



FIELD HOCKEY CANADA

Policy Name DISPUTE RESOLUTION POLICY		Policy Category MEMBERSHIP
Date of Approval December 15, 2020	Activation Date March 31, 2021	Replacing Previous Version September 30, 2011
Approved By Board of Directors		Review Cycle Governance Committee – every two years

1. PURPOSE

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 participants, and to avoid the uncertainty, costs and other negative effects associated with litigation, recognizing that both parties must consent to the alternative resolution methods for them to be utilized.

2. PRINCIPLE

FHC supports the processes in this policy that provide satisfactory closure to any matter of dispute within the association that has not been resolved through the FHC **Complaints and Discipline Policy** or the FHC **Appeals Policy**.

3. APPLICATION

This policy applies to disputes with and among participants, where the term “participants” refers to Registered Participants as defined in Article 1.1 (h) of the Bylaws of FHC including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, committee members and Directors of FHC.

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.

4. NEGOTIATION

FHC encourages all Registered Participants and 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 participants are strongly encouraged.



FIELD HOCKEY CANADA

5. FACILITATION AND MEDIATION

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.

The Sport Dispute Resolution Centre of Canada (SDRCC) Program (<http://www.crdsc-sdrcc.ca/eng/home> OR <http://www.crdsc-sdrcc.ca/fr/accueil>), 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.

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.

6. APPEALS

Appeals within FHC will be dealt with under the FHC **Appeals Policy**.

7. ARBITRATION

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 or any other independent arbitration services and agreed to by all parties.

Where such independent arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who are acceptable to all parties.

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.

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.

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.

8. NO LEGAL ACTION

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.