



BOWLS CANADA BOULINGRIN

Dispute Resolution Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*BCB Member*”- All categories of membership defined with BCB’s Bylaws, as well as all individuals employed by or engaged in activities with BCB, including but not limited to, directors, officers, volunteers, coaches, athletes, officials, members, administrators and spectators.

Purpose

2. BCB supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, 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.

Application of this Policy

3. This Policy applies to all BCB Members as defined in the Definitions.
4. This Policy does not apply to disputes in relation to:
 - a. Matters of Employment;
 - b. Infractions for doping offences, which are dealt with pursuant to the *Canadian Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
 - c. The rules of lawn bowls, which may not be appealed;
 - d. Discipline matters arising during events organized by entities other than BCB, which are dealt with pursuant to the policies of these other entities; and
 - e. Policies and procedures established by BCB and other entities.

Negotiation

5. BCB encourages all BCB Members to communicate openly and to collaborate in using problem-solving and negotiation techniques to resolve their differences. In almost all cases a negotiated settlement is preferable to any outcome achieved through other dispute resolution techniques, and negotiated resolutions to disputes with and among Members are strongly encouraged.

Facilitation and Mediation

6. Opportunities for facilitation and mediation may be pursued at any point in a dispute within BCB where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
7. The Sport Dispute Resolution Centre of Canada (SDRCC), and any successor program, provides mediation services. Where the disputing parties are in agreement, mediation through this Program and using this Program's rules and procedures, as amended from time to time, may be pursued.
8. The disputing parties may also pursue other opportunities for mediation. Where mediation is pursued, whether through the SDRCC or through other mechanisms, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties.
9. The costs of mediation will be shared equally by the parties.

Arbitration

10. In the event that a dispute persists after all internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, opportunities for final binding arbitration may be pursued through the SDRCC, or any successor program.
11. The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution, including appeals, and may directly pursue opportunities for final binding arbitration through the SDRCC.
12. Where a dispute is referred to arbitration through the SDRCC such arbitration will be carried out pursuant to the rules and procedures of this Program, as amended from time to time.
13. In the event a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, and an opportunity for final binding arbitration is not available through the SDRCC, the parties may nonetheless pursue independent arbitration to resolve their dispute.
14. Where such independent arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who are acceptable to the parties.
15. The parties to any arbitration, whether through the SDRCC or through other independent arbitration will enter into a written Arbitration Agreement that will specify that the decision of the arbitrator will be final and binding upon the parties and not subject to any further review by any court or any other body.

Appeals

16. Appeals within BCB will be dealt with under the BCB's Appeals Policy.

No Legal Action

17. No action, application for judicial review or other legal proceeding will be commenced against BCB respecting a dispute, unless the remedies afforded by this policy have not been offered or have been exhausted. In no case may a party pursue legal action against BCB in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.