

## **Alternative Dispute Resolution Policy**

The Alberta Basketball Association (ABA) supports the principles of Alternative Dispute Resolution 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.

The ABA encourages all Individuals 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 Individuals are strongly encouraged.

The purpose of the Alternative Dispute Resolution policy is to provide a mechanism to resolve disputes and avoid the harm of litigation.

### **Applicability-**

This Policy applies to all Individuals as defined in the Definitions.

### **Negotiation, Facilitation, Mediation and Arbitration-**

Opportunities for negotiation, facilitation, mediation and arbitration may be pursued at any point in a dispute within the ABA where it is appropriate.

The cost of Mediation and Arbitration will be shared equally by the parties.

### **No Legal Action-**

No action, application for judicial review or other legal proceeding will be commenced against the ABA respecting a dispute, unless the remedies afforded by all the ABA policies have not been offered or have been exhausted.

### **Definitions-**

- "Individual" shall mean members as defined in the Alberta Basketball Association Bylaws, provided they are in good standing at the time the appeal is filed, as well as all individuals engaged in activities with Alberta Basketball, including, but not limited to, athletes, coaches, directors, officers, managers and referees.
- "Alternative Dispute Resolution" shall mean a series of processes that are alternatives to litigation. Alternative Dispute Resolution processes include prevention, negotiations, mediation, facilitation and arbitration. The goals of an Alternative Dispute Resolution system are to:
  - Reduce time and costs for dispute resolution;
  - Maintain or improve disputants' relationships;
  - Ensure that the outcome of the system is workable, durable and implementable;and

- Develop a process that people can learn from. The two most common forms of ADR are mediation and arbitration.
- “Arbitration” shall mean a dispute resolution process in which disputes are submitted to a neutral adjudicator through presentation of evidence and arguments. The arbitrator is empowered to render a binding decision.
- “Arbitrator” shall mean the adjudicator of an Arbitration who is empowered to render a binding decision.
- “Mediation” shall mean a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.
- “Mediator” shall mean a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.

#### Board Approval and Review –

- Policy reviewed by the ABA Staff in April 2020
- Policy approved by the ABA Board of Directors in June 2020
- Policy will be reviewed again in July 2021