



## **AKBA - Dispute Resolution Policy**

Effective date	October 1, 2022
Date last reviewed	July 30, 2022
Scheduled review date	October 2025
Approved by and date	AKBA Board on January 10, 2023
Appendix(-ces) to this Policy	

### **Purpose**

1. AKBA supports Individuals in seeking to resolve their own conflicts and recognizes that, in many cases, disputes can be resolved directly and quickly in an informal way. In situations where direct action by Individuals may be inappropriate or unsuccessful, AKBA supports the principles of Alternate Dispute Resolution (ADR) to resolve disputes, which can be achieved through negotiation, facilitation, and mediation. ADR avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. AKBA encourages all Individuals to communicate openly, and to collaborate and use problem solving and negotiation techniques to resolve their differences. AKBA believes that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

### **Application of this Policy**

3. This Policy applies to all Individuals.
4. Opportunities for ADR 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. If the dispute involves a potential Workplace Harassment or Workplace Violence situation, then the investigation must be completed pursuant to the Workplace Violence and Workplace Harassment Policy before consideration is given to ADR.

### **Facilitation and Mediation**

5. If all Parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all Parties, shall be appointed to mediate or facilitate the dispute.
6. AKBA may, upon agreement of the Parties and AKBA, refer the matter for mediation using the mediation services of the Sport Dispute Resolution Centre of Canada (SDRCC).
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the Parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the settlement shall be reported to AKBA for approval. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated settlement.

9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the Parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Harassment, Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

### **Final and Binding**

10. Any negotiated settlement will be binding on the Parties and shall remain confidential and will be protected by AKBA's Privacy Policy, as applicable. Negotiated settlements may not be appealed.
11. No action or legal proceeding will be commenced against AKBA in respect of a dispute, unless AKBA has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.

### **Privacy**

12. The collection, use and disclosure of any personal information pursuant to this Policy is subject to AKBA's Privacy Policy.
13. AKBA or any of its delegates pursuant to this Policy shall comply with AKBA's Privacy Policy in the performance of their services under this Policy.