



## Manitoba Organization of Disc Sports

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<b>Title</b>	<b>MODS Dispute Resolution Policy</b>
<b>Owner</b>	<b>Conduct Committee</b>
<b>Approval By</b>	<b>Board of Directors</b>

<b>Originally Approved:</b> <b>March 22, 2017</b>	<b>Last Reviewed:</b> <b>February 27, 2019</b>	<b>Last Revised:</b> <b>February 27, 2019</b>
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### 1. PURPOSE

MODS supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation 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.

MODS encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. MODS 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.

### 2. POLICY/PROTOCOL

#### 2.1. Definitions

The following term has this meaning in this Policy:

- a. "Individuals" – All categories of membership defined in MODS' Bylaws, as well as all individuals employed by, or engaged in activities with, MODS including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of MODS

#### 2.2. Applications

This Policy applies to all Individuals.

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.

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### **2.3. Filing a Dispute**

Any Individual may file a dispute with MODS' Conduct Committee. 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 MODS.

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 MODS. This decision may not be appealed.

### **2.4. Facilitation and Mediation**

The dispute will first be referred to the MODS Conduct Committee, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.

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.

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.

Should a negotiated decision be reached, the decision shall be reported to, and approved by, MODS. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending the MODS' approval.

Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of MODS' Discipline and Complaints Policy.

The costs of mediation and facilitation will be shared equally by the parties.

### **2.5. Final and Binding**

Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

No action or legal proceeding will be commenced against MODS or its Individuals in respect of a dispute, unless MODS has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

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