

IN THE MATTER OF a Human Rights Application filed under section 34 of the Ontario *Human Rights Code*, R.S.O. 1990, c. H.19

B E T W E E N:

PAUL JAMES

(Applicant)

- and -

MOOREDALE SOCCER CLUB

(Respondents)

SCHEDULE A

Overview

1. I, Paul James, am the Applicant.
2. My soccer background includes being a three-time inductee into the Canadian Soccer Hall of Fame; a four time CONCACAF Champion as a player and as a coach; 47 playing appearances for the Canadian World Cup soccer team - 8 as captain; 45 appearances as the Canadian national U20 soccer coach; Two FIFA World Cup Championship appearances; Two Olympic Games appearances; 4 Canadian Soccer League First Team All Star selections as a player; 6 coach of the year awards at all levels: professional, collegiate, NCAA & CIS, including 2007 CIS national coach of the year; Master Soccer coach at York University from 2003-2009 leading a moribund soccer program prior to 2003 to 8 divisional titles, 4 OUA provincial championships and one national soccer championship over a six year period; a television soccer analyst for the CBC; Sportsnet; The Score Television network, Gol TV & CTV; attained B.A. from Wilfrid Laurier University and a niche soccer MBA from the University of Liverpool in 2003; in addition I have obtained 'A' licence coaching certifications in both the United States and Canada - the highest coaching certifications on the continent (**see Appendix A for complete CV**).
3. For the past 15 years, while achieving much of the aforementioned soccer success, concurrently, I have suffered, sporadically, from two bonafide mental health issues: a substance use disorder to crack cocaine and chronic depression (**Appendix B provides medical diagnoses**).

4. In October of 2012 I was hired by Dave Berry and the Mooredale Sport/Soccer Club to coach their boys U12 team for an 11 month period.
5. Mooredale knew of my disabilities through, not limited to, a Canadian Press (CP) release dated February 13, 2012 (**see Appendix C**).
6. I also discussed my health directly with Dave Berry.
7. It was agreed I would be compensated \$36,000 for the duties of coaching the Mooredale team four times per week over the eleven month period, beginning mid-October 2012.
8. During this period in 2012 I was living with family in Oakville at no expense.
9. At the time of agreement with Mooredale Sport/Soccer club I had been unemployed for three years, a consequence, of employment discrimination in December 2009 when I was forced to resign my Master soccer coach position at York University.
10. **Appendix D** is a condensed version of the Request for Reconsideration document I sent to the HRTO regarding my claim against York University, which highlights expert clarification on the social determinants of health, the necessity of employment for a person in recovery, substance use disorders, the impact of societal stigma on persons suffering from poor mental health, and excerpts from the Human Rights Commission.
11. As a result of agreeing to coach the Mooredale soccer team, my partner and I rented a 450 square foot bachelor apartment in the Rosedale Bloor area of Toronto at a commitment of \$1800 per month, on a ten month lease, in order to be close to the Mooredale soccer players, their families, and facilities. We would not have committed to the residential lease without the coaching agreement.
12. On December 1, 2012 after winning an important game against a top rival I was surprised that Dave Berry inappropriately interfered with procedures within the team changing room seemingly because his son did not play as much as the other players. After a swift ten second debate I later received a text message from Dave Berry which included comments about my cracked brain and specifically, **Note to Self: Never Hire a Crackhead.**
13. On December 2, 2012, I was then cut off from the "**Teamsnap**" communication mechanism which prevented me from communicating with the Mooredale players and parents.

14. On this same date, December 2, 2012 I formally confirmed my resignation from the coaching position at Mooredale, after seven weeks of training and 5 unbeaten competitive indoor soccer league games, winning four and tying one.
15. Some parents expressed that they had heard ill health was the reason why I had departed the team.
16. Concerned about inaccurate rumours being disseminated within the soccer community and my privacy being further infringed upon, I prepared and sent a report to the parents of the team and to the Mooredale soccer club administrator, Chris Keem, on December 4, 2012 (**see Appendix E**), which is, in part, paraphrased below, which clarifies some of the circumstances:

*A week after my contractual agreement had been confirmed with Dave Berry I was **only then** informed I would have to perform two training sessions in front of parents followed by a question and answer period because some parents were concerned about my health issues. They wanted to make sure I was stable to coach. A coordinated vote on whether I should be hired was then implemented without my knowledge or consent. While it was eventually permitted for me to coach the team it was a humiliating discriminatory procedure which I, reluctantly, did not formally contest because I had been unemployed at the time for three years and desperately needed and desired the coaching work.*

At the outset of negotiations with Dave Berry, I requested the right to choose an assistant coach for the team - a fundamental coaching procedure for sustained success - which we had both agreed to. In spite of this Dave Berry proceeded to select assistant coaches I did not know or agree to, one of whom, turned out to be an inappropriate hiring.

