

MANITOBA ORGANIZATION OF DISC SPORTS (MODS) DISPUTE RESOLUTION POLICY

Preamble

1. MODS support 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.

Scope

2. This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within MODS, as well as to all individuals engaged in activities with or employed by MODS, including but not limited to: athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

3. 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 Ultimate, Disc Golf, and all other Disc Sports, which may not be appealed; and
- d) Discipline matters arising during events organized by entities other than MODS, which are dealt with pursuant to the policies of these other entities.

Negotiation

4. MODS 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

5. Opportunities for facilitation and mediation may be pursued at any point in a dispute within MODS where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.

6. Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties.

Appeals

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

Arbitration

8. 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.

9. 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

10. 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.

11. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.

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 MODS respecting a dispute, unless the remedies afforded by this policy have been exhausted.

Approval

14. This policy was approved by MODS' Board of Directors on August 8, 2004. It will be reviewed on an annual basis and may be amended, deleted or replaced by a resolution of the Board.