

MUAYTHAI ONTARIO

Muaythai Ontario

Dispute Resolution Policy

Revised: July 15, 2019





OVERRIDING PRINCIPLE

This Policy addresses the manner in which disputes involving Muaythai Ontario (“MTO”) members shall be resolved. This Policy provides recourse to parties who have been adversely affected by MTO decisions on valid grounds and represents MTO’s commitment to treating all MTO members equally with fairness and respect.

The principles of fairness and natural justice apply to all parties, and MTO remains committed to dealing with complaints in a transparent and timely manner.

GENERAL DISPUTE RESOLUTION PROCESS

ART. 1

1. The MTO Dispute Resolution Process relates to matters, disputes and complaints brought by MTO members against the MTO, it’s Board of Directors, agents, employees or assigns.
2. A dispute may involve but is not limited to:
 - a. matters regarding funding;
 - b. contracts or agreements entered into by MTO; and
 - c. provincial team selections.
3. The matter, dispute or complaint must relate to some conduct, action or omission of MTO, it’s Board of Directors, agents, employees or assigns, which has contravened the MTO By-Laws, Code of Conduct, Regulations or Policies.
4. All complaints shall be heard by the Dispute Resolution Committee.
5. A quorum of the Dispute Resolution Committee shall be a three member panel.
6. All decisions of the Dispute Resolution Committee shall be made by majority.
7. The Dispute Resolution Committee hearings shall be confidential and heard in camera.
8. The affected parties shall be present at the hearing to give evidence, present their case and answer any questions posed by the Dispute Resolution Committee.
9. The affected parties may be accompanied to the hearing by a representative or adviser.
10. The Dispute Resolution Committee shall inform all of the affected parties of the date and location of the hearing at least 14 days prior to the date of hearing.
11. Within 14 days of the hearing, the Dispute Resolution Committee shall present its findings in a written decision to the MTO Board of Directors. The decision shall include:
 - a. the Committee’s findings of fact;
 - b. a determination as to whether any party acted unfairly; and
 - c. a recommendation to resolve the dispute in issue if necessary.
12. A copy of the Dispute Resolution Committee’s decision shall be forwarded to the affected parties without delay.
13. In determining how to resolve the dispute the Committee shall consider:
 - a. the nature of the dispute;
 - b. the potential harm to which the parties were exposed;
 - c. the manner in which a party may be compensated for any loss.
14. Where a final decision has been rendered regarding a dispute no further action may be taken by the complainant, and the complainant shall be barred from re-filing the same complaint.
15. Once a final determination is made, however, the complainant or respondent may file an appeal of the complaint with the MTO Appeal Panel for final determination.

Alternatively, upon agreement of all of the parties the complaint may be referred on mutual consent to an independent third party arbitrator for resolution.



GENERAL APPEAL PROCESS

ART. 2

1. An affected individual has the right to appeal the decision of the Dispute Resolution Committee by filing a Notice of Appeal and Grounds for Appeal. A Notice of Appeal and Grounds For Appeal must be filed within 14 days of the party receiving the Dispute Resolution Committee's decision.
2. The permissible grounds for appeal are:
 - a. the Dispute Resolution Committee did not follow the procedures laid out in this Policy;
 - b. the members of the Dispute Resolution Committee were biased; or
 - c. the Dispute Resolution Committee reached a decision that was grossly unfair or unreasonable.
3. In the event that a Notice of Appeal is filed, the MTO Board of Directors shall appoint a separate 3 person Appeal Board.
4. The Appeal Board must not have heard, or had any previous involvement with, the matter in dispute.
5. The Appeal Board shall base its decision solely on a review of the documentation regarding the complaint, including the statements made before the Dispute Resolution Committee and the Notice of Appeal.
6. The Appeal Board, within 14 days of its appointment shall present its findings in a report to MTO Board of Directors. The Appeal Board shall have the authority to uphold a decision of the Dispute Resolution Committee, to reverse the Dispute Resolution Committee's decision and/or modify any of the Dispute Resolution Committee's recommendations.
7. A copy of the Appeal Board's decision shall be provided, without delay, to all of the parties involved.

PROTESTS OF A CONTEST DECISION

1. A protest must be verbally lodged by the coach of an athlete within thirty (30) minutes after the decision has been announced, followed by a written/electronic protest provided to the Chief Official(s).
2. The Chief Official(s) shall review the officials' scorecards to check for mathematical or technical errors to determine whether a protester has made out a preliminary case for review or there is a need for further review.
3. Where the Chief Official determines that there is sufficient grounds for review, the Chief Official shall refer the matter to the Contest Review Panel for a determination as to whether the contest decision will be upheld or overturned.
4. Where the Contest Review Panel agrees to review the decision, the protester must submit the fee of \$300 CAD to Muaythai Ontario within 24 hours.
5. If the protest is granted and the decision overturned, the money will be refunded with a deduction of \$100 CAD as an administration fee.
6. If the decision is upheld, the protest fee will not be refunded and will remain with MTO.
7. Grounds for the review or overturning of a contest decision shall include:
 - a. negligence of the judges; or
 - b. referee negligence
8. The Contest Review Panel shall be comprised of 3 MTO Officials who were not initially responsible for judging the contest in question.
9. A quorum of the Contest Review Panel shall be 3 members.
10. The Contest Review Panel decisions shall be made by majority.
11. The Contest Review Panel shall review the contest, including reading the scorecards, reviewing contest footage and reviewing the written representations of the protester and any other affected parties.
12. All reviews conducted by the Contest Review Panel are confidential.