



**POLICY ABOUT RESOLUTION OF PROBLEMS, ISSUES, CLAIMS AND DISPUTES**

Draft Date: April 29<sup>th</sup> 2015

**Accountability:** Sick Cell Disease Association of Canada  
**Responsibility:** Chair of the Board  
**Approver:** Sick Cell Disease Association of Canada- Board  
**Note:** Taken from the Board Policies

**Approval date:**  
**Current Revision:** March 3<sup>rd</sup> 2017  
**Review:** As necessary

All problems, issues, claims, and disputes (hereinafter collectively referred to as a *dispute*) between member organizations or between a member organization and the Association must be in writing (referred to as a *notice*) to the executive committee of the Board of Directors. The notice must include all the documents necessary to substantiate the dispute.

The executive committee shall provide a written decision regarding any notice to the involved parties within sixty (60) days of actual receipt of the notice, or may request, in writing, within forty-five (45) days of actual receipt of the notice, any additional documentation relating to the provided, pursuant to the mutual agreement of the executive committee and the party(ies) involved. The executive committee's written decision to the notice, as further documented, will be provided to the involved parties within forty-five (45) days of actual receipt of the further documentation.

If the Association is not a party of the dispute, the executive committee, as part of its decision, may choose not to be involved in the dispute and instead refer the dispute to be resolved between the interested parties in any state forum that has jurisdiction over the dispute.

If any party involved in the dispute does not accept the executive committee's written decision, or if the executive committee fails to respond within the time prescribed, any involved party may notify the executive committee, in writing, either within twenty (20) days of the executive committee's mailing of the written response, or within twenty (20) days of the executive committee's failure to respond within the time prescribed, and demand an informal conference to meet and confer the settlement of the issues in dispute.

Upon demand, the executive committee will schedule a meet and confer conference within thirty (30) days for settlement of the dispute. The meet and confer conference may, in the sole discretion of the executive committee, be a telephonic conference.



If following the meet and confer conference, the dispute or any portion of the notice remains in dispute, any involved party may submit a written notice to the Board of Directors. Subsequent to the receipt of the notice, the Board of Directors will render a decision no later than fifteen (15) days following the next regularly scheduled Board of Directors' meeting. The decision of the Board of Directors will be final.

Failure of a member organization to participate in the fact-finding process or failure to comply with the decision of the Board of Directors will lead to termination of membership in the Association. Prior to termination, the member organization has the right to an appeal, including a hearing, to a committee designated by the Board of Directors who will thereafter render a final decision.

If the Association is not a party to the dispute, the Board of Directors, as part of its decision, may choose to not be involved in the dispute and refer the dispute to be resolved between the interested parties in any state forum that has jurisdiction over the dispute.

The administrative remedies described in this section must be followed prior to pursuing a civil action to resolve any dispute involving the Association. Should any involved party wish to disagree with the final decision of the Board of Directors and pursue a civil action against the Association, the following procedures will apply:

- a) In the absence of a court order or a decision of the Board of Directors, the terminated member or organization will not be reinstated as a member of the Association and/or the state organization.
- b) All disputes involving the Association shall be governed by the laws of the Province of Ontario.
- c) Once a civil action is filed within thirty (30) days, but no later than sixty (60) days, following the filing of responsive pleadings, the applicable court will submit the matter to non-binding mediation, unless waived by mutual written stipulation of all parties. The mediation process shall provide for the selection within fifteen (15) days, by all parties, a disinterested person to serve as mediator. The process shall commence within thirty (30) days of the submittal and shall conclude within fifteen (15) days from the commencement of the mediation, unless a time requirement is extended by written stipulation of the parties, or upon good cause shown to the court.



- d) If the matter remains in dispute, the case shall be submitted to non-binding arbitration in the Province of Ontario. Judgement on the award may be entered by any court having competent jurisdiction.
- e) In the event that any civil action is instituted pursuant to this section to resolve a dispute, the substantially prevailing party shall recover all of such party's attorney's fees incurred therein, including any and all appeals or petitions there from.