

Canadian Amateur Diving Association Inc. (Manitoba Section)

DISPUTE RESOLUTION POLICY

Definitions

The following terms have these meanings in this Policy:

“Member”- All categories of membership within the Association, as well as all individuals employed by or engaged in activities with the Association, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, officers, managers, administrators, and parents of Association members.

Purpose

- a) The Association supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, mediation and arbitration as effective ways to resolve disputes with and among members, and to avoid the uncertainty, costs and other negative effects associated with litigation.
- b) The Association encourages all Members to communicate openly and to collaborate in using problem-solving and negotiation techniques to resolve their differences. In almost all cases a negotiated settlement is preferable to any outcome achieved through other dispute resolution techniques, and negotiated resolutions to disputes with and among Members are strongly encouraged.

Application of this Policy

This Policy applies to all Members as defined in the Definitions.

Facilitation and Mediation

- a) Opportunities for facilitation and mediation may be pursued at any point in a dispute within the Association where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
- b) The costs of mediation will be shared equally by the parties.

Arbitration

- a) In the event that a dispute persists after all other internal remedies have been exhausted including negotiation, facilitation, mediation and/or appeals, the parties may, upon mutual consent, pursue opportunities for arbitration.
- b) Where arbitration is pursued, it will be done using trained arbitrators who are acceptable to the parties.

Canadian Amateur Diving Association Inc. (Manitoba Section)

DISPUTE RESOLUTION POLICY

- c) The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution, including appeals, and may directly pursue opportunities for arbitration.
- d) Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration and will share the costs equally.
- e) The parties to arbitration will enter into a written Arbitration Agreement that will specify that the decision of the arbitrator will be final and binding upon the parties and not subject to any further review by any court or any other body.

No Legal Action

No action, application for judicial review or other legal proceeding will be commenced against the Association respecting a dispute, unless the remedies afforded by this policy have not been offered or have been exhausted. In no case may a party pursue legal action against the Association in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.

Review and approval

This policy was approved by the Board of Directors on [date] and will be reviewed by the Executive Committee on an annual basis.

CADA (MS)

Board Approval Date: **January 30th, 2018**