



VSA POLICIES AND PROCEDURES

**Dispute Resolution Policy**

Effective: November 2015

# 1 Dispute Resolution Policy (2015)

## 1.1 Definitions

- 1.1.1 The following term has this meaning in this Policy:
- a) “Governing Body” – It refers to the organization that has the authority to manage a discipline complaint per the policies of the Governing Body. Governing Body may refer to the Canadian Soccer Association, Valley Soccer Association (VSA), SSA or Member Organizations, Clubs/Zones or Entities that are Members of the Valley Soccer Association (VSA) or SSA.
  - b) “Members” – All Members defined by Valley Soccer Association (VSA) Bylaws and for the purposes of this policy shall also include parents of Individual Members and spectators at Valley Soccer Association (VSA) events and Valley Soccer Association (VSA) sanctioned competitions.

## 1.2 Purpose

- 1.2.1 The VSA supports the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with formal complaints, subsequent appeals or potential litigation.
- 1.2.2 The VSA encourages all Members to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Negotiated resolutions to solve disputes with and among Members are encouraged.
- 1.2.3 VSA Member Organizations are responsible to ensure that their Dispute Resolution Policy is consistent with this Policy. As such, the VSA recommends that Governing Bodies adopt similar processes as described within this Policy or adopt this Policy with the substitution of ‘VSA’ with the name of the Governing Body.

## 1.3 Application of this Policy

- 1.3.1 This Policy applies to all Members.
- 1.3.2 Opportunities for Dispute Resolution may be pursued at any point in a dispute (prior to any decision of an Adjudicator/Panel) within the VSA when all parties to the dispute agree that such a course of action would be mutually beneficial.

## 1.4 Facilitation and Mediation

- 1.4.1 As directed by the *Formal Complaints* Policy, the VSA will appoint a Case Manager to oversee the management and administration of this Policy and such appointment is not appealable.
- 1.4.2 If all parties to a dispute agree to Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed by the Case Manager to mediate or facilitate the dispute. Costs related to mediation and facilitation (if any) will be shared equally by the parties, unless determined otherwise by the VSA. In the event that the parties cannot agree to the mediator or facilitator, the VSA will appoint one.

- 1.4.3 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.
- 1.4.4 Should a negotiated decision be reached, the decision shall be reported to, and approved by, the VSA. 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 the VSA's approval.
- 1.4.5 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 Dispute Resolution, the dispute shall be referred back to and resolved by the *Formal Complaints Policy*.

## **1.5 Final and Binding**

- 1.5.1 Any negotiated decision will be binding on the parties. Negotiated decisions shall not be appealed.
- 1.5.2 No action or legal proceeding will be commenced against the VSA or its Members in respect of a dispute, unless the VSA has refused or failed to provide or abide by the dispute resolution processes set out in its bylaw, rules, regulation, policies and procedures.