Within a few weeks of training the Mooredale team it was clear they were an elite level team with the exception of Dave Berry's son, who, unfortunately, was out of his depth for the level of play Mooredale were competing at. Accordingly I played the player when feasible. Dave Berry was disappointed/frustrated with this circumstance, yet I agreed to work with his son privately one on one with the aim of accelerating his development.

The compensation of \$36,000 which was originally discussed and agreed to was reduced to \$24,000 which I, again, reluctantly accepted due to my financial hardship and the difficulty I was having gaining any kind of employment.

*The text message including comments **about my cracked brain** paralyzed me psychologically.*

17. A few parents contacted me about my resignation (**Appendix F**) including Andrew McBain and Nino Panozzo.

Paul,

Andrew here. I just wanted to thank you for the time you spent with Jack. He really enjoyed playing for you. To clear the air at no time did I or Jack mention not being happy playing any position. In fact Jack was relishing his role at center back, learning to play it properly and contributing to the team. It is a very unfortunate situation. Good luck going forward Paul.

Andrew

Paul,

Thanks for doing this and giving us the full picture!

Marco is disappointed you won't be continuing on as coach and so are we. I appreciated your time providing feedback. I'm confused why certain parents would question your strategy with players.

Best of Luck going forward!

Nino

18. Chris Keem was alerted specifically to Dave Berry's comment regarding "crackhead" in a separate email which I sent to him on December 5, 2012, 11.44am (**see Appendix G highlighted in part below**),

....The reason for developing the document was to buffer against inaccurate speculation regarding my health. Knowing it has been very difficult to acquire employment since my openness in February regarding my past health issues I feel it is prudent and necessary to protect myself when required. It was my intent to send a short note to the Mooredale Gold players/parents on Sunday to thank them for their commitment over the past 8 weeks. However when I was immediately cut off from Teamsnap and requested to not have any contact with parents/players I felt it necessary to address my experiences and reasons for moving on.....

.....While I recognize the territory I now live in regarding my past health it is nevertheless unnecessary and libellous to receive a threatening text (which I did today) from Dave Berry which ends with, "Note to self - don't ever hire a crack addict"

19. No decisive response or apology from the Mooredale Sport/Soccer club was provided as a result of this comprehensive report, in spite of an email I received from

Chris Keem - the Mooredale soccer clubs administrator - on December 5, 2012 at 1.26pm, who acknowledged receipt of the report, stating,

*"Thank you for this. I'm going over everything in here with the soccer executive and the rest of the organization. Did you send me your invoice? I will be in touch shortly. Thank you. Regards, Christopher Keem (see **Appendix H**).*

20. Neither Chris Keem nor the Mooredale Sport/Soccer club took **immediate or future** steps to intervene in order to rectify and apologize for the circumstances and comments from Dave Berry.
21. As a result of the lack of support from the Mooredale Sport/Soccer club my communications with Chris Keem moving forward of the December 5, 2012 date, were courteous and humble of the circumstance, as the angst and self stigma of my situation in trying to protect my personal health information, dignity and future soccer employment opportunities were paramount to me.
22. (**Appendix I**) highlights communications I had subsequent to my time at Mooredale with a former national U20 team player, Terry Dunfield, whom I had coached and who was a close friend of Dave Berry. Terry channeled false damaging health information to Dave Berry (and others) within the soccer community who then in turn disseminated the information which was eventually passed on to me.
23. Societal stigma as a result of my exposed mental health disorders since 2008 has been painful (**see Appendix J**).
24. **Appendix K** is a letter from Heather Stuart, a professor at Queen's University and Chair of Bell Canada's Mental Health Stigma campaign, addressing societal, organizational, and self stigma and how destructive it is on employment prospects for those that suffer and specifically in relation to my circumstances.
25. Subsequent to leaving the Mooredale soccer club, in the fall of 2013, I coached three of the Mooredale soccer players privately. Specifically, Oliver Welsh; Kai Dudley, and Ivan Nikolic. In the summer of 2014, I then coached Marco Panozzo another Mooredale player, for 12 "two hour" sessions. .
26. In early October **2014**, to my surprise, Dave Berry the manager and leader of the same Mooredale boys team made contact informing me that his son had decided to not play for the Mooredale team in the future and would instead pursue a soccer team who competed at a lower level. As a consequence, Dave himself stated he would be resigning his position as team leader and manager. This communication

