



**Policy Name:** Dispute Resolution Policy  
**Policy Number:** NCSA-017-06.17.2020  
**Policy Approver:** NCSA Board of Directors  
**Approval Date:** 06/17/2020

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## **POLICY STATEMENT AND OBJECTIVES**

Nose Creek Swim Association (NCSA) strives to provide a safe environment where all of its members are required to conduct themselves in an appropriate and ethical manner. The intent of the policy is to provide a format to resolve a dispute among two parties, as an initial option to the Complaint and Disciplinary Policy, and avoid the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.

This policy applies to all employees, directors, volunteers, coaches, athletes, officials and members of NCSA.

### **Definitions**

1. The following term has this meaning in this Policy:
  - a) "Individuals" – All categories of membership defined in NCSA's Bylaws, as well as all individuals employed or contracted by, or engaged in activities with NCSA including, but not limited to, athletes, coaches, convenors, referees, officials, volunteers, managers, administrators, committee members, and Directors and Officers of the NCSA.
  - b) NCSA Board of Directors – The President, Vice President, Secretary, Treasurer and other Members as appointed to the Board of NCSA.
  - c) NSCA Executive Board of Directors - includes the President, Vice President, Secretary and Treasurer

### **Purpose**

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

### **Filing a Dispute**

6. Any Individual may file a dispute with any member of the NCSA Executive Board of Directors. The dispute must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident or decision. Anonymous disputes may be accepted at the sole discretion of NCSA Executive Board of Directors.
7. A dispute filed outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the dispute outside of the fourteen (14) day period will be at the sole discretion of the NCSA Executive Board of Directors. This decision may not be appealed.

### **Facilitation and Mediation**

8. The dispute will first be referred to the NCSA Board of Directors President (or designate) for review, provided there is no perceived conflict of interest, with the objective of resolving the dispute via Alternate Dispute Resolution and/or mediation.
9. 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. Both parties must provide representatives with full and binding decision making authority on their behalf.
10. In the case of NCSA, the NCSA Executive Board of Directors will assign their representative(s) to act on NCSA's behalf.
11. 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.
12. Should a negotiated decision be reached, the decision shall be reported to the NCSA Executive Board of Directors. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, or as soon as reasonably practicable.
13. 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 the NCSA's Discipline and Complaints Policy.
14. The costs of mediation and facilitation will be shared equally by the parties to the dispute.



**Final and Binding**

15. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
  
16. No action or legal proceeding will be commenced against NCSA or its Individuals in respect of a dispute, unless NCSA has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents.