



# MANITOBA SOCCER ASSOCIATION POLICIES AND ADMINISTRATIVE PROCEDURES



## DISPUTE RESOLUTION POLICY

### STATEMENT

The Manitoba Soccer Association (MSA) supports the principles of Alternative 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.

### ADMINISTRATIVE PROCEDURES

The policy applies to disputes with and among members, where the term “Member” refers to all categories of members within the MSA, as well as to all individuals engaged in activities with or employed by the MSA, including but not limited to: athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel).

The policy does not apply to disputes relating 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 Soccer, which may not be appealed; and
  - d) Discipline matters arising during events organized by the MSA or events organized by members other than the MSA, which are dealt with pursuant to the policies of these other members.
1. The MSA encourages all 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.
  2. Opportunities for facilitation and mediation may be pursued at any point in a dispute within the MSA where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.



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3. Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties.
4. Appeals within the MSA will be dealt with under the MSA Appeal process as provided for in the Rules and Regulations of the MSA and its members and the Canadian Soccer Association.
5. In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, opportunities for independent arbitration may be pursued by the parties.
6. 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.
7. The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution and may directly pursue opportunities for independent arbitration.
8. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.
9. 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.
10. No action, application for judicial review or other legal proceeding will be commenced against the MSA respecting a dispute, unless the remedies afforded by this policy and the MSA/CSA Appeal process have been exhausted.  
MSA By-Law Article (9.6)

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APPROVED BY: Manitoba Soccer Association Board of Directors

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