or
 - j) Such other remedy or penalty considered appropriate in the circumstances.
15. A copy of the decision shall immediately be delivered to each of the parties and to the President.
16. If the circumstances of the dispute are such that this policy will not allow a timely review, the President (or his / her designate) may direct that the timelines 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.
17. 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 the timelines.
18. The appellant shall have the right to decline a hearing in favour of a documentary review. In this event, the review panel shall request both parties to provide written submissions upon which the review panel shall make its decision.
19. 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:
 - a) If the decision of the review panel reaches a conclusion on an issue other than the decision under review, and
 - b) 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 a third party),
then that decision shall be deemed to be a decision subject to review under this policy.