



Alternative Dispute Resolution Policy

Definitions

- a) **Organizational Participant(s)** – refers to all categories of individual members and/or registrants defined in the by-laws of OBA who are subject to the policies, rules and regulations of OBA, as well as all persons employed by, contracted by, or engaged in activities with, OBA including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, judges, Athlete Support Personnel, managers, administrators, parents or guardians, honorary members, spectators, committee members, or directors and officers
- b) **Party or Parties** – the individual(s) or organization(s) involved in a dispute

Purpose

1. OBA supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.
2. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. OBA encourage all Organizational Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. OBA believe that negotiated settlements are most often preferable to arbitrated outcomes.
4. Negotiated resolutions to disputes with and among Organizational Participants are strongly encouraged.

Application of this Policy

5. This policy applies to all Organizational Participants.
6. 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

7. If all parties to a dispute agree to ADR, a mediator or facilitator shall be appointed to mediate or facilitate the dispute.



8. 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.
9. Should a negotiated settlement be reached, the settlement shall be reported to OBA for approval if it involves any action by the OBA before execution. Any actions that are to take place as a result of the settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.
10. 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

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