confirmed the accuracy of my professional assessment of Dave's son and his own involvement which was outlined in the 2012 report.

27. During this same October **2014** conversation, Dave Berry sincerely apologized for his actions and comments from December of 2012 when I departed the team as a result of the treatment I received, encapsulated in the inappropriate crackhead text message and dissemination of rumours throughout the soccer community on my "ill health".
28. Dave Berry also inquired if I would be interested in coaching the Mooredale soccer team again (now at the U15 level) requesting '**I go on and coach the team to the national boys club championship**', as this was the original plan set out in October 2012 and '**he himself**', would feel proud of playing some role in the future accomplishment.
29. Dave Berry had originally formed, coached, managed and financially invested in this particular Mooredale boys soccer team from a house league beginning in 2008.
30. During this October 2014 telephone conversation I informed Dave Berry that I appreciated his contact, I accepted and respected his apology very much and I would be happy and excited to coach the Mooredale U15 boys team.
31. At this time I had now been unemployed for five years and had not been given the opportunity to coach any soccer team in spite of applying for numerous positions.
32. During this same 2014 period I received a telephone call from Slobodan Nikolic a parent and newly hired manager of the U15 Mooredale boys soccer team inquiring as to my interest in coaching the team which his son Ivan competed on.
33. When I confirmed my desire to coach the team, Slobodan expressed his excitement and stated he would be back in contact with me once he had informed the Mooredale Sport/Soccer club.
34. During the same time period Nino Panozzo another parent from the Mooredale team - who similar to Slobodan Nikolic had assumed the role of team manager - sent an email to me inquiring as to my interest in coaching the team. I expressed my desire and excitement to Nino.
35. Theresa Dudley the mother of Kai Dudley (another Mooredale player) also expressed her excitement at my interest in coaching the Mooredale boys U15 team in a telephone conversation I had with her during this same period.

36. After not hearing back from Slobodan Nikolic as he had promised, a few days later I called him directly and was informed that Chris Keem the Mooredale soccer club administrator did not want me to coach the Mooredale team because 'I did not get on with people and my history of poor mental health'.
37. **(Appendix L)** outlines a series of testimonials which contradict Chris Keem's assessment, including from former Canadian World Cup women's soccer coach and current Norwegian World Cup coach, Even Pellerud; Peyvand Mossavat and Tracy David from the CIS; Rory Miller from the University of Liverpool and Tom Harrington from the CBC.
38. Slobodan also informed me that the club - **without informing me or without my consent** - had conducted a vote with the parents of the Mooredale U15 boys team on whether they wanted me as their coach. Slobodan confirmed there was a majority of votes in favour of Paul James, coaching the team.
39. At the same time, in a telephone conversation with Nino Pannozzo, Nino remarked, that in a meeting with Chris Keem, Slobodan Nikolic and himself that Chris Keem was negative about me as a person and did not want me to coach the Mooredale U15 boys team.
40. An email was sent by Chris Keem on behalf of the club to the players and parents of the Mooredale boys U15 team highlighting the direction of the team which excluded my name in spite of a superior soccer coaching background including within the NCAA and CIS (five coach of the year awards); a majority vote of parents in favour of my hiring; and the explicit desire of both team managers, Theresa Dudley and others to have Paul James, as their coach, which was communicated directly to me **(see Appendix M and highlighted below)**.

To all 2000 Boys Players and Families:

The club wanted to send out an email to all of you as we were notified of the change in Management of the team. We want to give our sincere thanks to Dave Berry as he has worked extremely hard putting this team together since the boys were u8. We also appreciate all the work and dedication all of you have shown over the years and are proud of the long list of accomplishments you have made thus far.

