

OKF DISPUTE RESOLUTION POLICY

OKF recognizes that disputes between Members and/or Participants may not rise to a level that renders the Discipline and Complaints Policy applicable. This Dispute Resolution Policy is intended to be used in matters where there is a genuine dispute between Members and/or Participants where the dispute does not rise to the level where the Policies and/or Bylaws have been breached, and, therefore, the Discipline and Complaints Policy is not relevant as a means to settle a dispute. Accordingly, the OKF is establishing this Policy to redress grievances between Members and/or Participants before they rise to the level where the Discipline and Complaints Policy is required.

For the purpose of this Policy, “Individual” shall mean all registered Members and Participants of OKF and include, but are not limited to athletes, coaches, officials, volunteers, managers, administrators, committee members, and Directors and Officers of OKF.

1. Purpose of Dispute Resolution:

- 1.1 The purpose of this Dispute Resolution Policy is to provide Alternative Dispute Resolution for Individuals where the dispute does not rise to the level that requires the Discipline and Complaints Policy.
- 1.2 OKF has established this Policy to give Individuals a mechanism to resolve their disputes early and mutually before the dispute becomes a larger issue.
- 1.3 Notwithstanding 1.1 above, an Individual who may have a Complaint that can be pursued through the Discipline and Complaints Policy, may bring the dispute to the OKF under this Policy. If an Individual brings a dispute to the OKF when they have a valid claim under the Discipline and Complaints Policy, the fourteen (14) day period in 4.1 of the Discipline and Complaints Policy shall be tolled pending the outcome of the process under this Policy. For greater certainty and clarity, if an Individual has a Complaint against another Individual that they could pursue under the Discipline and Complaints Policy and they attempt to resolve that dispute under this Policy, the Individual with the Complaint has fourteen (14) days from the conclusion of the Dispute Resolution Process to file a Complaint under the Discipline and Complaints Policy if this process is not successful.
- 1.4 Conversely, if an Individual has a Complaint that may be pursued under the Discipline and Complaints Policy and brings the dispute under the Dispute Resolution Policy and the Individuals resolve the matter under this Policy, the Individual shall not be able to bring the Complaint under the Discipline and Complaints Policy after the matter has been settled here. The only way the Individual holding the Complaint may bring the Complaint under this Policy and subsequently under the Discipline and Complaints Policy is if the Individuals are unable to resolve the dispute under this Policy.
- 1.5 The Principles of negotiation, facilitation and mediation shall be adhered to by the OKF as they are proven methods to resolve disputes in an open manner, taking into account all sides of the dispute, while managing uncertainty, cost and negative effects of a formal Complaint, Appeal or litigation.

1.6 To that end, the purpose is not to make a determination as to which Individual is right or wrong – this is not an adjudicative process. Rather, this is a process that encourages the Individuals to engage in a dialogue and resolve the dispute between them, in a mutually beneficial way, with the assistance of the OKF.

2. Principles:

2.1 All Individuals deserve a functional, working environment where disputes may be addressed openly, fairly and expediently.

2.2 Disputes will be addressed and discussed with a clear application of fairness and objectivity.

2.3 Negotiated settlements are preferable to outcomes determined by adjudicative bodies. Resolutions that are the product of negotiation among Individuals are highly encouraged.

2.4 Dispute Resolution shall not be imposed upon Individuals. The Dispute Resolution Policy may only be utilized when all Individuals involved in the dispute mutually agree to utilize the Dispute Resolution Policy.

3. Types of Disputes:

3.1 A disagreement, meaning opposing views held by Individuals, does not necessarily require dispute resolution. Nevertheless, if Individuals mutually agree to utilize the Dispute Resolution Policy, then OKF should welcome that;

3.2 A disagreement having principled or material impacts between Individuals may require dispute resolution, and may be brought forth. These will be encouraged to be resolved respectfully between the Individuals;

3.3 In the event that Individuals are unable to resolve their dispute, or according to the specific nature of the dispute at hand, disagreement may be determined to be a dispute and dispute resolution (DR) may be requested (Refer to separate harassment policy if relevant, according to the nature of the dispute). A grievance may require similar process as defined the harassment policy;

3.4 DR may require process that involves participation of the members/parties involved, it may require the intervention of delegates, consultants or others assigned to the matter. All parties are required to cooperate. Determination of the outcome of a dispute may require authority and decision by others in the absence of member/party-based resolution.

4. Facilitation and Mediation

4.1 As disputes will be recognized as occurring solely within the Membership, the Membership Director (MD) shall oversee, manage, delegate and otherwise decide the process of dispute resolution, on a case-by-case basis. The MD may assign delegates, teams or consultants according to the determination of process for dispute resolution.

- 4.2 If all Individuals to a dispute agree to Alternate Dispute Resolution, the Membership Director may facilitate or mediate the dispute or may appoint a mediator or facilitator. If a mediator or facilitator is appointed, the Membership Director shall ensure that they are free from a conflict of interest. Also, the Membership Director shall be present for the facilitation or mediation.
- 4.3 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. In the event the facilitator or mediator is not the Membership Director, the Membership Director shall collaborate with the facilitator or mediator in the process.
- 4.4 The facilitation or mediation may take place via conference call and an in-person meeting is not required. However, the Membership Director, mediator or facilitator may, in their discretion, require an in-person meeting under the circumstances.
- 4.5 Should a negotiated resolution be reached, the resolution shall be reported to the OKF. Any actions that are to take place as a result of the resolution shall be enacted on the timelines specified by the negotiated resolution.
- 4.6 Should a negotiated resolution not be reached by the deadline specified by the Membership Director, mediator or facilitator at the start of the process, or if the individuals to the dispute do not agree to Alternate Dispute Resolution, the dispute may be considered under the appropriate section of the OKF Discipline and Complaints Policy.
- 4.7 The costs of mediation and facilitation will be covered by OKF. However, the Parties are responsible for their costs if they elect to have an Authorized Representative.
- 4.8 Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
- 4.9 No action or legal proceeding will be commenced against OKF or its Individuals in respect of a dispute, unless OKF has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents, including the OKF Discipline and Complaints Policy and Appeal Policy.

5. Dispute Resolution Process

The Dispute Resolution process shall include the following steps, aspects or actions:

- Identify the needs of the participants
- Determine a process that is simple, informal and flexible
- Be Inclusive
- Ensure the people involved have suitable training and ability to function
- Communicate with participants
- Monitor and evaluate process
- Adjust process as needed (towards resolution)
- Be accessible
- Obtain feedback from participants

- Ensure that decision-makers, if needed, have knowledge about Canadian Human Rights
- Ensure that decision-makers are impartial and independent
- Allow for Individual representation
- Give people an opportunity to be heard
- Encourage parties to share information
- Work to keep information confidential
- Give reasons for decisions
- Ensure process is acceptable to all
- Ensure no retaliation

9. Review

- 9.1 OKF will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all members.