

## Manitoba Five Pin Bowling Federation – Dispute Resolution Policy

“Organization” refers to: Manitoba Five Pin Bowling Federation

### Definitions

1. The following term has this meaning in this policy:  
“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, officials, volunteers, directors, officers, team managers, administrators and employees.

### Purpose

2. The Organization 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. Alternate dispute resolution also avoids the uncertainty, costs and other negative effects associated with lengthy appeals or complaints or with litigation.
3. The Organization encourages all individuals 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 individuals are strongly encouraged.

### Application

4. This policy applies to all individuals.
5. Opportunities for alternate dispute resolution 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.

### Filing A Dispute

6. Any individual may file a dispute with the Organization. The dispute must be in writing and signed and must be filed within fourteen (14) days of the alleged incident or decision. Anonymous disputes may be accepted at the sole discretion of the Organization.
7. A dispute filed outside of 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.
8. 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 of Doping in Sport and the Canadian Doping Control Regulations.
  - c) The rules of 5 pin bowling, which may not be appealed; and
  - d) Discipline matters arising during events organized by entities other than the Organization, which are dealt with pursuant to the policies of these other entities.

### Facilitation And Mediation

9. 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.
10. 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.
11. 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.

12. Should a negotiated decision be reached, the decision shall be reported to and approved by the Organization. Any actions that are to take place as a result of the decision shall be enacted within the timelines specified by the negotiated decision, pending the Organization's approval.
13. The costs of mediation and facilitation will be shared equally by the parties.

**Arbitration**

14. In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, opportunities for independent arbitration may be pursued by the parties.
15. 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.
16. 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.
17. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.
18. The parties to the 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.

**Final And Binding**

19. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
20. 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 its governing documents.

**Review and Approval**

This policy will be reviewed on an annual basis at the Organization's annual general meeting, where it may be amended, deleted or replaced by a resolution and approved at the meeting. The policy will be signed off by the following members of the executive committee of the Organization.

Date: January 23<sup>rd</sup>, 2019

Grant Szpak (President): 

Mike Devenney (Vice President): 

Sandi Anderson (Treasurer): 