

## **Duncan Swim Team Alternative Dispute Resolution Policy**

*In this document "Organization" refers to the Duncan Swim Team Society*

### **Definitions**

1. Terms in this Policy are defined as follows:
  - a) **Participants** – Refers to all categories of individual members and/or registrants defined in the By-laws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with, the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
2. The Organization support the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. The Organization encourage all Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. The Organization believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Participants are strongly encouraged.

### **Application of this Policy**

4. This Policy applies to all Participants.
5. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

### **Facilitation and Mediation**

6. If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the written settlement shall be reported to, and approved by, the Organization for approval. Any actions that are to take place because of the decision shall be enacted on the timelines specified by the negotiated decision, pending approval.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

### **Final and Binding**

10. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed

