



Ontario Liberal Party Rules of Procedure No. 9

Rules of Procedure for Arbitrations and Appeals *("Arbitrations Rules")*

*Approved by Ontario Liberal Party Executive Council on January 21, 2007.
Amended on December 6, 2020 and September 8, 2024*

NOTE: These Rules of Procedure supplement and are subordinate to the Ontario Liberal Party Constitution. Please refer to the Ontario Liberal Party website for the most current version of these documents.

1. Definitions And Interpretation

- 1.1. These Rules of Procedure for Arbitrations and Appeals (the "Arbitrations Rules") are enacted pursuant to section 5 of the Constitution of the Ontario Liberal Party (the "Constitution") and are subject in all respects to the provisions of that Constitution.
- 1.2. Unless otherwise defined by these Rules, all terms defined in the Constitution shall have the same meaning as in the Constitution.
- 1.3. If any provision of an affiliated association's constitution conflicts with these Rules, these Rules shall prevail. If any provision of an affiliated association's constitution or these Rules conflicts with the Constitution, the Constitution shall prevail.

2. Arbitrations and Appeals

- 2.1. A member of an affiliated association who wishes to appeal a matter pursuant to section 7.9 of the Constitution shall deliver a written notice of appeal to the chair of the Arbitration Committee at the Party offices within seventy-two (72) hours of the occurrence of the disputed decision or event. An electronic copy of the notice of appeal shall be provided via email to the Executive Director.
 - 2.1.1 The seventy-two (72) hour time period for delivering a notice of appeal may be extended at the discretion of the chair of the Arbitration Committee.
 - 2.1.2 Notwithstanding section 2.1, the president of a constituency association placed in trusteeship by Executive Council may appeal the decision to the Arbitration Committee by providing written notice of appeal within seven (7) days after the decision to the chair of the Arbitration Committee with copy to the President.
- 2.2. The notice of appeal must set out the decision being appealed, all relevant facts, the grounds of appeal, the determination the member is seeking from the hearing panel, and the Member's name, and contact information.
- 2.3. All matters directed or referred to the Arbitration Committee shall be heard by a hearing panel of three members of the committee, one of whom shall be the chair of the hearing panel, designated by the chair of the Arbitration Committee.

- 2.3.1 In the event that the chair of the Arbitration Committee is unable to assemble a hearing panel from the members of the committee within a reasonable period of time, he or she may appoint the necessary number of Party members as ad hoc committee members to sit as the hearing panel for the purposes of that particular matter.
- 2.4. The notice of appeal, all investigations, all oral and written submissions, testimony and other proceedings conducted by a hearing panel shall be held confidential and in-camera, unless the hearing panel directs otherwise.
- 2.5. A notice of appeal must be accompanied by an initial deposit, by certified cheque or money order in the amount of \$1,000.00 payable to the Ontario Liberal Party, except where the petition:
- a) is not brought by, on behalf of, or against a candidate or a nomination contestant;
 - b) is not brought by, on behalf of, or against a leadership candidate; or
 - c) does not relate to a nomination meeting or an leadership election vote;
- in which case the initial deposit shall be \$500.00.
- 2.6. At any stage of its dealings with an appeal, the hearing panel may direct that the affiliated association or any party to the arbitration provide a deposit or a further deposit, by way of security for any costs that may be ordered.
- 2.7. A hearing panel may deny a appeal at any time before, during or after any proceedings if it determines that the appeal is without substantial merit.
- 2.8. A hearing panel may:
- a) appoint any inquiry officer to act on behalf of the Arbitration Committee and mandate that inquiry officer to act expeditiously by way of investigating the disputed matters, seeking to resolve the disputes consensually between the affected parties and reporting to the hearing panel as to whether or not the matters can be resolved expeditiously;
 - b) inquire in writing about any fact or facts which it thinks would make it possible to expedite or dispose of the appeal;
 - c) direct a hearing by way of written submissions, such submissions to be made in the manner, by those persons and within such times as the hearing panel shall set out in its direction; or
 - d) direct a full hearing by way of oral and written submissions and testimony, all as the hearing panel shall set out in its direction.
- 2.9. The hearing panel may order that the costs of arbitration, or any part thereof, be paid by the affiliated association or any party to the arbitration and may further order the retention or return of all or any part of the initial deposit or of any further or other deposits paid by any party or parties.
- 2.10. Subject to the Constitution, any person affected by a final decision of the Arbitration Committee may appeal the decision by delivering written notice of appeal to the President at the Party office within seventy-two (72) hours of the decision being issued.

- 2.11. The notice of appeal must set out in full detail the grounds upon which the appeal is sought and the appellant's name, address and telephone number.
- 2.12. The seventy-two (72) hour time limit for delivering a notice of appeal may be extended at the discretion of the President.
- 2.13. A notice of appeal must be accompanied by an appeal deposit, by certified cheque or money order in the amount of \$1,000.00 payable to the Ontario Liberal Party.
- 2.14. The President, if consent to the appeal is not given, and otherwise Executive Council, may order that costs of the appeal, or any part thereof, be paid by the affiliated association or any party to the arbitration and may further order the retention or return of all or any part of the initial deposit or of any further or other deposits previously paid.
- 2.15. Executive Council, in hearing an appeal from the Arbitration Committee, shall not conduct a new hearing, but shall hear the appeal on the basis of the written decisions and reasons of the Arbitration Committee, together with the record of the hearing inclusive of evidence and submission furnished by the parties, or a summary of the record, as the meeting of Executive Council hearing the appeal may, through its chair, deem advisable.
- 2.16. In determining any petition or appeal, as the case may be, under these Rules, an Arbitration Committee Panel, the President and Executive Council may take into consideration:
 - a) whether the petition or appeal appears to constitute an abuse of the process of arbitration and appeal;
 - b) that these Rules and the local constitution should be liberally construed to secure the just and expeditious determination of any arbitration or appeal on its merits; and

any interpretive direction as may be issued from time to time by the Party by way of general interpretive guidance, if such direction has been approved by Executive Council.

3. Standing

- 3.1 The decision maker of the decision being appealed shall have standing.
- 3.2 Where an appeal arises out of an election of officers for an affiliate association or for the Party and after the meeting where the election takes place has commenced:
 - a) only candidates at that meeting may commence an appeal,
 - b) the appellant and the winner of the election under appeal shall be granted standing, subject to section 3.4 of these Rules,
 - c) other candidates for the election under appeal may request, and be granted standing at the discretion of the chair of the hearing panel
- 3.3 Where a dispute arises out of a nomination meeting and after the nomination meeting has commenced:

- a) Only nomination contestants whose names were on the ballot at that meeting, including the candidate, may commence an appeal.
 - b) The appellant and the nominated candidate of that meeting under appeal shall have standing, subject to section 3.4 of these Rules.
 - c) Other nomination contestants at the meeting under appeal may request, and be granted standing at the discretion of the chair of the hearing panel.
- 3.4 Prior to the hearing of an appeal, each party granted standing other than the decision maker, shall undertake in writing:
- a) to abide by the decision and any order of the hearing panel of the Arbitration Committee, or if the decision is further appealed to the President or Executive Council, the decision and any order of the President or Executive Council;
 - b) to be responsible for any costs ordered to be paid;
 - c) not to discuss the appeal with the public, including representatives of the press.

4. Finality

- 4.1 Decision of the President or Executive Council made pursuant to section 7.8 of the Constitution shall be final and not subject to further appeal.