

	
Policy:	Business & Operations Dispute Resolution Policy
Adopted:	October 2008
Current Board Approved Version:	March 22, 2022

(FOR MATTERS NOT FALLING UNDER THE DISCIPLINE AND COMPLAINT POLICY AND PROCEDURE)

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Alberta Artistic Swimming Member*”- All categories of membership within Alberta Artistic Swimming Association, as well as all individuals employed by or engaged in activities with Alberta Artistic Swimming, including but not limited to, athletes, coaches, judges, officials, volunteers, directors, officers, managers, administrators, spectators and parents of Alberta Artistic Swimming members.

Purpose

2. Alberta Artistic Swimming supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, mediation and arbitration as effective ways to resolve disputes with and among members, and to avoid the uncertainty, costs and other negative effects associated with litigation.
3. Alberta Artistic Swimming encourages all Alberta Artistic Swimming 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 Alberta Artistic Swimming Members are strongly encouraged.

Application of this Policy

4. This Policy applies to all Alberta Artistic Swimming Members as defined in the Definitions. This Policy does not apply to any complaint or other matter that is subject to resolution pursuant to the Alberta Artistic Swimming Discipline and Complaint Policy and Procedure.

Negotiation and Mediation

5. Except for matters requiring immediate injunctive or similar relief, all claims, disputes or other matters (other than disciplinary matters or other matters that fall under the Discipline and Complaints Policy and Procedure) must proceed to good faith negotiations and, failing resolution, to non-binding mediation.
6. .
7. Any mediation shall be conducted by a single, trained mediator appointed by agreement of the Parties, or, failing agreement by appointment by the ADR Institute of Alberta or the Court of Queen’s Bench of Alberta.
8. The costs of mediation will be shared equally by the parties.

Arbitration

9. In the event that a dispute persists after all other Alberta Artistic Swimming internal remedies and mandatory mediation have been exhausted including negotiation, mediation and/or appeals, the parties may, upon mutual consent, pursue opportunities for arbitration.
10. Where arbitration is pursued, it will be done using a single, trained arbitrator who is agreed upon as acceptable by the parties. If the parties cannot agree, the parties can rescind their agreement to arbitrate or an arbitrator may be appointed by the Court.
11. Other than good faith negotiations and mediation as required by clause 5, the parties involved in a dispute may mutually agree to bypass internal avenues of dispute resolution, including appeals, and may directly pursue opportunities for arbitration.

	
Policy:	Business & Operations Dispute Resolution Policy
Adopted:	October 2008
Current Board Approved Version:	March 22, 2022

- 12. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration and will share the costs equally.
- 13. The parties to arbitration will enter into a written Arbitration Agreement that will specify that the decision of the arbitrator will be final and binding upon the parties and not subject to any further review by any court or any other body.

No Legal Action

- 14. No action, application for judicial review or other legal proceeding will be commenced against Alberta Artistic Swimming respecting a dispute, unless the procedures and remedies afforded by this policy or any other applicable Alberta Artistic Swimming Policies have been exhausted. In no case may a party pursue legal action against Alberta Artistic Swimming in respect of arbitration for which the parties have entered into a written Arbitration Agreement.