



BASKETBALL NEW BRUNSWICK

DISPUTE RESOLUTION POLICY (Adapted from Canada Basketball)

Definitions

1. The following term has this meaning in this Policy:
 - a) *“Individuals”* – All categories of membership defined in Basketball New Brunswick’s (BNB) Bylaws, as well as all individuals employed by, or engaged in activities with, BNB including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of BNB.

Purpose

2. BNB 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. BNB encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. BNB believes 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.

Facilitation and Mediation

6. If all parties to a dispute agree to Alternate Dispute Resolution or mediation, the matter may be referred to a resolution facilitator of the Sport Dispute Resolution Centre of Canada (SDRCC).
7. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
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, BNB. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending BNB’s approval.

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 BNB's *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final and Binding

11. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

Review and Approval

12. This Policy was reviewed and approved by the BNB Board of Directors on June 4th, 2020.