



Policy: 1.9.9 Alternative Dispute Resolution Policy
Subsection: (Finance, Governance, HR); Governance
Date of last Review: January 30, 2021
Date of last Approval: June 25, 2024

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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.



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2. Equity, Diversity & Inclusion

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

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 on policy

4.2 Reviewing and monitoring initial risk assessments and subsequent reviews.

5. Definitions

The following terms are defined with 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 with 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 the mediator will be covered by CPC.

6.3 If all parties to a dispute agree to Alternate Disputer Resolution, a mediator or a facilitator, accepted by 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 the 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 of 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.

Interactions with the UCCMS

6.9 Where an allegation of misconduct is alleged to be a breach of the 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. Renewal and Revisions

This policy was first approved by the Board of Directors in November 2025

Subsequently revised on:

January 2016

July 2019

January 30, 2021

This policy will be reviewed and updated every XX years. It may be updated sooner if significant changes in the law, government policy or regulatory requirements, or organizational needs arise.



APPENDIX “A” CASE MANAGER POSITION DESCRIPTION

Purpose

1. In this policy, the CPC requires the appointment of a Case Manager. This position description outlines the role, identity, responsibilities and tasks of the Case Manager.

Identity

2. The Case Manager, appointed by the CPC at their sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual shall not be connected in any way to the issue being disputed.

3. The Case Manager’s identity does not need to be approved by any of the parties involved in the dispute, excluding the CPC.

Discretion – Appeals (Appeals Policy)

4. When an appeal is filed, the Case Manager is required to:

- a) Propose the use of the CPC’s Alternative Dispute Resolution Policy;
- b) Determine if the appeal falls under the scope of the Appeal Policy;
- c) Determine if the appeal was submitted in a timely manner;
- d) Decide whether there are any grounds for the appeal;
- e) Appoint the Appeals Panel, if necessary;



- f) Coordinate all administrative aspects and set timelines in conjunction with the Appeals Panel;
 - g) Provide administrative assistance and logistical support to the Appeals Panel as required; and
 - h) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
5. When determining if there are identified grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been alleged. The Case Manager shall carefully consult CPC's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternative Dispute Resolution

6. When the parties agree to the jurisdiction of the Alternative Dispute Resolution Policy, the Case Manager may be required to:
- a) Appoint the mediator or facilitator;
 - b) Coordinate all administrative aspects and set timelines; and
 - c) Provide administrative assistance and logistical support to the mediator or facilitator as required

Hearing Format – Discretion

7. If necessary, the Case Manager, in conjunction with the Appeals Panel, as appropriate, is



required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms:

- a) Conference call;
- b) In-person hearing;
- c) Written submissions; or
- d) A combination of s. 9(a), 9(b) and 9(c).

8. In determining the format of the hearing, the Case Manager should consider:

- a) The animosity between the parties;
- b) The time commitment of the Panel;
- c) The timelines for a decision;
- d) The language barriers between the parties;
- e) The gravity of the complaint/appeal;
- f) The complexity of the issues involved;
- g) The amount of documentary evidence;
- h) Whether one or both parties are represented by legal counsel;
- i) The existence of written arguments provided in advance;
- j) Whether credibility findings must be made; or
- k) Accommodations required due to a Party's disability.

Panel Appointment

9. The Case Manager is required to appoint members of the Appeals Panel. The panel members are more important to the resolution of the dispute than the Case Manager and should have the following characteristics:

- a) Experience in dispute resolution;
- b) Experience with sport disputes;
- c) No connection to either party;



- d) Decisiveness;
- e) Fluent in the language in which the appeal is being argued; and
- f) Available to make a decision on the appeal within the timeframes set under this policy.

The Case Manager and each member of an Appeals Panel shall receive an honorarium.