

MANITOBA SAILING ASSOCIATION (MSA)

ALTERNATIVE DISPUTE RESOLUTION POLICY

Preamble

1. MSA supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation and mediation, appeal, and finally 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 MSA, as well as to all individuals engaged in activities with or employed by MSA, including but not limited to: athletes, coaches, instructors, officials, volunteers, directors 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 racing rules of sailing, which must be resolved by procedures outlined in The *Racing Rules of Sailing*;
 - d) Discipline matters arising during events organized by entities other than MSA, which are dealt with pursuant to the policies of these other entities.

Negotiation

4. MSA 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 MSA 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 mediators who are acceptable to the parties.

Appeals

7. Appeals within MSA will be dealt with under the MSA 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, the parties may pursue opportunities for independent arbitration.
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 the terms of the arbitration procedure.

Responsibility

13. The administration and review of this policy is the responsibility of the VP Operations.

Review and Approval

14. This policy was first approved by the Board of Directors of the Manitoba Sailing Association on March 10, 2003. It was reviewed, amended and re-approved by the Board of Directors on March 2, 2010. The next re-approval date is March 2012.