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## 4.3 DISPUTE RESOLUTION POLICY

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### Policy Statement

1. OCPSA 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.

### Scope

2. This policy applies to disputes with and among OCPSA Representatives, where the term “OCPSA Representatives” refers to any director, officer, committee member, employee, contractor, volunteer, coach, athlete, athlete’s parent/guardian, official, referee, manager and member within OCPSA.
3. OCPSA encourages all OCPSA Representatives 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 OCPSA Representatives are strongly encouraged.

### Facilitation and Mediation

4. Opportunities for facilitation and mediation may be pursued at any point in a dispute within OCPSA where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
5. The costs of mediation will be shared equally by the parties.

### Arbitration

6. In the event that a dispute persists after all other OCPSA internal remedies have been exhausted including negotiation, facilitation, mediation and/or appeals, the parties may pursue opportunities for arbitration.
7. Where arbitration is pursued, it will be done so in accordance with *Arbitration Act of Ontario* using trained arbitrators who are acceptable to the parties.
8. 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 arbitration.

9. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration and will share the costs equally.
10. The parties to 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.
11. The costs of arbitration will be decided by the Arbitrator.

### **No Legal Action**

12. No action, application for judicial review or other legal proceeding will be commenced against OCPSA 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 OCPSA in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.