

Triathlon Manitoba

Dispute Resolution Policy

Adopted by Board of Directors November 13, 2017

Definitions

1. The following term has this meaning in this Policy:
 - a) “Individuals” – All categories of membership defined in Triathlon Manitoba’s Bylaws, as well as all individuals employed by, or engaged in activities with, Triathlon Manitoba including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of Triathlon Manitoba

Purpose

2. Triathlon Manitoba 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.
3. Triathlon Manitoba encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Triathlon Manitoba 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 of this Policy

4. This Policy applies to all Individuals.
5. 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.

Filing a Dispute

6. Any Individual may file a dispute with Triathlon Manitoba. 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 Triathlon Manitoba.
7. 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 Triathlon Manitoba. This decision may not be appealed.

Facilitation and Mediation

8. The dispute will first be referred to Triathlon Manitoba's President (or designate) for review, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.
9. 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.
10. 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.
11. Should a negotiated decision be reached, the decision shall be reported to, and approved by, Triathlon Manitoba. 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 Triathlon Manitoba's approval.
12. 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 Triathlon Manitoba's *Discipline and Complaints Policy*.
13. The costs of mediation and facilitation will be shared equally by the parties.

Final and Binding

14. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
15. No action or legal proceeding will be commenced against Triathlon Manitoba or its Individuals in respect of a dispute, unless Triathlon Manitoba has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

16. References

Appeal Policy
Discipline and Complaints Policy

History

17. The history of Triathlon Manitoba's *Dispute Resolution Policy* beginning May 2004 is as follows:
 - a) *Alternative Dispute Resolution Policy* approved on May 3, 2004.
 - b) Policy based on undated *Dispute Resolution Policy* template as found in Sport Manitoba's undated *Sport Governance Manual* approved on November 13, 2017. Sections 16 and 17 added.

c) Non substantive change made on August 9, 2018. In 17.b, reference to "*Appeal Policy*" corrected to "*Dispute Resolution Policy*."