



## ALTERNATE DISPUTE RESOLUTION POLICY

### Definitions

1. The following term has this meaning in this Policy:
  - a) "*Member*" - All categories of membership defined in Section 2.1 of the Swim Alberta *Constitution and By-laws* as well as all individuals employed by, or engaged in activities with, Swim Alberta including, but not limited to, clubs, athletes, coaches, officials, volunteers, managers, administrators, committee members, directors and officers of Swim Alberta and parents/guardians of athletes.

### Purpose

2. Swim Alberta 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 with and among members. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. Swim Alberta encourages all Members to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Swim Alberta believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to disputes with and among Members are strongly encouraged.

### Application of this Policy

4. This Policy applies to all Members.
5. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute within Swim Alberta when all parties to the dispute agree that such a course of action would be mutually beneficial.

### Facilitation and Mediation

6. If all parties to a dispute agree to Alternate Dispute Resolution, a trained mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. 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.
8. Should a negotiated decision be reached, the decision shall be reported to, and approved by, Swim Alberta. 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 Swim Alberta's approval.
9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, the dispute shall be remit back to the Policy under which it was initially being addressed and continue being addressed at the stage of that Policy that the parties chose to pursue Alternate Dispute Resolution, or the dispute shall start being addressed under the applicable Policy.

10. The parties will share the costs of mediation and facilitation equally. Swim Alberta will not be responsible for mediation and/or facilitation fees unless Swim Alberta is a party to the dispute or upon the sole discretion of Swim Alberta.

**Final and Binding**

11. Any negotiated decision will be binding on the parties and on all Swim Alberta Members. Negotiated decisions may not be appealed.

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