



Policy: 1.9.9 Alternative Dispute Resolution Policy
Subsection: (Finance, Governance, HR) ; Governance
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1. Purpose

- 1.1** 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, athletes, coaches, team managers, officials, volunteers, suppliers, contractors, parents/guardians, directors, officers, members, member representatives and committee members of the CPC (“*Individuals*”) and does not apply to CPC employees.

- 1.2** 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.



2. Equity, Diversity & Inclusion

2.1 This policy has been assessed for any implications it may have on inclusion, diversity, equity, and accessibility.

**DEI Phrase is currently under revision*

3. Scope of Policy

3.1 This Policy applies to all Individuals including Athletes.

3.2 This Policy does not apply to CPC employees.

4. Responsibilities

The **Board of Directors** are responsible for:

4.1 Providing oversight of the Policy.

4.2 Reviewing and monitoring initial risk assessments and subsequent reviews.

5. Definitions

The following terms are defined within this policy as:

5.1 "CPC" – the Canadian Paralympic Committee

5.2 "Case Manager" – An individual appointed by the CPC, who need not be affiliated with the CPC, to administer this policy.

5.3 "Individuals" – means all individuals engaged in activities with the CPC including athletes, coaches, team managers, officials, volunteers, suppliers, contractors, parents/guardians, directors, officers, members, member representatives and committee members of the CPC.

5.4 "Parties" – The Appellant, Complainant, Respondent, and any other Individuals or persons affected by the dispute.

5.5 "UCCMS" means the *Universal Code to Prevent and Address Maltreatment in Sport* (available here: <https://sportintegritycommissioner.ca/uccms>), as it may be amended or replaced from time to time.

6. Content of Policy

Facilitation and Mediation

6.1 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 CPC has jurisdiction over the dispute and the disputing parties agree that such a course of action would be mutually beneficial. If one party does not agree to Mediation, CPC will seek legal advice on how to best proceed.



- 6.2 CPC will select the mediator, ensuring impartiality and expertise. The costs of mediation will be covered by CPC.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
- 6.7 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

- 6.8 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.

Interaction with the UCCMS

- 6.9 Where an allegation of misconduct is alleged to be a breach of this Policy and/or of the UCCMS, the matter may be referred for handling under the policies and procedures of the SDRCC's Abuse Free Sport Program (available here: <https://sportintegritycommissioner.ca/policies>) in addition to the process set out under this Policy.



7. Revision History

This policy was first approved by the Board of Directors in November 2015

Subsequently revised on:

January 2016

July 2019

January 30, 2021

The Policy will be reviewed annually.