With all of that being said, we want to let you know that the club management and the Technical Staff here led by Silviu Butnaru are going to be very active in helping take this team back to the top of Ontario Soccer and also look to get our players placements in the future. In the interim we have named Nino Pannozzo and Slobodan Nikolic as team

managers. With both of them I will be created a new budget that will change the cost structure of this team to make it much more affordable for all of the families.

We are going to be setting up a couple things that should peak all of the players interests. I have been in contact with some clubs to set up 'Showcases' down in the States for the boys. So we will go down and train, and then have a couple matches. I will be utilizing my contacts from my time Coaching down there and also from the coaching licenses I have completed there. I am an active member of the NSCAA (National Soccer Coaches Association) so it is not hard to pick up the phone and speak to coaches on your behalf. The coaches will be able to watch the boys in the training session and the matches. This will help start the file on them so they can start contacting the boys. It is important that they start being identified now.

We will also be working with the boys on preparing for NCAA soccer if they so choose. We want all the boys to play at the highest level they wish. We understand that some of them may feel this is the highest level, some may want to play in the NCAA or CIS, or even Professionally at some level. With the experience we have at the club we can help achieve that. Granted it will happen if the players and their families work hard enough, but from what I've seen you work hard. So let's continue that.

I am also going to bring over contacts I have from Europe so they can work with the boys. I will look to set up a camp here that they will run with our Technical Director and the boys will get the opportunity to be scouted that way. These will be personal friends of mine, so we aren't going to be hiring outside groups like other organizations do. This will be specific to you boys.

We are not looking to make money off of these ventures, so they will be cost effective for this group. It is in the best interest of this club to have this team reclaim its throne as the masters of Ontario and we want our younger players in the club to look up to you, come watch you and support you. That has not happened here for various reasons, but now is the chance to become the 'Heroes' of this organization that everyone can support. We have done great things at the club and this team has done great things, I want you to be a part of the new club mentality we are establishing here.

On the technical (coaching) side of things, Silviu and I will be evaluating all of the coaching staff. Silviu has been at the club and has been in charge of our Rep Development Program (u8-u11), which is now considered one of the best in the city. He moved here two years ago after a distinguished playing career, a native of Romania, Silviu has played in the Bundesliga (Germany), Ligue 1 (France) and finished his career in Ireland. He then moved into coaching, coaching for the pro-team he ended his career with and then moved into the youth development programs and leading them to much success in the Republic of Ireland. He is now part of the District Staff and has UEFA qualifications.

I will be assisting Silviu in the Interim – I may run the business end of the club, but have been on the coaching staff at two professional clubs, 3 NCAA universities, the Ontario Provincial Staff, Elite Youth Development Clubs in the USA and now head coach for the new '02 girls team for the OPDL's Hamilton United. I have my USSF and NSCAA qualifications.

We have our Club Goalkeeper Coach as well, Liam Martin – who played professionally in England and has been with us on Technical Staff this past year.

If you have any questions, please do not hesitate to call or email me. 416.922.3714 x115 is my office number, ckeem@mooredale.on.ca is my email.

Again I can't stress enough how much we look forward to getting this group back to the top. We want them to represent Ontario in the Quebec-Ontario Series next year by winning the Ontario Cup and focusing on the OYSL.

Cheers,

Christopher Keem

41. Following this revelation of being eliminated from the hiring process, I contacted Dave Berry, who in turn confirmed that Chris Keem and the Mooredale Sport/Soccer club had undermined the process of my hiring because of my background with poor mental health.
42. I have never met nor have I ever verbally communicated with Chris Keem. In 2012, courteous emails were exchanged including the following correspondence from Chris Keem which is **inconsistent** with his 2014 approach regarding my character and my elimination from the hiring process.

Paul,

Thanks for the email on this. Sorry I didn't have a chance to respond. I had to deal with the internal politics of everything. It is truly unfortunate that things came to an end. Scott enjoyed coaching with you, so I'm glad he had the opportunity to work with you and learn.

If you need a reference for the future, please let me know. *By all accounts you did a pretty good job coaching the boys.*

Hopefully I can get control of the competitive side of this organization as it will definitely be a challenge over the next year, but in the meantime I'm starting to change the way they have been doing business here for the past 6 years with the rep system. That is

quite a fight in itself, but change is never easy, just have to believe the course I'm taking is the correct course.

Did you have the chance to get your check?

