



DISCIPLINE, COMPLAINTS, AND APPEALS POLICY

Preamble and Purpose

1. Equestrian Canada (EC) is committed to the fair and expeditious resolution of complaints, and to utilizing the techniques of discussion, facilitation, and mediation as effective ways to resolve disputes with and among Individuals, and to avoid the uncertainty, costs, and other negative effects associated with litigation. For this reason, a mediation process is incorporated within this Policy as set out below.

Definitions

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

“Affected Party”	Any individual or entity, as determined by the Complaint Manager, who may be affected by a decision rendered by the Appeal Panel and who may have recourse to an appeal in their own right.
“Appeal”	a formal submission in writing to contest a final decision made by EC or a Hearing Panel.
“Appellant”	an Individual or organization that is appealing a final decision.
“Appeal Panel”	a panel of one or three persons as chosen by the Complaint Manager, at their sole discretion, to review and adjudicate upon an Appeal.
“Chairperson”	the individual chosen by the members of any Hearing Panel or Appeal Panel to preside over the Hearing Panel or Appeal Panel.
“Complaint”	a formal submission in writing on the required form stipulated within this Policy setting out the details of an alleged complaint, violation, breach, or grievance.
“Complainant”	the Individual or organization, including EC, making a Complaint. In the case of an organization, the organization shall identify an individual to represent the organization in the Complaint process. A Complaint can also be brought by a volunteer or spectator who is not an Individual.
“Complaint Manager”	an independent third party – such as, but not limited to, practising lawyers – qualified to analyze complaints and appeals and determine whether they are admissible and who is designated by the President of EC. The Complaint



Manager will receive all Complaints and Appeals, determine if the Complaint or appeal falls within the jurisdiction of EC, and oversee the process set out in this Policy. The identity of the Complaint Manager and all contact information is available on the EC website.

- “Days”:** total days, including weekends and holidays.
- “Dispute”** a Complaint falling within the jurisdiction of EC and within this Policy.
- “Hearing Panel”** a panel of one or three persons as chosen by the Complaint Manager, at his or her sole discretion, to review and decide upon a Complaint.
- “Investigation”** an inquiry conducted by an investigator appointed by the Complaint Manager, at their sole discretion, to review, interview, gather evidence, and report on the circumstances of any Complaint.
- “Individuals”** all categories of participants within EC who are in good standing, including organizations, as well as all persons and organizations engaged in activities with or employed by EC, including but not limited to: athletes, coaches, officials, competition managers, parents/guardians of athletes, directors, officers, team managers, team members, witnesses, medical and paramedical personnel, administrators, and employees (including contract personnel).
- “Respondent”** the Individual or organization against which the Complaint is being made or, in the context of an Appeal, the organization whose final decision is being appealed.

Scope, Application, and Administration

3. This Policy applies to disputes with and among Individuals as defined herein.
4. Words in this Policy denoting one gender shall include all others and references to the singular include the plural and vice versa.
5. This Policy shall be administered by the Complaint Manager. All timelines set out in this Policy prior to the conduct of the Hearing may be modified at the sole discretion of the Complaint Manager.
6. This Policy applies to Complaints that may arise in respect to:
 - a) matters that arise during EC’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with EC’s activities, and any meetings;
 - b) conduct of Individuals outside of EC’s business, activities, and events where such conduct:
 - i) adversely affects relationships within EC and its work and sport environment, or is detrimental to the image and reputation of EC; and,
 - ii) is an alleged breach of any EC policy.
7. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required or as requested by EC. Any infractions or complaints occurring within a competition, training activity, or event will be dealt with by procedures specific to the competition and EC’s *Corrective Actions During Events Procedure*. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.



8. An employee of EC who is a Respondent will first be subject to appropriate disciplinary action per EC's policies for human resources, as well as the employee's Employment Agreement, if applicable. Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including termination of employment. After appropriate disciplinary action is applied as described in this Section 8, EC reserves the right to implement further discipline in accordance with this Policy.
9. This Policy does not apply to disputes that are:
 - a) temporary sanctions or corrective measures taken by officials at an EC sanctioned event; or,
 - b) matters arising during events organized by entities other than EC where those matters are dealt with pursuant to the policies of these other entities, unless determined otherwise by EC at its sole discretion.
10. EC recognizes that Individuals may also be registered with Provincial/Territorial Sport Organizations (PTSOs). EC requires that PTSOs submit discipline decisions involving Individuals to EC and EC may refer the matter to the Complaint Manager at its discretion for further discipline, per the *Reciprocation Policy*.
11. If the Complaint Manager decides to take further action upon becoming aware of an Individual who has been disciplined by a PTSO, the Individual will be the Respondent to a Complaint initiated under the terms of this Policy.
12. EC may act as the Complainant if the original Complainant is unwilling or unavailable to participate in this process.

