



Title: Swim BC Dispute Resolution Policy

Section: Swim BC Social Policies
Approved by: SBC Board of Directors

Date of Approval: February 9, 2019
Next Review: September 2021

Definitions

1. The following terms have these meanings in this Policy:
 - a) *"Parties"* - The Complainant, Respondent, and any other Individuals, persons, or organizations affected by a dispute.
 - b) *"Individuals"* - All categories of membership defined in Swim BC's Bylaws, as well as all individuals employed by, or engaged in activities with Swim BC including, but not limited to, athletes, coaches, officials, volunteers, managers, administrators, committee members, and directors and officers of Swim BC.
 - c) *"Mediator"* – a neutral person who assists the parties in a dispute in communicating and negotiating a settlement.
 - d) *"Alternate Dispute Resolution"* - processes and techniques that act as a means for disagreeing parties to come to an agreement short of litigation.
 - e) *"Society"* - Swim BC

Purpose

2. Swim BC supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty of costs, and other negative effects associated with lengthy complaints or appeals, or with litigation.
3. Swim BC encourages all individuals and parties to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Swim BC 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 within Swim BC when all parties to the dispute agree that such a course of action would be mutually beneficial.
6. At any time, Swim BC may exercise the discretion to escalate a complaint to the Discipline and Complaints Policy.
7. This Policy does not supersede any other Swim BC policy.

Mediation

8. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator acceptable to all parties shall be appointed to mediate or facilitate the dispute. The mediator shall be sourced from contacts within the sport community and will be familiar with the role. In appropriate circumstances the Executive Director may act as a mediator, subject to acceptance by both parties to the dispute.
9. The mediator shall decide the format under which the dispute shall be mediated and shall specify a deadline before which the parties must reach a negotiated resolution.
10. Should a negotiated resolution be reached, the outcome shall be reported to Swim BC. Any actions that are to take place as a result of the resolution shall be enacted on the timelines specified therein.



11. Should a negotiated resolution not be reached by the deadline specified by the mediator 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 Swim BC's *Discipline and Complaints Policy* or *Appeals Policy*.
12. The costs of mediation will be shared equally by the parties or, based upon Swim BC's sole discretion, paid by the Society.

Final and Binding

13. Any negotiated resolution will be binding on the parties. A negotiated resolution may not be appealed.
14. No action or legal proceeding will be commenced against Swim BC or its Individuals in respect of a dispute, unless Swim BC has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents, including the Swim BC *Discipline and Complaints Policy* and *Appeals Policy*.