PREAMBLE:

Special Olympics Manitoba supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of mediation and arbitration as effective ways to resolve disputes and to avoid the uncertainty and cost associated with litigation.

MEDIATION:

Opportunities for mediation may be pursued at any point in a dispute where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.

ARBITRATION:

In the event that a dispute persists after internal avenues of decision making, appeals and/or mediation have been exhausted, opportunities for final binding arbitration may be pursued.

Where the continuing dispute relates to an Appeal Panel having made a decision that was outside its jurisdiction, having failed to follow proper procedures, or having made a decision that was influenced by bias, such a dispute may be dealt with through binding arbitration before an independent arbitrator who is acceptable to the parties of the dispute. If the parties cannot agree on an arbitrator, each party shall choose one arbitrator and within 30 days, the two arbitrators will choose the arbitrator that will hear the matter. The appointment by an arbitrator in this manner will be final.

Should a dispute be referred to arbitration, all parties to the original appeal will be parties to the arbitration.

The parties to the 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. The Arbitration Agreement will also indicate that the costs of the Arbitration will be shared by all parties to the appeal equally.

No action, application for judicial review or other legal proceeding will be commenced against Special Olympics Manitoba in respect of a dispute with a member, unless Special Olympics Manitoba has failed or refused to participate in binding arbitration in accordance with this policy.