

THE BERMUDA AMATEUR SWIMMING ASSOCIATION
ALTERNATIVE DISPUTE RESOLUTION (ADR) POLICY

Preamble

1. The Bermuda Amateur Swimming Association supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of mediation and arbitration as effective ways to resolve disputes with its constituents, and avoid the harm of litigation.

Mediation

2. Opportunities for 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.

Arbitration

3. In the event that a dispute persists after internal avenues of decision-making, appeals and/or mediation have been exhausted; opportunities for arbitration shall be pursued.
4. Where the continuing dispute relates to the appeal panel having made a decision which was outside its jurisdiction, having failed to follow proper procedures, or having made a decision, which was influenced by bias, such a dispute shall be dealt with through binding arbitration before an independent arbitrator who is acceptable to the parties in the dispute.
5. Should a matter be referred to arbitration, all parties to the original appeal shall be parties to the arbitration.
6. The parties to arbitration shall enter into an Arbitration Agreement and the decision of any arbitrator shall be final and binding and not subject to any further review by any court of competent jurisdiction or any other body.

Legal Action

7. No action or other legal proceeding shall be commenced against BASA in respect of a dispute, unless BASA has failed to participate in arbitration in accordance with this policy.