



The Saint John and Fundy Aquatic Club (TIDE) Discipline and Complaint Policy



“Organization” refers to: Saint John Fundy Aquatic Club/TIDE Swim Team

Definitions

1. The following terms have these meanings in this Policy:
 - a) **Alternative Dispute Resolution** – A method of resolving the dispute (such as by mediation, negotiated settlement, or other agreement between the Parties) that does not involve a formal process (e.g., a decision-making panel is not required)
 - b) **Athlete** – Includes any individual who is registered to compete for the Organization
 - c) **Case Manager** – An individual appointed by the Organization to administer this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the Organization and may not be a member of the Board of Directors
 - d) **Complainant** – An Individual or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*
 - e) **Days** – Days including weekends and holidays
 - f) **Discipline Panel** – One or three individuals, not members of the Board and not in conflict of interest with the individuals involved, appointed by the Organization to make a decision on complaints according to this policy.
 - g) **Discipline Chair** – An individual, not a member of the Board and not in a conflict of interest with the individuals involved, appointed by the Organization to make a decision on complaints according to this policy.
 - h) **Discrimination** – As defined in the *Code of Conduct and Ethics*
 - i) **Harassment** – As defined in the *Code of Conduct and Ethics*
 - j) **Individuals** – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
 - k) **Maltreatment** – As defined in the *Code of Conduct and Ethics*
 - l) **Minor** – Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of majority and the age of the individual
 - m) **Respondent** – The Party responding to a complaint
 - n) **Sexual Harassment** – As defined in the *Code of Conduct and Ethics*
 - o) **Workplace Harassment** – As defined in the *Code of Conduct and Ethics*
 - p) **Workplace Violence** – As defined in the *Code of Conduct and Ethics*

Purpose

2. Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Organization’s policies, Bylaws, rules and regulations, and *Code of Conduct and Ethics*. Non-compliance may result in sanctions

pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Individuals.
4. This Policy applies to matters that may arise during the Organization's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Organization's activities, and any meetings.
5. This Policy also applies to Individuals' conduct outside of the Organization's business, activities, and events when such conduct adversely affects relationships within the Organization (and its work and sport environment), is detrimental to the image and reputation of the Organization, or upon the acceptance of the Organization. Applicability will be determined by the Organization at its sole discretion.
6. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Individuals who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Individual was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Individuals involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Individual(s).
7. In the event that it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or event only.
8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of the Organization who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's Employment Agreement or policies for human resources, if applicable.

Minors

9. Complaints may be brought for or against an Individual who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
10. Communication from the Discipline Chair or Case Manager, as applicable, must be directed to the Minor's representative.
11. A Minor aged 13 or less is not required to attend an oral hearing, if held. Athletes 14 and over will attend oral hearings as required, accompanied by a parent/guardian or other adult.

Reporting a Complaint

12. Any person may report a complaint to the Organization or to the Organization's Case Manager.

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13. A flowchart for the complaint process is provided as [Appendix A – Complaint Flowchart](#), and sample scenarios are provided in [Appendix B – Discipline and Complaints Policy Scenarios](#).
14. At the discretion of the Organization, the Organization may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the organization will identify an individual to represent the Organization.
15. Complaints or incident reports should be made in writing and the person making the complaint may contact the Case Manager for direction. The Case Manager may accept any report, in writing or not, at their sole discretion.

Case Manager Responsibilities

16. Upon receipt of a complaint, the Case Manager shall determine whether the complaint is frivolous and/or within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous and/or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
17. If the Case Manager determines that the complaint is valid and within the jurisdiction of this Policy, the Case Manager shall determine whether the complaint should be handled by the Organization or by another organization with jurisdiction (such as a Provincial/Territorial Sport Organization).
18. The Case Manager shall make this determination by taking into consideration which organization's relationships are adversely affected or which organization's image or reputation will be detrimentally affected by the incident.
19. The Case Manager may determine that the alleged incident may contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment that justifies the appointment of an Investigator in accordance with the *Investigations Policy – Discrimination, Harassment, and Maltreatment*.
20. Upon completion of the determinations outlined in 17-20, the Case Manager has a responsibility to choose which process should be followed, Process #1 or Process #2:

Process #1 – the Complainant alleges the following incidents:

- i. Disrespectful, abusive, racist, or sexist comments or behaviour
- ii. Disrespectful conduct
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing)
- iv. Conduct contrary to the values of the Organization
- v. Non-compliance with the organization's policies, procedures, rules, or

regulations

- vi. Minor violations of the *Code of Conduct and Ethics or Social Media Policy*.

Process #2 – the Complainant alleges the following incidents:

- i. Repeated minor incidents
- ii. Any incident of hazing
- iii. Behaviour that constitutes Harassment, Sexual Harassment, or sexual misconduct
- iv. Major incidents of violence (e.g., fighting, attacking, sucker punching)
- v. Pranks, jokes, or other activities that endanger the safety of others
- vi. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- vii. Conduct that intentionally damages the organization's image, credibility, or reputation
- viii. Consistent disregard for the organization's bylaws, policies, rules, and regulations
- ix. Major or repeated violations of the *Code of Conduct and Ethics or Social Media Policy*.
- x. Intentionally damaging the organization's property or improperly handling the organization's monies
- xi. Abusive use of alcohol, any use or possession of alcohol or cannabis by Minors, or use or possession of illicit drugs and narcotics
- xii. A conviction for any *Criminal Code* offense
- xiii. Any possession, use, trafficking, or administration of prohibited substances or prohibited methods as indicated on the version of the World Anti-Doping Agency's Prohibited List currently in force.

PROCESS #1: HANDLED BY DISCIPLINE CHAIR

Process #1: Discipline Chair

21. Following the determination that the complaint or incident should be handled under Process #1, the Case Manager will appoint a Discipline Chair who may:
 - a) Make a decision,
 - b) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident, or
 - c) Convene the Parties to a meeting, either in person or by way of video or teleconference in order to ask the Parties questions.
22. Thereafter, the Discipline Chair shall determine if a breach occurred; if so, if one or more of the following sanctions should be applied:
 - a) A verbal or written reprimand,
 - b) A verbal or written apology,
 - c) A service or other contribution to the Organization,
 - d) Removal of certain privileges,
 - e) Suspension from certain teams, events, and/or activities for a designated period, or
 - f) Any other sanction considered appropriate for the offense.
23. The Discipline Chair will inform the Parties of the decision, which will take effect immediately.
24. Records of all sanctions will be maintained by the Organization. The Organization will disclose all decisions to the applicable Provincial/Territorial Sport Organization, which may further disclose such decisions at its discretion.

Process #1: Request for Reconsideration

25. If there is no sanction, the Complainant may contest the non-sanction by informing the Discipline Chair, within five (5) Days of receiving the decision, that the Complainant is not satisfied with the decision. The initial complaint or incident will then be handled under Process #2 of this Policy.
26. If there is a sanction, the Respondent may contest the sanction by submitting a Request for Reconsideration within five (5) Days of receiving the sanction. In the Request for Reconsideration, the Respondent must indicate:
 - a) Why the sanction is inappropriate,
 - b) Summary of evidence that the Respondent will provide to support the Respondent's position, and
 - c) What penalty or sanction (if any) would be appropriate.
27. Upon receiving a Request for Reconsideration, the Discipline Chair may decide to accept or reject the Respondent's suggestion for an appropriate sanction.
28. Should the Discipline Chair accept the Respondent's suggestion for an appropriate sanction, that sanction will take effect immediately.
29. Should the Discipline Chair not accept the Respondent's suggestion for an appropriate sanction, the initial complaint or incident will be handled under Process #2 of this Policy.

PROCESS #2: HANDLED BY CASE MANAGER

Process #2: Case Manager

30. Following the determination that the complaint or incident should be handled under Process #2, the Case Manager has a responsibility to:
- a) Propose the use of the *Dispute Resolution Policy*,
 - b) Appoint the Discipline Panel, if necessary,
 - c) Coordinate all administrative aspects and set timelines,
 - d) Provide administrative assistance and logistical support to the Discipline Panel as required, and
 - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
31. The Case Manager will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
32. The Case Manager may propose using Alternative Dispute Resolution with the objective of resolving the dispute. (See *Dispute Resolution Policy*.) If applicable, and if the dispute is not resolved, or if the Parties refuse to attempt Alternative Dispute Resolution (such as mediation or a negotiated settlement), the Case Manager will appoint a Discipline Panel, which shall consist of a single Arbitrator, to hear the complaint. At the discretion of the Case Manager, a Discipline Panel of three persons (who are not in a conflict of interest) may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Discipline Panel's members to serve as the Chair.
33. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in- person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
- a) The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium,
 - b) Copies of any written documents which the Parties wish to have the Discipline Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing,
 - c) The Parties may engage a representative, advisor, or legal counsel at their own expense,
 - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing,
 - e) The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate, or
 - f) The decision will be by a majority vote of the Discipline Panel.
34. If the Respondent acknowledges the facts of the incident, the Respondent may waive

the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

35. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
36. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the current complaint and will be bound by the decision.
37. In fulfilling its duties, the Discipline Panel may obtain independent advice.

Process #2: Decision

38. After hearing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) Days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Organization. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) Day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Process #2: Sanctions

39. The Discipline Panel may apply the following disciplinary sanctions, singularly or in combination:
 - a) A verbal or written reprimand,
 - b) A verbal or written apology,
 - c) Service or other contribution to the Organization,
 - d) Removal of certain privileges,
 - e) Suspension from certain teams, events, and/or activities,
 - f) Suspension from certain activities for a designated period,
 - g) Payment of the cost of repairs for property damage,
 - h) Suspension of funding from the organization or from other sources,
 - i) Expulsion from the organization, and/or
 - j) Any other sanction considered appropriate for the offense.
40. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
41. Records of all sanctions will be maintained by the Organization. The Organization will disclose all decisions to the applicable Provincial/Territorial Sport Organization, which may further disclose such decisions at its discretion.

Process #2: Appeals

42. The decision of the Discipline Panel may be appealed in accordance with the *Appeal Policy*.

Suspension Pending a Hearing

43. The Organization may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of a criminal process, the hearing, or a decision of the Discipline Panel.

Criminal Convictions

44. The Organization may determine in its sole discretion that an Individual's conviction for a *Criminal Code* offense will be deemed an infraction under this Policy and will result in expulsion from the Organization. *Criminal Code* offences may include, but are not limited to:

- a) Any child pornography offences,
- b) Any sexual offences,
- c) Any offence of physical violence,
- d) Any offence of assault, or
- e) Any offence involving trafficking of illegal drugs.

Confidentiality

45. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

46. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).

