

## **DISPUTE RESOLUTION POLICY**

Dispute Resolution policy relating to the conduct of the affairs of

### **MISSISSAUGA MINOR BASKETBALL ASSOCIATION INC.**

#### **PURPOSE**

The purpose of this policy is to provide a process to effectively resolve disputes with all members, players, coaches, spectators, parents and/or guardians within the MMBA.

#### **DEFINITIONS**

“Alternate Dispute Resolution (ADR)” – encompasses alternatives to litigation including but not limited to binding mediation and arbitration. ADR provides venues in which settlements can arise in order to reduce the amount of time and cost in resolving disputes and ensure that a complainant remains in a relationship with the MMBA.

“Complaint” – a complaint can include but is not limited to disputes involving participation in MMBA programs, harassment, verbal abuse, mental abuse and racism. This list is not exhaustive.

“Complainants” – individuals including MMBA directors, members, coaches (paid and volunteer) and other individuals including but not limited to players, staff, parents, family members, friend, customers, clients or organizations.

“Dispute” – involves all manner of complaints between individuals within the MMBA.

“Mediation” – a process that remains outside the scope of litigation involving two or more parties who meet in the presence of a third party (e.g. mediator) in order to resolve a conflict between individuals.

“Mediator” – a neutral third-party facilitator (e.g. board member or professional mediator) who assists in discussions amongst individuals and groups to resolve a conflict.

## **APPLICATION**

This policy applies to all individuals in the MMBA.

## **REPORTING A COMPLAINT**

1. An individual may bring forward a complaint in writing to the MMBA office or to an officer or board member at any time regarding a dispute with the MMBA or any individual or group within the MMBA.
2. The complaint is to be reported to the president to acknowledge the complaint within five (5) days of receipt of the complaint.
3. The president will refer the complaint to a committee of the board who will then direct as to a review of the complaint by either the president or another board member or members who will meet with the complainant or complainants or those who may be involved in the complaint.

4. Thereafter, within fourteen (14) days of the original receipt of acknowledgement of the complaint, a response must be filed by the president or board members to the board with recommendations as to a resolution.
5. If the complaint has not been resolved to the satisfaction of the complainant, the board will then make a decision as to a resolution.
6. If the complainant does not accept the resolution by the board, the matter may be referred to a mediator.
7. The cost of the mediator will be to the MMBA.
8. The terms of reference for a mediator will be determined by the board in which case the complainant and appointed MMBA officers will present their position in a manner set out by the mediator to reach a negotiated resolution.
9. If there is no resolution satisfactory to the complainant following mediation, the board will then make a final decision on behalf of the MMBA.
10. If the decision made by the MMBA is not agreeable to the complainant, the complainant may pursue whatever avenue the complainant may wish to pursue either by way of binding arbitration or any other legal avenue.