

## **Bandy Manitoba's Alternative Dispute Resolution Policy**

### **1. Policy Statement**

- a) Bandy Manitoba supports the principles of Alternative 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.

### **2. Definitions**

These terms will have these meanings in this policy:

- a) *Appellant* -- refers to the person appealing a decision
- b) *Respondent* -- refers to the individual or committee of Bandy Manitoba whose decision is being appealed.
- c) *Negotiation*: a process where two parties in dispute work together without outside help to reach a mutually agreeable settlement.
- d) *Facilitation*: a process where an outside person works with and advises both parties and brokers a mutually agreeable settlement between them.
- e) *Mediation*: a more formal process of facilitated negotiation where an outside person brings the parties in a dispute together to understand and resolve their differences and find a mutually agreeable solution.
- f) *Arbitration*: a process where the parties refer their dispute to a knowledgeable, independent and external decision-maker to determine a settlement.

### **3. Scope**

3.1 This policy applies to disputes with and among members, where the term "Member" refers to all categories of members within Bandy Manitoba, as well as to all individuals engaged in activities with or employed by Bandy Manitoba, including, but not limited to directors, officers, coaches, athletes, officials, volunteers, medical and paramedical personnel, employees and other members.

3.2 This policy does not apply to disputes relating to:

- a) Matters of employment;
- b) Infractions for doping offences, which are dealt with pursuant to the *Canadian Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
- c) The rules of Bandy, which may not be appealed; and
- d) Discipline matters arising during events organized by entities other than Bandy Manitoba, which are dealt with pursuant to the policies of these other entities.

### **4. Negotiation**

- a) Bandy Manitoba 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.

## **5. Facilitation**

- a) Opportunities for facilitation may be pursued at any point in a dispute within Bandy Manitoba where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
- b) The appellant should submit the Notice of Disagreement form (Appendix A) to the Appeals Committee Chair to indicate the desire to proceed with the facilitation process.
- c) The Appeals Committee Chair or another designated individual will meet with the parties, either together or separately, to help find a solution agreeable to both parties.
- d) If the Appellant or Respondent can demonstrate a need for expediency, the facilitator has the discretion to decide that the dispute should go directly to the formal appeal stage.

## **6. Appeals**

- a) Appeals within Bandy Manitoba will be dealt with under the Bandy Manitoba Appeal Policy.

## **7. Mediation**

- a) Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained volunteer mediators who are acceptable to the parties.
- b) The mediators role is to act as a guide, to facilitate discussion between the parties, to take notes on any agreements reached during discussions, and in the event that the parties arrive at a compromise, to draft the resulting agreement.
- c) If costs associated with mediation are incurred, they will be jointly shared by both parties unless a different agreement during mediation is reached.

## **8. Arbitration**

- a) In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, appeals and/or mediation have been exhausted, the parties may pursue opportunities for independent arbitration.
- b) Where such independent arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who are acceptable to the parties.
- c) Costs associated with arbitration are the responsibility of the appellant, unless costs are imposed against Bandy Manitoba in the arbitration decision.
- d) The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution and may directly pursue opportunities for independent arbitration.
- e) Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.
- f) 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.

## **9. No Legal Action**

No action, application for judicial review or other legal proceeding will be commenced against Bandy Manitoba respecting a dispute, unless the remedies afforded by this policy have been exhausted.

**APPENDIX A – Notice of Disagreement**

Date: \_\_\_\_\_

**APPELLANT INFO**

Name: \_\_\_\_\_ Age of appellant: \_\_\_\_\_

Address of appellant: \_\_\_\_\_

Telephone numbers of appellant: Home: \_\_\_\_\_ Wk: \_\_\_\_\_ Other: \_\_\_\_\_

Fax number of appellant: \_\_\_\_\_ Email of appellant: \_\_\_\_\_

**DECISION**

What decision or practise do you wish to appeal