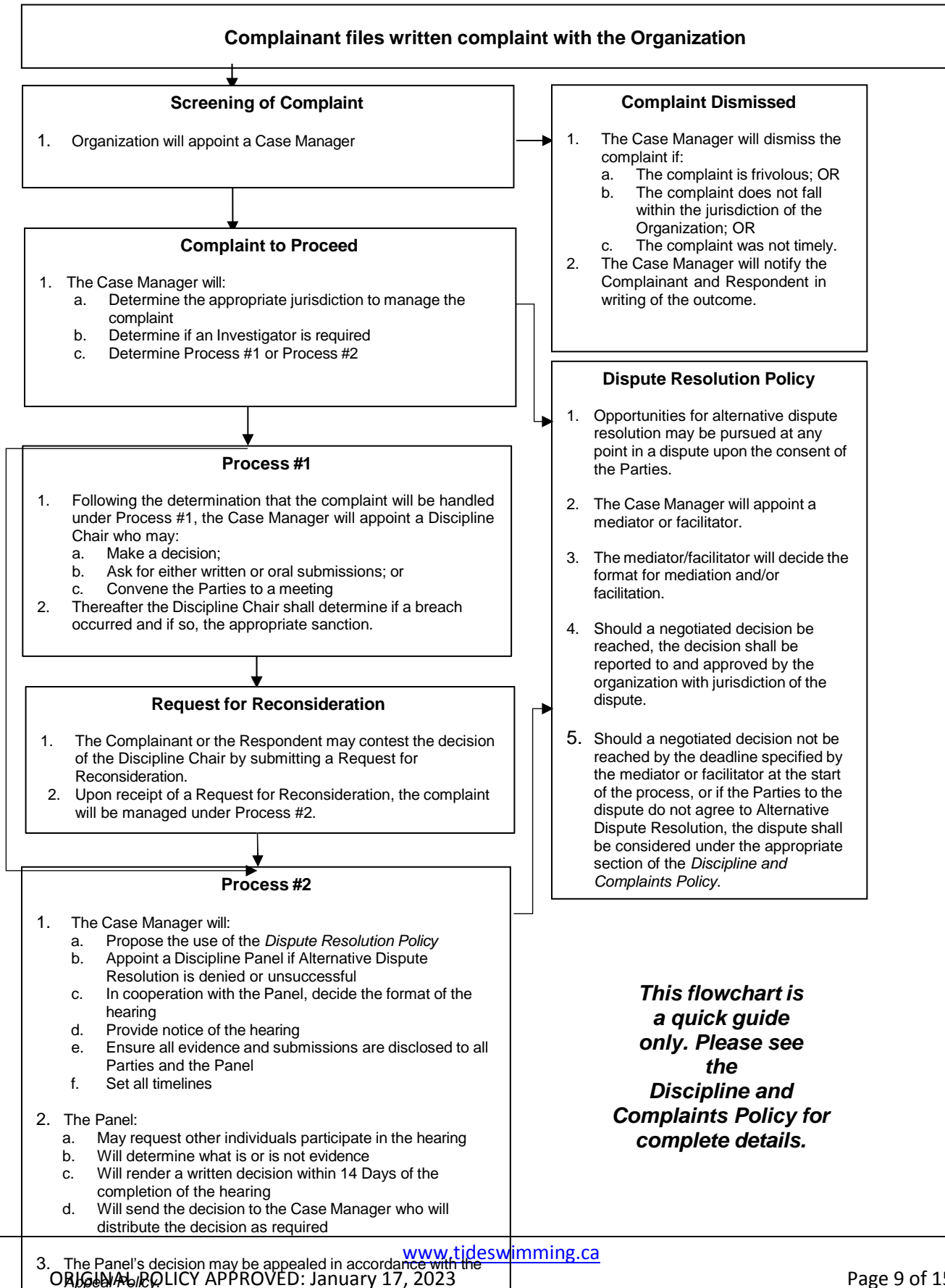
Timelines

47. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Case Manager may direct that these timelines be revised.

Records and Distribution of Decisions

48. Other individuals or organizations, including but not limited to, national sport organizations, provincial/territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

Appendix A – Discipline and Complaints Policy Flowchart



Appendix B – Discipline and Complaints Policy Scenarios**SCENARIO #1**

Player A is 12 years old and reported to her coach that Player B pushed her during a practice. Following a discussion with Player A, the coach learns that Player B has been consistently bullying Player A for most of the season.

RESOLUTION

The coach should have a discussion with the team and with Player A and Player B independently (with a parent or guardian present) expressing their concern relating to the alleged inappropriate conduct and expected conduct standards. The coach should also be very descriptive, without opinion, on the options available to Player A with respect to filing a formal complaint or informal mediation options.

SCENARIO #2

Player A's parents become aware of the bullying and physical interactions between their child and Player B. In their view, the coach did not do enough to address the incidents. The bullying still continued! The parents want to make sure their child is never harmed again – and the coach should have done more!

RESOLUTION

The parents can file a complaint with the Organization. They should review the *Code of Conduct and Ethics*. Their complaint should reference which sections of the Code the athlete allegedly violated and which sections of the Code the coach allegedly violated. The Organization appoints a Case Manager.

The Case Manager asks the Parties if they are open to using the *Dispute Resolution Policy* to attempt to resolve the dispute. If not, the Case Manager determines if this is a minor incident or a major incident. This scenario appears to be a minor incident so the Case Manager would follow Process #1 of the *Discipline and Complaints Policy*. Someone from the Organization or Member would be appointed as a Discipline Chair. The Chair can either ask all Parties (parents, Player B (via her parents), and the coach) for an oral or written submission, or the Chair can decide to convene a meeting with everyone.

After hearing from everyone, the Chair makes a decision. If either Party disagrees with the decision, they can submit a 'Request for Reconsideration'. If that happens, the Case Manager begins Process #2 of the *Discipline and Complaints Policy* and appoints a neutral independent Discipline Panel. All Parties make submissions to the Panel and a formal decision is made.

Investigations Policy – Discrimination, Harassment and Maltreatment

Definitions

1. The following terms have these meanings in this Policy
 - a) **Case Manager** – An individual appointed by the Organization to administer this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the Organization
 - b) **Complainant** – An Individual or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*
 - c) **Discrimination** – As defined in the *Code of Conduct and Ethics*
 - d) **Harassment** – As defined in the *Code of Conduct and Ethics*
 - e) **Individuals** – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
 - f) **Maltreatment** – As defined in the *Code of Conduct and Ethics*
 - g) **Minor** – Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of majority and the age of the individual
 - h) **Respondent** – The Party responding to a complaint
 - i) **Sexual Harassment** – As defined in the *Code of Conduct and Ethics*
 - j) **Workplace** – Any place where business or work-related activities are conducted. Workplaces include, but are not limited to, the office of the Organization, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment, and work-related conferences or training sessions
 - k) **Workplace Harassment** – As defined in the *Code of Conduct and Ethics*
 - l) **Workplace Violence** – As defined in the *Code of Conduct and Ethics*

Purpose

2. The Organization is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment within its operations and activities. This Policy describes how reports of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment will be investigated.

Determination and Disclosure

3. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or any other matter requiring investigation.
4. The Organization will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

Investigation

5. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment, or any other matter deemed relevant by the Case Manager will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Case Manager may also appoint an Investigator to investigate the allegations.
6. The Investigator must be an independent third party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
7. Federal and/or Provincial/Territorial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
8. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interviews with the Complainant
 - b) Witness interviews
 - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
 - d) Interviews with the Respondent
 - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

9. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the Parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or breach of a governing document, including, but not limited to, the *Code of Conduct and Ethics*.
10. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization.
11. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and the Organization to refer the matter to police.
12. The Investigator must also inform the Organization of any findings of criminal activity. The Organization may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization, or other offences where the lack of reporting would bring the Organization into

disrepute.

Reprisal and Retaliation

13. An Individual who submits a complaint to the Organization or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

14. An Individual who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. The Organization or the Individual against whom the allegations were submitted, may act as the Complainant.

Confidentiality

15. The Investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party. However, the Organization and its Members recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation. Dispute Resolution Policy

“Organization” refers to: Saint John Fundy Aquatic Club/TIDE Swim Team

Definitions

1. The following term has this meaning in this Policy:
 - a) **Alternative Dispute Resolution** – A method of resolving the dispute (such as by mediation, negotiated settlement, or other agreement between the Parties) that does not involve a formal process (e.g., a decision-making panel is not required)
 - b) **Individuals** – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers

Purpose

2. The Organization supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Alternate Dispute Resolution also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
3. The Organization encourages all Individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Organization believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to

disputes with and among Individuals are strongly encouraged.

Application of this Policy

4. This Policy applies to all Individuals.
5. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

6. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.
7. 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.
8. Should a negotiated decision be reached, the decision shall be reported to, and approved by, the Organization. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending the Organization's approval.
9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

Final and Binding

10. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

Appeal Policy

All appeals of discipline and complaints decisions made following process #2 should be made with Swim New Brunswick. Appeals are subject to the conditions and timelines as set out by Swim NB: <https://www.swimnb.ca/wp-content/uploads/2013/06/SNB-Appeals-policy-Reviewed-June-2013.pdf>.