



Dispute Resolution Policy

PURPOSE

The Yukon Freestyle Ski Association, hereafter referred to as Freestyle Yukon (YFSA), supports the principles of Alternate 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.

Freestyle Yukon encourages all Freestyle Yukon 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 Freestyle Yukon Members are strongly encouraged.

DEFINITIONS

1. The following terms have these meanings in this Policy:

- a) "Freestyle Yukon Member" – All categories of membership within Freestyle Yukon, as well as all individuals contracted by or engaged in activities with Freestyle Yukon, including but not limited to, athletes, coaches, officials, judges, volunteers, directors, officers, administrators, spectators and parents of Freestyle Yukon members.
- b) "the parties" – Refers to the claimant (the party raising the issue for the dispute) and respondent (the party responding to the complaint or dispute) in a dispute situation.
- c) "affected parties" – Refers to anyone who would be affected by a change in the decision resulting from dispute resolution remedies.

SCOPE

2. This Policy applies to all Freestyle Yukon Members as defined in the Definitions
3. Opportunities for Alternate Dispute Resolution may be pursued at any time in a dispute between an YFSA Member and the YFSA or two YFSA Members when all parties to the dispute agree such a course of action would be beneficial.
4. This policy does not apply to:
 - a) disputes regarding minor and/or major infractions as described in the Freestyle Yukon Code of Conduct; or
 - b) disputes regarding Bullying and Harassment.

Information on resolving such issues can be found in the Freestyle Yukon Discipline and Complaints, Safe Sport, and Freedom from Bullying and Anti-Harassment Policies.

FILING A DISPUTE

5. Any Freestyle Yukon Member may file a dispute with the YFSA Board of Directors. The dispute must be in writing and signed and must be filed within fourteen (14) days of the alleged incident or decision. Anonymous disputes may be accepted at the sole discretion of YFSA.
6. A dispute filed outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the dispute outside of the fourteen (14) day period will be at the sole discretion of Freestyle Yukon. This decision may not be appealed.

INTERNAL RESOLUTION

7. In the event of a dispute between a Freestyle Yukon Member and Freestyle Yukon or between two members, YFSA decidedly forms a private tribunal which undertakes to resolve the disputes.
8. Internal remedies and the systems must be procedurally fair and must adhere to the laws of natural justice.
9. When all internal avenues for dispute resolution have not satisfactorily remedied the issue, the options for mediation and arbitration contained in this Policy are available to all Freestyle Yukon Members.

FACILITATION AND MEDIATION

10. Opportunities for facilitation and 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.
11. The costs of mediation will be shared equally by the parties, excluding situations in which the dispute is determined to be frivolous.

ARBITRATION

12. In the event that a dispute persists after all other Freestyle Yukon internal remedies have been exhausted including negotiation, facilitation, mediation and/or appeals, the parties may, upon mutual consent, pursue opportunities for arbitration.

13. Where arbitration is pursued, it will be done using trained arbitrators who are acceptable to the parties.
14. The parties involved in a dispute may also mutually agree to bypass internal avenues of dispute resolution, including appeals, and may directly pursue opportunities for arbitration.
15. Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration and the costs of the arbitration will be decided by the Arbitrator.
16. 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.

NO LEGAL ACTION

17. No action, application for judicial review or other legal proceeding will be commenced against Freestyle Yukon respecting a dispute, unless the remedies afforded by this policy have not been offered or have been exhausted. In no case may a party pursue legal action against Freestyle Yukon in respect of arbitration, for which the parties have entered into a written Arbitration Agreement.