



<b>CATEGORY: 1.0 GOVERNANCE &amp; STRATEGIC DIRECTION POLICIES</b>			
<b>SECTION: 1.9 General Policies</b>			
<b>POLICY: 1.9.9 Alternative Dispute Resolution Policy</b>	<b>APPROVED: Nov '15</b>	<b>REVISED: Jan 2016 July 2019 January 30, 2021</b>	<b>PAGES: 2</b>

**Definitions**

- 1. The following terms are defined within this policy as:
  - a) *"CPC"* – the Canadian Paralympic Committee
  - b) *"Case Manager"* – An individual appointed by the CPC, who need not be a member of affiliated with the CPC, to administer this policy.
  - c) *"Individuals"* – means all individuals engaged in activities with the CPC including athletes, coaches, team managers, officials, volunteers, suppliers, contractors, parents/guardians, Board of directors and officers, members, member representatives and committee members of the CPC.
  - d) *"Parties"* – The Appellant, Complainant, Respondent, and any other Individuals or persons affected by the dispute.

**Preamble**

- 2. The Canadian Paralympic Committee (CPC) is committed to providing a safe welcoming and inclusive environment for everything within its sphere of influence and when carrying out all of its activities. CPC is an athlete-centred organization which has identified the meeting of athlete needs as one of its top priorities. CPC commits to treating all individuals with respect which is characterized by the values of fairness, integrity, and open communication, and without discrimination. CPC is also committed to ensuring safe sport related policies are well communicated to its stakeholders.

**Purpose**

- 3. CPC supports the principles of Alternative Dispute Resolution ("ADR") and is committed to the techniques of facilitation, 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. This policy applies to external stakeholders such as CPC's members or volunteers and does not apply to CPC employees.
- 4. CPC encourages all CPC Members and Individuals to communicate openly and to collaborate in using problem-solving and negotiation techniques to resolve their differences. In almost all cases, a mutually agreeable settlement is preferable to any outcome achieved through other dispute resolution techniques. Negotiated resolutions to disputes with and among CPC Members and Individuals are strongly encouraged.



### **Application of this Policy**

5. This Policy applies to all Individuals.
6. This Policy does not apply to CPC employees.
7. This Policy does not apply to complaints or matters administered by the Office of the Sport Integrity Commissioner (OSIC) with regards to breaches of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) for individuals designated by CPC as UCCMS Participants.

### **Facilitation and Mediation**

8. Opportunities for facilitation and mediation may be pursued at any point in a dispute relating to Appeals or Complaints filed within CPC where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
9. The costs of mediation will be covered by CPC.
10. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed by the Case Manager to mediate or facilitate the dispute.
11. 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.
12. Should a negotiated decision be reached, the decision shall be provided to all parties and the CPC. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision.
13. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
14. 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 move forward to the next step laid out in the applicable policy.

### **No Legal Action**



15. No action or legal proceeding will be commenced against the CPC or Individuals in respect of a dispute, unless the CPC has refused or failed to provide or abide by the dispute resolution process as set out in the CPC's policies, procedures, rules and bylaws.