Adult Representative

13. 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 the Complaint process, and all communications from the Complaint Manager must be directed to the minor's representative.
14. A minor is not required to attend an oral hearing, if one is held.

Facilitation and Mediation

15. EC encourages all Individuals to communicate openly and to collaborate using problem solving and negotiation techniques to resolve their differences. Opportunities for facilitation and mediation may be pursued at any point in a dispute where appropriate and where the disputing parties agree to engage in that process. This process may be pursued through the Sport Dispute Resolution Centre of Canada (SDRCC Program), or other mechanisms using trained mediators who are acceptable to the parties.
16. In addition to a consensual mediation process as set out in Section 15 above, the Complaint Manager shall have the authority to require that the parties engage in mediation conducted by the SDRCC Program if the Complaint Manager considers this appropriate at his or her sole discretion. Any refusal or difficulties in engaging in such a process required by the Complaint Manager by any party will be a factor considered in any deliberations by a Hearing Panel with respect to the issue of the payment of costs related to the Complaint process.



A. COMPLAINT PROCEDURE

Initiation of Complaints

17. Any Complaint must be in writing and must be on the *Complaint Reporting Form*, which is set out on the EC website, as amended from time to time. A fulsome account of the circumstances leading to the Complaint, including dates, locations, witnesses, any steps taken to resolve the issues prior to filing the Complaint, any applicable evidence, and a complete description of the activity or conduct at issue is requested, as this will greatly assist in the timely resolution of the issues.
18. The completed *Complaint Reporting Form* must be forwarded to the Complaint Manager by the Complainant. All contact information for the Complaint Manager is set out on the EC website, as amended from time to time.
19. Following receipt of a Complaint, the Complaint Manager shall determine if the Complaint lies within the jurisdiction of EC and within the scope of this Policy. If the Complaint Manager has any questions or requires further information to make this determination, such information will be requested from the Complainant in writing. Any such requested further information must be provided by the Complainant within five (5) days of the request.
20. If the Complaint is not within EC jurisdiction or within the scope of this Policy, the Complaint Manager shall advise the Complainant in writing within 10 days of receipt of the Complaint or, if further information is requested, within 10 days of receipt of the further information from the Complainant. This decision by the Complaint Manager shall be a final decision and shall not be subject to Appeal.
21. Once it is determined that the Complaint is within the jurisdiction of EC and is governed by this Policy, the Complaint Manager will advise the Respondent of the nature and particulars of the Complaint, and request written responses to the Complaint from the Respondent. Such responses must be provided within 14 days of the request and shall be provided on the *Complaint Response Form*, which is set out on the EC website, as amended from time to time.
22. The Complaint Manager may, at any time or stage:
 - a) determine that the complaint should be stayed or dismissed as it is primarily a private civil or commercial dispute between the parties. This decision may not be appealed;
 - b) make written requests for any further information from the Complainant or the Respondent that the Complaint Manager considers appropriate to properly consider the Complaint. Such further information must be provided to the Complaint Manager within 10 days of the request;
 - c) require telephone interview(s) with the Complainant or the Respondent to canvass any questions or concerns of the Complaint Manager arising from the Complaint;
 - d) request information and documentation in respect to the Complaint from the CEO of EC, which must be provided within 10 days of the request;
 - e) determine that the Complaint does not warrant a Hearing or an Investigation and advise the Complainant in writing of that decision. This decision may not be appealed;
 - f) determine that the Complaint does warrant an Investigation. This decision may not be appealed;
 - g) determine that the Complaint should proceed to a Hearing without an Investigation. This decision may not be appealed;
 - h) engage in discussions and/or meetings with the parties to attempt to arrive at a resolution of the Complaint and, if applicable, an agreed upon sanction; and,
 - i) require that the parties engage in a mediation process to try to resolve the dispute in an amicable and cost-effective manner. However, the Complaint Manager may only require this mediation process on one occasion in the process of any Complaint.



Counsel or Advisor

23. The Complainant or the Respondent may choose to be assisted and/or represented by counsel or an advisor at any time during the Complaint process, but each party is responsible for the costs of their own counsel.

Investigation

24. If the Complaint Manager determines that an Investigation of a Complaint is required, the Complaint Manager shall select an investigator who is independent of EC and has no involvement directly or indirectly with the dispute or any of the parties of the dispute to conduct the Investigation as directed by the Complaint Manager. The investigator shall carry out the required investigation in a timely manner and shall provide a written report of that Investigation (the Report) to the Complaint Manager and EC.
25. The Complainant and the Respondent are required to fully cooperate with any Investigation. Any failure by any party to cooperate with an Investigator will be a factor considered in any deliberations by a Hearing Panel with respect to the issue of the payment of costs related to the complaint process.
26. Within 14 days of receipt of the Report, the Complaint Manager shall determine if a Hearing is or is not warranted and shall advise all parties in writing of that decision, which may not be appealed.

