

Policy Name: Dispute Resolution
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DISPUTE RESOLUTION

Purpose

The Northern Ontario Curling Association (NOCA) 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.

Northern Ontario Curling Association encourages all individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. NOCA 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.

Definitions

The following term has this meaning in this Policy:

- a) "*Individuals*" – All categories of membership defined in Northern Ontario Curling Association's *Bylaws*, as well as all individuals employed by, or engaged in activities with NOCA including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, board members and officers of NOCA.

Application of this Policy

1. This Policy applies to all individuals.
2. 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.

Facilitation and Mediation

3. The dispute will first be referred to NOCA's Executive Director (or the President, if the dispute involves the Executive Director) for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.
4. If all parties to a dispute agree to Alternate Dispute Resolution or mediation, the Executive Director may refer the alternate dispute resolution process to a resolution facilitator of the Sport Dispute Resolution Centre of Canada (SDRCC).

5. 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.
6. 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.
7. Should a negotiated decision be reached, the decision shall be reported to, and approved by Northern Ontario Curling Association. 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 NOCA's approval.
8. 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 Northern Ontario Curling Association's *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final Binding

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

Fees

10. It is understood that if independent arbitration is used after all internal avenues of decision making, negotiation, facilitation, mediation, and/or appeals have been exhausted, any cost for arbitration services will be the responsibility of each party associated with that arbitration.