



NWT Soccer Association Dispute Resolution Policy

This policy allows for two committees to be established:

The responsibilities of the **Investigation Committee** are:

- 1) To gather information relating to disputes;
- 2) To take any practical steps that may resolve disputes without the need for a hearing; and,
- 3) When a hearing is necessary, to fairly present all relevant information to a Hearing Committee by means of evidence acceptable to the Hearing Committee.

The responsibility of the **Hearing Committee** is to provide a fair hearing. Characteristics of a fair hearing include:

- 1) Notice of the hearing;
- 2) Knowledge of the case to be met;
- 3) A right to hear or see all information provided to and considered by the arbitrator;
- 4) An opportunity to provide information and arguments;
- 5) If an oral hearing is conducted (rather than a hearing based solely on written submissions and documents), the right to question witnesses;
- 6) Unbiased arbitrators who will hear and consider all relevant information.

1. Dispute Resolution Bodies

1.1 Investigation Committee

- 1) The Investigation Committee is established consisting of a Chairperson and such other persons as the chairperson may appoint.
- 2) Members of the Board and staff are not eligible to be a member of the Investigation Committee.

1.2 Hearing Committee

- 1) The Executive Director, upon receipt of a report from the Investigation Committee which recommends that a hearing be conducted, shall appoint a Hearing Committee consisting of one or three persons.
- 2) Members of the Investigation Committee and members of the Board and staff are not eligible to be appointed as a member of the Hearing Committee.



If the Executive Director considers it appropriate to do so, the Executive Director shall appoint to the Hearing Committee a person nominated by each party to the dispute.

2. Misconduct

2.1 Any matter, conduct or thing, whether or not disgraceful or dishonorable, is misconduct if:

- 1) It is contrary to the best interests of NWTSA or of any participant (player, coach, official or spectator).
- 2) It is contrary to the Bylaws and policies of NWTSA.
- 3) It is contrary to any Code of Conduct established by NWTSA.
It is a failure to comply with an order pursuant to this Dispute Resolution Policy.

3. Procedures for Conducting an Investigation

3.1 Complaints must be made to the Executive Director within two weeks of the incident.

3.2 The Executive Director may extend the time for submission of a complaint, notwithstanding the expiration of the timeline in 3.1 of this policy, for good and sufficient cause.

3.3 The complaint must be stated in writing.

3.4 The following matters shall be referred to the chairperson of the investigation committee:

- 1) A complaint alleging that a player, team, coach, official, parent/guardian or spectator is guilty of misconduct.
- 2) On the request of the Board, any incident in which misconduct may have occurred.
- 3) A complaint relating to team selection.
- 4) Any other request for resolution of a dispute arising from or relating to the activities of the organization.

3.5 If the Chairperson of the Investigation Committee is satisfied that the complaint is not valid or the alleged instance of misconduct is trivial, frivolous, or vexatious in nature, the Chairperson shall advise the complainant and thereafter shall take no further action in relation to that complaint.



3.6 Where the Chairperson has not dismissed a complaint pursuant to 3.5, the chairperson may designate one or more individuals to serve on the Investigation Committee and designate him/herself or another member of the committee as the lead investigator of the complaint or incident.

3.7 The Investigation Committee:

- 1) Review the complaint or the request
- 2) Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:
 - a. Sending a copy of summary of the complaint to those named in the complaint, those making the complaint or to any witnesses with a request that they respond in writing to the allegations by a date set by the investigator;
 - b. Communicating with or interviewing persons involved in the incident or whose conduct is the subject of the complaint; and
 - c. Communicating with or interviewing other persons who may have relevant information.
- 3) Extend the committee to include misconduct in any other incident that comes to the attention of the investigator in the course of the investigation.
- 4) When practical to do so, encourage the parties to resolve the dispute directly.
- 5) With the agreement of the parties, arrange mediation of the dispute.

3.8 On completion of the investigation, the chairperson shall make a written report to the Executive Director recommending:

- 1) That no further action be taken with respect to the matter investigated because:
 - a. The matter has been resolved between the parties;
 - b. No further action is warranted on the facts of the case.
- 2) That the Executive Director appoints a Hearing Committee to resolve the dispute or to hear the charges, as the case may be.

