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Dispute Resolution Policy

Introduction:

The Rep Division and Select Division members of Baseball Ontario act in accordance with their respective Constitutions and Bylaws. These respective governance systems will determine how the member Affiliates and Local Associations will manage their dispute resolution processes. The majority of disputes are handled in this context and are resolved without involvement of Baseball Ontario.

Baseball Ontario becomes involved with the resolution of disputes that arise in the following general ways;

- a) The dispute relates to a release appeal decision of a Rep Affiliated Association. The process to resolve this type of dispute is detailed in the OBA Constitution and Bylaws Section P1.5.
- b) The dispute arises from a decision of the OBA, in which case the decision may be dealt with via the President's Appeal process described in the OBA Constitution and Bylaws Section 1.10.
- c) Any fine issued by Baseball Ontario may be appealed to the Technical Committee under the OBA Constitution and Bylaws Section 3.02.

NOTE:

- 1) Decisions made by the Rep Division and Select Division members are not generally appealable to Baseball Ontario. However, if a member requests that Baseball Ontario uphold their decision, the resulting decision of the OBA becomes subject to the President's Appeal process. The President may refer such appeal requests to the Technical Committee for resolution.
- 2) Decisions made by umpires and tournament convenors during sanctioned games and tournaments are not appealable to the OBA. However any fines, or disciplinary action taken by the OBA as a result of involvement with the games/tournaments may be appealed to the Technical Committee as they represent OBA decisions.

Baseball Ontario provides two forms of Dispute Resolution.

- 1) *Adjudication* – where a neutral panel decides the outcome of the dispute. This is the most common method of dispute resolution used by Baseball Ontario and its Rep Division and Select Division members.
- 2) *Mediation* – where a neutral certified mediator assists two or more parties to overcome their barriers to reach a mutually negotiated agreement.

Adjudication:

Adjudication will be used in any disciplinary case where the rules of the organization, and/or the game appear to have been broken.

The regulations outlined in the official rulebooks, local policies and amendments, which govern the play of the game, state that certain actions can result in specific penalties.

Adjudication of any specific rule infraction shall rest with the Rules Committee of that division.

If there is no Rules Committee a panel shall be struck by the chair, to consist minimally of an umpire, a neutral peer coach and a neutral member of the Rules Committee.

This sub-committee shall review the infraction in keeping with the attached format and present a finding to the Rules Committee with notification to the Executive.

There is no appeal process.

Adjudication of policy, rule and/or guideline shall rest with the Disciplinary Committee. A panel shall be struck by the Chair of the Disciplinary Committee to investigate all allegations. The sub-committee shall include the minimum of: one peer coach, one level II umpire and a neutral member of the committee.

Notification of charges shall be immediately forwarded to the person (s), club, association and any others named in the charges.

The Disciplinary sub-committee shall set place and time for a hearing, with consideration to meeting all the requirements of all parties.

The Sub-Committee may call for written affidavits, witnesses and competent authorities to attend the committee on the designated date.

Those charged may also bring witnesses, authorities and present affidavits to the sub-committee on the date and time set out.

No Witnesses and / or authorities shall be present at the hearing until they are called and have testified.

The sub-committee shall spend the allocated time to hear all sides in the dispute and will retire to deliberate their conclusions.

A ruling may be arrived at by a simple majority of the sub committee

A decision or ruling must be presented to all parties and the Executive within 7 days of the hearing

Any hearing that cannot reach a decision will be deemed in favour of the defense and all punitive measures or restrictions shall be removed immediately from the accused party.

An appeal process can be followed in which the aggrieved party may appeal to the President of the organization showing that new information has surfaced that would have a bearing on the outcome of the ruling.

The President has the prerogative to call the Adjudication Panel back into existence to hear the new information and ask for them to consider their ruling.

Appeals must be requested within 20 days of a ruling.

An appealed ruling may only be exercised once.

Mediation:

Baseball Ontario has now the capabilities of offering Mediation in the case of a Dispute Resolution. A Certified Mediator has been retained to facilitate those requests.

Mediation may be considered in cases of problems or issues between clubs, organizations, parents, coaches, players and / or officials. Mediation is only applicable in non-game rule situations and must be requested by the parties.

Mediation may take the form of conciliation mediation, councilor mediation, or full press service.

There is no cost to this service, but be aware that the requesting parties must provide the location as per the specifications of the mediator.

Representation:

Hearings provided by Baseball Ontario provide the opportunity for the appellant and the respondent to represent themselves, or be represented by Legal Counsel at the sole discretion of the parties involved.

Witnesses may be allowed to attend the hearing at the sole discretion of the hearing chairperson.

Written submissions are permitted. All written submissions are provided to hearing panel members, the appellant and respondent (and their Legal Counsels).

Confidentiality:

All written submissions, and hearing decisions are treated as confidential. These documents are provided only to the panel members, the appellant, the respondent (and their respective Legal Counsels), the President of Baseball Ontario, and the OBA office for their records.

Reviewed by:

Date	Name	Role	Comments
9-Feb-17	Allan Ebert	Technical Chair	Bi-annual review