

Kitimat Marlin Swim Club

Policy: Dispute Resolution

Adopted: 24 September 2019

Last amended: 24 September 2022



In this document "Organization" refers to the Kitimat Marlin Swim Club.

Introduction

The Kitimat Marlin Swim Club (the 'Organization') is committed to a fair and equitable process when resolving disputes with and among members of the Organization. The techniques of negotiation, facilitation, and mediation are viewed as effective ways to resolve these disputes. This policy outlines the method for dispute resolution which avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

The Organization encourages all members to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Organization believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among members are strongly encouraged.

Definitions

1. Terms in this Policy are defined as follows:

'Individuals' – All categories of membership defined in the Organization's Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, Directors and Officers of the Organization, spectators at events, and parents/guardians of athletes.

Purpose

2. This *Dispute Resolution Policy* describes how Persons in Authority shall maintain a safe sport environment for all Athletes.

Filing a Dispute

3. Any individual may file a dispute with the Organization.
4. Disputes must be submitted in writing and signed by the individuals within fourteen (14) days of the alleged incident or incident.
5. Disputes submitted after the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the dispute outside of the fourteen (14) day period will be at the sole discretion of the Organization. This decision may not be appealed.
6. Anonymous disputes may be accepted at the sole discretion of the Organization.

Facilitation and Mediation

The Organization will follow the following procedure when dealing with a dispute amongst Individuals of the Organization:

7. The dispute will first be referred to the Organization's President (or designate) for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.
8. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
9. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and shall specify a deadline before which the parties must reach a negotiated decision.

Final and Binding

Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

No action or legal proceeding will be commenced against the Organization or its Individuals in respect of a dispute, unless the Organization has refused or failed to provide or abide by the dispute resolution processes set out in this document.