4. Interim suspension of member

4.1 In cases of alleged serious misconduct or if there is a risk of physical or emotional harm to other persons, the Investigation Committee may submit written reasons to the Executive Director recommending that, pending the outcome of an investigation, a player, team, coach, official, parent/guardian or spectator under investigation:

- 1) Be suspended from participation during the course of the investigation, or
- 2) Be allowed to continue participation subject to conditions or restrictions.



4.2 Upon receiving the written recommendations of the Investigation Committee, the Executive Director shall:

- 1) If satisfied that continued participation is inappropriate in the circumstances, may order suspension of involvement in organization activities or impose other less restrictive conditions pending the recommendations of the Hearing Committee.

5. Acting upon the Investigation Committee

5.1 If the Investigation Committee recommends no further action on a complaint, the Executive Director shall provide a copy of the Investigation Committee's reasons for that recommendation to the person or person(s):

- 1) Whose conduct is the subject of the complaint, and those
- 2) Who initiated the complaint

5.2 If the Investigation Committee is of the opinion that a Hearing Committee should be appointed, the Executive Director shall appoint a Hearing Committee.

5.3 The Executive Director shall report a decision not to appoint a Hearing Committee to the next meeting of the Board.

6. Hearings

6.1 In disputes of a nature that the Hearing Committee considers to be minor, the hearing may be conducted in writing. The parties shall be:

- 1) Informed that a Hearing Committee has been established;
- 2) Provided with a copy of the recommendation from the investigation committee respecting the dispute to be heard;
- 3) Provided with a copies of the *Dispute Resolution Policy*;
- 4) Invited, within a time specified by the committee, to make written submissions of any information or arguments relevant to the deliberations of the committee;
- 5) Informed of the findings of the Hearing Committee.

6.2 If the Hearing Committee does not consider the dispute to be minor, the parties shall have a right to be heard in person:

- 1) A member of the committee shall act as Recording Secretary, or a non-voting Recording Secretary (not a member of the committee) shall be appointed to be present for the whole hearing;
- 2) A Hearing Committee shall have no less than three members, one of whom shall act as Chairman;



- 3) The report provided to the Club, League, or Association having jurisdiction shall be regarded as that individual's affidavit to the Hearing Committee.
- 4) The presence of the game officials is not required at any hearing unless the accused desires this and then only on the condition that the accused shall notify the Association of his/her wishes and pay in advance of such attendance all related expenses incurred by said officials;
- 5) An accused may be accompanied by legal counsel only with the permission of the Association, or Club or League in Membership with jurisdiction over the discipline;
- 6) The accused, or his/her accredited representative, shall be present, or the hearing shall not proceed and be adjourned;
- 7) Failure to appear at the hearing when due notice has been given shall result in suspension of the accused until s/he requests in writing and attends another hearing;
- 8) A request for a hearing under 6) shall be accompanied by a non-refundable fee of \$100.00, in the form of a certified cheque or money order;
- 9) Postponement of the hearing may be granted by the Hearing Committee on terms published in advance of the hearing.

6.3 Timelines and Notices:

- 1) Any person or organization accused of misconduct shall be given a least ten (10) working days notice of any scheduled hearing into the allegation. A copy of such notice shall also be sent to the organization if the person is one of their registered Members or is their official representative;
- 2) Any person or organization shall be given at least ten (10) working days notice of any scheduled hearing, if their presence is required by a Hearing Committee;
- 3) Requests for postponement of a hearing scheduled by the Association must be received by the Association at least five (5) business days prior to the date of the hearing, accompanied by \$50.00 CDN in the form of a certified cheque or money order, which shall be refunded if the request is denied;
- 4) Investigation report shall be provided within _____ days and no longer than 20 days after the incident in cases where an accused stands suspended pending a hearing, or for any hearing, the date of the hearing shall be set after fifteen (15) working days of the receipt of the investigation report within 10 working days of the previously scheduled hearing, and for a date no later than twenty five (25) working days of the receipt of the misconduct report or previous hearing;
- 5) The decision of the hearing committee result of any hearing shall be sent to the accused no later than fifteen (15) working days after the hearing and to any Club or League in Membership in which the individual is a Member.



6.4 Procedure:

With all required person present, the hearing shall proceed as follows:

- 1) The Chairman shall read the report and state the charge;
- 2) The written submissions shall be given the opportunity to amplify or qualify the report(s);
- 3) The accused shall be allowed to ask relevant questions of the author of the report if s/he is present or to make submissions on the report and testify on his/her own behalf;
- 4) The investigation committee and the accused, shall have the opportunity to call witnesses to the incident;
- 5) The Chairman and any Hearing Committee member may question the accused or any witness;
- 6) The person(s) writing the report, and the accused, shall be allowed to make final summations before withdrawing;
- 7) The Hearing Committee shall consider the report and any further evidence provided, and shall either decide on the case, or adjourn the hearing;
- 8) The accused shall be notified in writing of the result of the hearing.

