



Florida Scholastic Rowing Association

Dispute Resolution Process

This document outlines the dispute resolution process that the Florida Scholastic Rowing Association (FSRA) shall utilize when FSRA Member Programs has a dispute with another FSRA Member Program involving allegations of violations of FSRA bylaws, where at least one of the FSRA Member Programs would like the FSRA to resolve the dispute. An “FSRA Member Program” is any youth rowing program located in the state of Florida who is a member of FSRA, as defined in the FSRA bylaws, for the current year beginning on the date of the most recent Annual Meeting, as defined in the FSRA bylaws.

All FSRA Member Programs are strongly encouraged to resolve any disputes regarding FSRA bylaws among themselves prior to coming to the FSRA Executive Committee for resolution, other than Emergency Disputes (defined as matters that concern potential violations of municipal, state, or federal laws, or that involve a threat to life or safety). Any matters involving a threat to life or safety, or violation of law, involving an FSRA Member Program should be immediately brought to the attention of law enforcement, and a copy of any police report should be provided to the FSRA Executive Committee to conduct an investigation accordingly.

Additionally, for matters other than Emergency Disputes, all FSRA Member Programs are advised that the FSRA may levy administrative charges and fees associated with actual fees and costs incurred by the FSRA associated with this dispute resolution process, and these administrative fees and costs may be avoided by informal resolution. Failing to pay these administrative fees and costs may cause an FSRA Member Program to fall out of good standing with the FSRA.

All FSRA Member Programs, by initiating the dispute resolution process with FSRA, agree that any controversy or claim arising out of their dispute with another FSRA Member Program shall be determined by a final and binding decision made by FSRA to be administered under this process, and that and this dispute resolution process shall be considered to be an arbitral process as defined under the Federal Arbitration Act, with the FSRA’s decision to be final and binding on the parties, and which would preclude any juridical resolution of any disputes. Continued Membership in FSRA further constitutes acceptance of the terms set forth herein. The FSRA has sole discretion to resolve all such disputes, and Membership in the FSRA constitutes acceptance that this process is the final and binding method of resolving all disputes between FSRA Member Programs. The FSRA Executive Committee may, at its sole discretion, hold confidential documentation submitted to it for dispute resolution.

All documents submitted shall be via electronic means only and via email to fsra.dispute.resolution@gmail.com with a cc: to FSRA@losey.law.

I. Initiating Documents

For all disputes other than Emergency Disputes, which should be reported to law enforcement immediately, the aggrieved FSRA Member Program initiating the dispute must submit to the FSRA Executive Committee the following (the “Initiating Documents”):

- (1) a cover sheet indicating the FSRA Member Program initiating the dispute (the “Claimant”), and the FSRA Member program that is the opposing party in the dispute (the “Respondent”), in the caption of the cover sheet, accompanied by an under 1,000-word synopsis of the dispute, and including an email address at which the Claimant shall receive all further communications relating to the dispute;
- (2) an affidavit, or affidavits, sworn under penalty of perjury, by an authorized representative of the Claimant, stating that the authorized representative has been authorized, in writing, by the board of directors or governing body of the Claimant, to initiate the dispute and file the Initiating Documents with the FSRA on behalf of the Claimant;
- (3) an affidavit, or affidavits, sworn under penalty of perjury, and attesting to the facts underlying the Claimant’s dispute with the other FSRA Member Program, which must be accompanied by any documents or evidence supporting the Claimant’s grievance. All such evidence should be provided in its native electronic form where possible to the FSRA Executive Committee and organized in a cogent fashion;
- (4) an under 5,000-word briefing providing argument as to the dispute, with specific reference to all applicable FSRA Bylaws associated with the dispute, and specific citation to all affidavits and supporting evidence provided by the Claimant;
- (5) an administrative filing fee of \$2,000.00 made payable to the Florida Scholastic Rowing Association, Inc. and paid per FSRA treasurer instructions to be provided upon filing of the Initiating Documents by the Claimant (the “Filing Fee”). Failure to pay in full the Filing Fee shall constitute grounds for rejection of the Initiating Documents. The Filing Fee shall be held by the FSRA with the funds applied to dispute fees, costs, and administrative expenses. Any portion of the Filing Fee not applied towards fees, costs, and administrative expenses shall be refunded to the Claimant.

II. Response Documentation

The Initiating Documents shall be provided to the Respondent once the Initiating Documents have been received and reviewed to ensure compliance with FSRA standards as to form and content, and once the Filing Fee has been paid in full. The Respondent shall have 30 days, or another period as designated by the FSRA Executive Committee in its sole discretion, to provide the following to the FSRA (the “Response Documents”), which shall then be provided to Claimant after review by the FSRA Executive Committee:

- (1) a cover sheet indicating the Claimant and Respondent in the caption of the cover sheet, accompanied by Respondent's under 1,000-word synopsis of the dispute, and including an email address at which the Respondent shall receive all further communications relating to the dispute;
- (2) an affidavit, or affidavits, sworn under penalty of perjury, by an authorized representative of the Respondent, stating that the authorized representative has been authorized, in writing, by the board of directors or governing body of the Respondent, to file the Response Documents on behalf of the Respondent;
- (3) an affidavit, or affidavits, sworn under penalty of perjury, and attesting to the facts underlying the dispute at issue, which must be accompanied by any documents or evidence supporting the Respondent's position. All such evidence should be provided in its native electronic form where possible to the FSRA Executive Committee and organized in a cogent fashion;
- (4) an under 5,000-word briefing providing argument as to the dispute, with specific reference to all applicable FSRA Bylaws associated with the dispute, and specific citation to all affidavits and supporting evidence provided by the Claimant and Respondent.

III. Consideration and Resolution

The FSRA Executive Committee, the FSRA counsel, or both, shall review the Initiating Documents and the Response Documents. The FSRA Executive Committee will then determine in its sole discretion whether a hearing is necessary once it has received and reviewed these documents. If no hearing is necessary, the FSRA Executive Committee will make a decision based on documents submitted. If a hearing is necessary, the FSRA Executive Committee shall have sole discretion as to the time, place, and venue of the hearing, as well as all aspects associated with the conduct of the hearing and any rules of evidence associated with hearing proceedings, and may impose all costs and fees associated with the hearing on Claimant, Respondent, or any proportional allocation between the two, and may require in-person attendance by any person under the control of any FSRA Member Program. The determination made by the FSRA Executive Committee (the "Determination") shall be final and binding on the Claimant and Respondent and shall be provided to the Claimant and Respondent via email in a reasonable period of time, ordinarily not expected to exceed 30 days from the date of either receipt of the Initiating Documents and the Response Documents, or if a hearing is held, 30 days from the date the hearing is conducted by the FSRA Executive Committee regarding the dispute. The Determination shall not be considered final and binding until the expiration of the appeals window, as defined below.

III. Appeal

The Determination may be appealed by either party involved in the dispute within 10 days of receipt of the Determination based on the Initiating Documents and Response Documents (the "Appeals Deadline"). Both parties agree that they are prohibited from initiating any judicial action until a decision is made on the appeal. The FSRA Member Program wishing to appeal the Determination (the "Appellant") shall file an Appeal with the FSRA Executive Committee, in the manner stated above:

(1) a notice of appeal, captioned as to identify the parties, including the name and email contact of both parties, with a statement not to exceed 2,000 words setting forth the portion or portions of the Determination being appealed and the errors alleged (the “Appeal”), to be served by the Appellant upon the opposing FSRA Member Program (the “Appellee”) via electronic mail at the contact information listed on the notice of appeal; and

(3) a non-refundable administrative appeals filing fee of \$1,000 made payable to the Florida Scholastic Rowing Association, Inc. and paid per FSRA treasurer instruction upon filing of the Appeal (the “Appeals Filing Fee”). Failure to pay in full the Appeals Filing Fee shall constitute grounds for rejection of the Appeal.

The FSRA Executive Committee shall provide notice to the parties of receipt of the Appeal once it has received all required submissions. If the Appeal does not satisfy the filing requirements above, the FSRA Executive Committee shall acknowledge to all parties receipt of the filings and inform the parties of the filing deficiencies. Such notice by the FSRA Executive Committee shall not toll the Appeals Deadline as set forth in this section. Failure to cure any filing deficiencies by the Appeals Deadline will result in rejection of the Appeals Filing and the Determination becoming final. If the Appeals Filing is withdrawn, the Determination will be considered final as of the date of withdrawal. The Appellee may file a response to the Appeal within 7 days after FSRA Executive Committee’s notice of receipt of the Appeals Filing (the “Cross Appeal”). The Cross Appeal shall include a statement not to exceed 2,000 words setting forth the portion or portions of the Determination that are either supported or believed to be erroneous, and shall be submitted to the FSRA Executive Committee electronically within this 7 day deadline.

Upon receipt of all required filings from the Appellant and Appellee, the FSRA Executive Committee shall immediately send to the parties a list of at least three individuals knowledgeable about youth rowing who have held no office with the with the FSRA for a period of at least 2 years. The parties shall agree upon a name from the FSRA Executive Committee provided list (the “Appellate Adjudicator”). If the parties are unable to agree to the Appellate Adjudicator within 5 days of receipt of the list, the parties shall 1) strike through any individuals they object to, 2) rank the remaining individuals on the list, and 3) submit their rankings to the FSRA Executive Committee within 7 days of receipt of the list. The FSRA Executive Committee will review both parties’ submitted rankings and shall select the Appellate Adjudicator based on mutual preference as identified in the rankings. If no consensus is reached by the parties with regards to the Appellate Adjudicator, the FSRA Executive Committee shall have the power to make the appointment in its sole discretion. Once the Appellate Adjudicator is selected, the FSRA Executive Committee shall submit to the Appellate Adjudicator the Appeal and Cross-Appeal for review. Within 30 days of the Cross-Appeal deadline, the Appellate Adjudicator shall issue a determination to the parties and the FSRA Executive Committee. The Appellate Adjudicator’s decision shall become the final determination for the purposes of any judicial enforcement proceedings.