

PAN-CANADIAN POLICY

SPECIAL OLYMPICS CANADA AND NEW BRUNSWICK DISPUTE RESOLUTION POLICY

This Policy has been prepared by Special Olympics Canada and is a Pan-Canadian Policy applicable to Special Olympics Canada and its Chapters. This document cannot be modified by a Chapter without consultation and approval from Special Olympics Canada.

EFFECTIVE DATE: DECEMBER 6, 2017

LAST REVISED: NEW

Definitions

1. The following term has this meaning in this Policy:
 - a) *“Individuals”* – All categories of membership defined in Special Olympics Canada or Chapter Bylaws, as well as all individuals engaged in activities with Special Olympics Canada or its Chapters including, but not limited to, athletes, coaches, mission staff, chefs de missions, officials, volunteers, committee members, parents or guardians, and directors and officers.

Purpose

2. Special Olympics Canada and its Chapters 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. Special Olympics Canada and its Chapters encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Special Olympics Canada and its Chapters believe 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 in accordance with Special Olympics Canada’s *Discipline and Complaints Policy or Appeal Policy*.

Facilitation and Mediation

7. If all parties to a dispute and Special Olympics Canada or its applicable Chapter agree to Alternate Dispute Resolution, a mediator or facilitator shall be appointed by **the governing body where the dispute is occurring** to mediate or facilitate the dispute. The mediator or facilitator is not required to be a Special Olympics Canada or Chapter employee or volunteer and may be any individual with the necessary skills to conduct a constructive mediation or facilitation session.
8. 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.
9. Should a negotiated decision be reached, the decision shall be reported to, and approved by, the organization with jurisdiction of the dispute, either Special Olympics Canada or the applicable Chapter.
10. 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 the Special Olympics Canada’s *Discipline and Complaints Policy or Appeal Policy*, as applicable.

Appeals

11. Approved negotiated decisions are not appealable.