

# **Manitoba Baseball Association**

## **DISPUTE RESOLUTION POLICY**

### **Preamble**

1. Manitoba Baseball Association (MBA) supports the principles of Alternative Dispute Resolution (ADR) and is committed to 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**

2. This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within MBA, as well as to all individuals engaged in activities with or employed by MBA, including but not limited to: athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, 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 Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
  - c) The rules of baseball, which may not be appealed; and
  - d) Discipline matters arising during events organized by the MBA, or entities other than MBA, which are dealt with pursuant to the policies of these other members.

### **Negotiation**

4. The MBA 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 the MBA where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
6. Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties.

### **Appeals**

7. Appeals within the MBA will be dealt with under its Appeal Policy.

**Arbitration**

- 8. In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, opportunities for independent arbitration may be pursued by the parties.
- 9. Where such independent arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who are acceptable to the parties.
- 10. The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution and may directly pursue opportunities for independent arbitration.
- 11. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.
- 12. The parties to 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.

**Administrative Costs**

- 13. The MBA may establish a schedule of fees to cover its administration costs that must be paid by any Member as a prerequisite to commencing, through the MBA, a mediation or arbitration process to resolve a dispute.

**No Legal Action**

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

APPROVED BY RESOLUTION OF THE MANAGEMENT COMMITTEE OF THE MBA this 26th day of April, 2005

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President

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Vice-President Policy

Reviewed by Executive Committee – November, 2007 – no amendments or additions.