7. Disciplinary Powers

7.1 Where the Hearing Committee finds a person guilty of misconduct, it may make one or more of the following orders, in writing:

- 1) An order that the person(s) be expelled from the organization
- 2) An order that the person(s) be suspended from the organization for a specified period
- 3) An order that the person(s) be suspended pending the satisfaction and completion of any conditions specified in the order
- 4) An order that the respondent may continue to participate only under conditions specified in the order
- 5) An order reprimanding the respondent
- 6) A fine of up to a maximum of \$1000 payable to the Association
- 7) Any other order that the Hearing Committee considers just.

7.2 In making an order the Hearing Committee shall take into consideration:

- 1) Personal circumstances including the age and maturity of the person(s)
- 2) The nature of the misconduct;
- 3) Any information which, in the opinion of the committee is reliable and relevant to the determination of an appropriate order, including



- a. previous misconduct of the respondent, regardless of whether or not that misconduct was the subject of discipline the character of the respondent

8. Deference to Other Authorities

8.1 Where the Executive Director, Chairperson of the Investigation Committee or the Chairperson of the Hearing Committee believes that the person(s) whose conduct is being investigated may be guilty of a criminal offence, that person may refer the matter to an appropriate authority.

9. Appeal to the Committee

9.1 A person(s) may appeal the decision or any order of the Investigation Committee or the Hearing Committee to the Executive Director by serving a written notice of appeal within 10 (ten) working days after receipt of the said decision setting out:

- 1) The decision sought to be appealed;
- 2) A copy of the 'Statement of Facts' document; and
- 3) The submission must state the Rule or Regulation that has been contravened and setting out clearly in what respect the decision is alleged to be wrong.

9.2 Along with the written notice a certified cheque or money order payable to the Association, in the amount of \$100.00 CDN for individuals, or \$250.00 CDN for organizations must be submitted.

9.3 The Executive Director shall not participate in the hearing of an appeal.

9.4 No Board member shall participate in the hearing of an appeal if:

- 1) The Board member has a real or perceived conflict of interest or
- 2) If there is any reasonable basis on which it may appear that the Board member may have a conflict of interest or may be biased.

9.5 The participation by a Board member in any step of the investigation or hearing process prior to the hearing of the appeal shall be deemed to create the appearance of a bias.

9.6 If all Board members are unable to participate in the hearing of the appeal, the Board shall appoint a committee of not more than three persons to review the appeal.

9.7 On reviewing an appeal the appointed committee may:

- 1) Dismiss the appeal



- 2) Quash the finding of guilt
- 3) Direct further inquiries by the investigation committee or appoint a new investigation committee to reinvestigate the matter
- 4) Direct a new hearing or further inquiries by the hearing committee or appoint a new hearing committee to rehear the matter

10. Effect of Expulsion or Suspension

10.1 When a person(s) is expelled or suspended from the organization pursuant to the policy, that person(s) is not eligible to serve any function within the organization or attend any organization activities.

11. Reinstatement

11.1 A person who has been expelled may apply in writing to the Board for reinstatement.

11.2 Subject to the Bylaws, on receipt of an application of reinstatement the Board shall review the application and, if in the opinion of the Board the application disclosed information which may justify reinstatement, the Board may investigate and consider the application by taking any steps it considers necessary.

11.3 On completion of its review, the Board may:

- 1) Where it is satisfied that the person's subsequent conduct and any other facts warrant reinstatement, direct that the person be reinstated under any terms and conditions that the Board considers appropriate.
- 2) Refuse to reinstate the person.

12. Conflict of Interest or Bias

12.1 In the event that any member of either the Investigation Committee or the Hearing Committee, other than one nominated by the parties, has a conflict of interest or is biased, that person shall declare the conflict or bias and the Executive Director shall appoint a replacement.

13. Records and Use of Decisions

13.1 The NWTSA shall maintain a record of all decisions of Investigation Committee and future committees are not bound by this precedent.



13.2 Parties involved in discipline process should have the right to obtain relevant information.

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