

# **Bandy Manitoba - Steps to resolving a dispute**

## **Overview of Bandy Manitoba's Alternative Dispute Resolution Policy and Appeals Policy**

---

This page is meant to be a brief visual overview of the steps involved in our dispute resolution process. For complete definitions and procedures, please refer to Bandy Manitoba's Alternative Dispute Resolution and Appeals Policies.

Bandy Manitoba's Alternative Dispute Resolution Policy and Appeals Policy spell out the principles and procedures to be followed by Bandy Manitoba when a member challenges a decision taken by the organization. These policies are not designed to prevent disputes, but to provide a mechanism to settle them fairly and impartially.

Many disputes result from a misinterpretation of the facts or a lack of communication between the parties. An effective dispute resolution process will provide one or more steps where the parties can discuss their differences. It is important that every effort be made to resolve the dispute privately between the parties, Steps 1 and 2 addresses this part of the process.

---

### **STEP 1 - NEGOTIATION**

A process where the two parties in dispute work together, without outside help, to reach a mutually agreeable settlement.

---

### **STEP 2 - FACILITATION**

When the parties are unable to resolve the problem privately through discussion, the next step is a process where an outside person works with and advises both parties, and brokers a mutually agreeable settlement between them.

---

### **STEP 3 - APPEAL**

If the attempts to resolve the dispute informally through negotiation and facilitation are not successful, the individual appealing the decision should submit an Appeal. Refer to Bandy Manitoba's Appeal Policy for the details on the process and the Appendix for the Appeal form.

---

### **STEP 4 – MEDIATION OR ARBITRATION**

After all the above internal process has taken place, it may happen that one of the parties is not satisfied with the decision rendered. In such a case, this party does have the right to appeal this decision through an external mechanism, such as mediation or arbitration.

*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.

*Arbitration:* a process where the parties refer their dispute to a knowledgeable, independent and external decision-maker to determine a settlement.

Keep in mind that mediation is usually the preferable course of action because all parties have input into the potential outcome. In some situations, however, mediation is not a very practical approach. Here is a partial list of factors to consider in making your choice:

- What is the nature of the dispute? Some issues are not really negotiable.
- Is there a deadline for finding a solution? Arbitration may be a better option if there is limited time left to settle the dispute.
- What are the attitudes of the parties? If the parties are hostile the situation may not be conducive to mediation.