



DISPUTE RESOLUTION POLICY

Policy Statement:

1. AthletesCAN 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.

Application of this Policy

2. This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within AthletesCAN, as well as to all individuals engaged in activities with or employed by AthletesCAN, including, but not limited to directors, officers, athletes, administrators, volunteers, employees (including contract personnel), interns and other members.

Negotiation

3. AthletesCAN 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.

Facilitation and Mediation

4. Opportunities for facilitation and mediation may be pursued at any point in a dispute within AthletesCAN where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
5. Where mediation is pursued, it will be done so in accordance with the rules of the Sport Dispute Resolution Centre of Canada, or where this forum is not available to the parties, it will be done according to standard mediation practice using trained mediators who are acceptable to the parties.
6. The costs of mediation will be shared equally by the parties.

Appeals

7. Appeals within AthletesCAN will be dealt with under the AthletesCAN Appeal Policy.

Arbitration

8. In the event that a dispute persists after all other AthletesCAN internal remedies have been exhausted including negotiation, facilitation, mediation and/or appeals, the parties may, upon mutual consent, pursue opportunities for arbitration.
9. Where arbitration is pursued, it will be done in accordance with the rules of the Sport Dispute Resolution Centre of Canada, or where this forum is not available to the disputing parties, it will be done according to standard arbitration practice using trained arbitrators who are acceptable to the parties.

10. 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.
11. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration. Unless there is a mutual written agreement between all parties with respect to costs, costs related to the arbitration will be determined by the arbitrator.
12. 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

13. No action, application for judicial review or other legal proceeding will be commenced against AthletesCAN 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 AthletesCAN in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.