



# **Alternative Dispute Resolution Policy**

## **UCCMS Compliant**

**NB ALPINE INC. (Ski NB)**  
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## **Alternative Dispute Resolution Policy**

Ski NB supports the principles of Alternative Dispute Resolution (ADR) and encourages members to first use ADR as a means for resolving disputes before issues escalate to formal complaints or appeals.

The ADR techniques of negotiation, facilitation, and mediation are effective and often less adversarial ways to settle disputes. ADR may also avoid or minimize the uncertainty, costs, and other negative effects that can arise with lengthy disciplinary hearings, appeals processes, or litigation. In recognition that negotiated settlements are usually preferable to arbitrated outcomes, Ski NB encourages all individuals to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. This policy may apply to any complaint or appeal that falls within Ski NB's jurisdiction.

### **Definitions**

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

- a) "Case Manager" – An individual appointed by Ski NB who may be any Staff, Committee member, Volunteer, Director, or an independent third party, to oversee this Policy. The Case Manager will have responsibilities that include, but are not limited to:
  - i. Ensuring procedural fairness;
  - ii. Respecting the applicable timelines; and
  - iii. Using decision making authority empowered by this Policy.
- b) "Party" or "Parties" – the group or groups involved with a particular complaint, i.e., the Complainant and/or the Respondent.

  

- 1. Opportunities for ADR may be pursued at any point during the complaints or appeals process if the Parties agree that such a course of action would be mutually beneficial.
- 2. Ski NB shall appoint a mediator or facilitator to handle the dispute; this may be an external appointment with experience in dispute resolution or, with the agreement of both Parties, the Case Manager may act as the mediator or facilitator.
- 3. The mediator or facilitator shall decide the format by which the dispute will be handled and specify a deadline before which the Parties must reach a negotiated decision.
- 4. Should a settlement or resolution not be reached by the specified deadline, the dispute shall be referred back to the complaints or appeals process and continue from the stage that the Case Manager deems appropriate.
- 5. Should a settlement or resolution be reached, it shall be reported to the Case Manager; any actions that are to take place as a result of the negotiated decision will be enacted on the timelines specified by the settlement, pending approval of Ski NB.

6. Ski NB may determine, at its sole discretion, that the negotiated decision does not align with the organization's policies related to disciplinary action or sanctions; if the decision is not approved, the matter will be referred back to the Case Manager and continue from the stage in the complaints process that they deem appropriate.
7. Any negotiated settlement or resolution approved by Ski NB shall be final and binding on all parties and may not be appealed.
8. The ADR process is confidential and involves only the necessary parties, which may include the member club, Ski NB, the Case Manager, the Complainant and the Respondent (and their designated representatives, if applicable), the mediator or facilitator, and any independent advisors to the mediator or facilitator; no information with respect to the ADR process or the underlying issue or complaint shall be disclosed to any person outside of the proceedings.
9. Any breach of the confidentiality of this policy may be subject to the proceedings set forth in the *Discipline and Complaints Policy*.

**Note:** This policy is available in English and French. Should a dispute arise with the interpretation of the translated policy, the English version of the policy shall prevail.