Regards,

Christopher Keem

43. I sent a direct email to Nino Panozzo and Slobodan Nikolic and cc'd Chris Keem and Dave Berry, outlining my extreme frustration at the discriminatory events which had taken place (**Appendix N**) and as a result my elimination from the hiring process, outlined below:

Slobo/Nino,

As a follow up to our last phone conversation, please accept this note as confirmation of my disappointment and frustration at your handling of my circumstance in regards to coaching the Mooredale Boys U15 team.

Slobo, you should NOT have approached me regarding coaching the team unless you were in a position to offer it or unless you had the savvy and strength of character to make sure it could take place. How can you expect your son Ivan to display psychological strength if you yourself show such fickleness.

In this regard, you should have dealt with the club and parents prior to speaking with me as opposed to subsequent. *It would have prevented yet another layer of unnecessary indignity, including the unwarranted culpable comments of Chris Keem and the mockery of a parental voting system, both displaying overt discrimination.*

Only in Canada could such a circumstance take place where an under qualified amateur - Chris Keem - makes a decision not in the best interests of your team but his own misplaced ego.

More pointedly, Chris Keem as a representative of the Mooredale Soccer club is walking a very fine line on Human Rights violations with his comments regarding my psychological health now and two years ago. Farcically, I have never met him. The brutal reality is, his resume and that of Mooredale's Technical Director, could not tie my shoelaces in terms of soccer background, education, pedigree and nous. Therefore his methodology to compete against your request for me to coach is to defame, and discriminate against my character and to unreasonably elevate his limited soccer background to something that it is not.

You have either been duped or you are willfully blind.

The reality now is that it is a lost opportunity for you, your players and families on many levels including the absence of strength in supporting a person brutally stigmatized by his openness and honesty regarding mental health.

Slobo and Nino, irrespective of the aforementioned, I appreciate your past support in permitting me to briefly coach your son's.

My conclusion then and now is that Ivan and Marco are good players with definite potential. Time will tell however, if in fact, they achieve it.

I wish you well moving forward.

Paul

44. On February 18, 2015 I received an email message from Dave Berry apologizing specifically for his comments regarding my mental health in 2012 (**see Appendix O and the condensed version below**).

Paul, thanks for all the help with mb.....you are a really gifted coach. The best I have ever seen. It was unfortunate the way the two of us finished at Mooredale and I am glad we have patched it up. I should have said this a while back but here it is. I am sorry for saying some of the things I did, in particular lashing out at you with the 'note to self: don't ever hire a crackhead' comment. I was angry and you saw me at my worst. It was nasty and insensitive and it won't ever happen again no matter the circumstance. I promise that.

Keep in touch please, Dave.

45. On February 19, of 2015 I contacted the chief executive of the Mooredale Sport/Soccer club, Marjorie Booth, requesting a private meeting to discuss the overt display of discrimination and inappropriate treatment I had received during my encounters with the Mooredale Sport/Soccer club over the previous two and a half years and in particular my elimination from the hiring process of the Mooredale boys U15 team because of disability.
46. Marjorie acknowledged this initial communication, stating she would be back in contact with me. However, it was not until April 7, of 2015 that I received further communications from Marjorie Booth, which ultimately avoided my invitation to meet privately, with the aim of discussing resolution to the matter (**Appendix P provides a chronological list of my email communications with Marjorie**).

47. As of June 28, 2015, the Mooredale boys U15 team who compete in the Ontario Youth Soccer League (OYSL) have played seven games, winning two and losing five games. They currently reside in seventh place, in a division of nine teams.
48. In spite of my experienced background the last time I have been permitted to coach a soccer team was in 2009 at York University where I led the women's team to both an OUA Division and Provincial title. In the five years subsequent to my departure from York University the women's soccer program has failed to win any title or even finish higher than third in their division (finishing seventh in 2013).
49. As a result of the discriminatory treatment I received at Mooredale Sport/Soccer club I experienced further mental distress including extreme anxiety and a reoccurrence of depression as I struggled to attain soccer coaching employment in the community as unfair rumour spread.
50. The financial burden of living without budgeted income during the remainder of 2012, 2013, 2014 while accumulating more debt added exponentially more stress to my already difficult set of life circumstances.
51. For the mental distress, injury to dignity, humiliation, reduced self-esteem and lost income from coaching a team at Mooredale Sport/Soccer club or elsewhere in Ontario or Canada I am seeking damages of \$125,000.