



# FIELD HOCKEY CANADA

## DISPUTE RESOLUTION POLICY

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### Preamble and Purpose

1. Field Hockey Canada (FHC) is committed to using 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.

### Scope and Application

2. This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within FHC, as well as to all individuals engaged in activities with or employed by FHC, 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).
3. This 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 Anti-Doping Program* and the *Canadian Doping Control Regulations*;
  - c) The rules of field hockey, which may not be appealed; and
  - d) Discipline matters arising during events organized by entities other than FHC, which are dealt with pursuant to the policies of these other entities.

### Negotiation

4. FHC 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.



## Facilitation and Mediation

5. Opportunities for facilitation and mediation may be pursued at any point in a dispute within FHC where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
6. The Sport Dispute Resolution Centre of Canada (SDRCC Program: <http://www.crdsc-sdrcc.ca/eng/about.jsp>), or any successor program, provides mediation services. Where the disputing parties are in agreement, mediation through this Program and using this Program's rules and procedures, as amended from time to time, may be pursued.
7. The disputing parties may also pursue other opportunities for mediation. Where mediation is pursued, whether through the SDRCC Program or through other mechanisms, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties.

## Appeals

8. Appeals within FHC will be dealt with under the Field Hockey Canada Appeals Policy.

## Arbitration

9. In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, opportunities for final binding arbitration may be pursued through the SDRCC Program, or any successor program.
10. The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution and may directly pursue opportunities for final binding arbitration through the SDRCC Program.
11. Where a dispute is referred to arbitration through the SDRCC Program, such arbitration will be carried out pursuant to the rules and procedures of this Program, as amended from time to time.
12. In the event a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, and an opportunity for final binding arbitration is not available through the SDRCC Program, the parties may nonetheless pursue independent arbitration to resolve their dispute.



13. Where such independent arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who acceptable to the parties.
14. The parties to any arbitration, whether through the SDRCC Program or through other independent 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.

#### **No Legal Action**

15. No action, application for judicial review or other legal proceeding will be commenced against FHC respecting a dispute, unless the remedies afforded by this policy have been exhausted.

Reviewed and Revised: September 30, 2011