Selection of Hearing Panel

27. The Complaint Manager shall, within 14 days of determining that a Hearing is warranted:
 - a) determine that the Hearing shall proceed with a Panel of one or three adjudicators;
 - b) select adjudicator(s) for the Panel who have no relationship or involvement with the dispute outlined in the Complaint, or with any of the parties, either directly or indirectly. The decision regarding the composition of the Panel shall be at the sole discretion of the Complaint Manager; and,
 - c) will advise the Complainant and the Respondent as to the identity of the Hearing Panel members.
28. The Panel members, if more than one, shall select a Chairperson amongst themselves and advise the Complaint Manager of that selection.

Conduct of the Hearing

29. The Complainant has the responsibility to prosecute the Complaint filed, including filing all relevant documents, presenting all desired witnesses, and taking any and all additional steps as may be required by the Hearing Panel or the Complaint Manager.
30. EC may request the ability to make submissions to the Hearing Panel, which will be considered and determined by the Hearing Panel at its sole discretion. The Hearing Panel may also request submissions from EC or any other organization or person on any issue. The decision of the Hearing Panel shall be final.
31. The Hearing Panel is responsible for the structure, conduct, and timing of the Hearing, and will communicate all directions in respect to the Hearing to the parties via the Complaint Manager. All timelines in respect to the Hearing may be extended or amended by the Hearing Panel and communicated to the parties.



Preliminary Conference

32. The Hearing Panel may determine that the circumstances of the Complaint warrant a Preliminary Conference to consider issues pertaining to the conduct of the Hearing, including but not limited to:
 - a) the format of the Hearing;
 - b) timelines for the exchange of documents and other information;
 - c) clarification of the issues in dispute;
 - d) order and procedure of the Hearing;
 - e) identification of witnesses; and,
 - f) any other procedural matter which may assist in the Hearing, including the identification of any other person who may require notice of the Hearing, or the requirement for specific expert evidence from any party or from EC.
33. The Hearing Panel may delegate the conduct of any Preliminary Conference to the Chairperson.
34. Any Preliminary Conference is to be held within 15 days of the appointment of the Hearing Panel.

The Hearing

35. The Hearing shall proceed within 30 days of the appointment of the Hearing Panel. The Complainant and Respondent shall each be advised in writing of date, place, and time of the Hearing at least 20 days prior to the Hearing.
36. In particular and without limiting the generality of the forgoing, the Hearing Panel will determine how the Hearing will be conducted (such as through presentation of witnesses, documentary evidence, or a combination of the two), and will outline the process and timelines to be followed to the parties in writing at least 20 days prior to the Hearing.
37. Copies of any written documents which any of the parties wish to have considered by the Hearing Panel shall be provided to all the parties, through the Complaint Manager, in advance of the Hearing.
38. The Hearing Panel may request that any other Individuals participate and give evidence at the Hearing.
39. The Hearing 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 also exclude irrelevant, frivolous, or unduly repetitive evidence, and shall place such weight upon the evidence as it deems appropriate.
40. In fulfilling its duties, the Hearing Panel may obtain independent advice.
41. Decisions made by the Hearing Panel will be by majority and do not need to be unanimous. A written decision shall be provided by the Hearing Panel to all parties and EC within 30 days of the completion of the Hearing. At the time the decision is distributed, the Hearing Panel will provide an opportunity for:
 - a) any party to provide submissions on costs, provided to all parties and the Hearing Panel within 10 days of the written decision;
 - b) the Complaint Manager to advise the Hearing Panel and the parties in writing of any circumstances during the Complaint Process but prior to the selection of the Hearing Panel that the Complaint Manager believes could potentially be considered in any determination of sanctions and cost assessment, provided within 10 days of the decision; and,
 - c) EC to provide submissions to the Hearing Panel and all parties on the appropriate sanctions or cost award to be imposed, provided within 10 days of the decision.
42. Within 20 days of the distribution of the decision to the parties, the Hearing Panel will determine what appropriate costs, excluding the legal fees and legal disbursements of any of the parties, shall be allocated amongst the parties, if at all.
43. The decisions of the Hearing Panel, including all decisions on costs, are final, subject to appeal.



Sanctions

44. The Hearing Panel may apply the following sanctions, singularly or in combination:
- verbal or written reprimand;
 - verbal or written apology;
 - service or other contribution to EC;
 - removal of some or all privileges;
 - suspension from certain teams, events, or activities;
 - suspension from all EC's activities for a designated period;
 - payment of costs for property damage;
 - suspension of funding from EC or other sources;
 - expulsion from EC;
 - payment of costs associated with the Complaint Process; and,
 - any other sanction considered appropriate for the offense.
45. Unless the Hearing Panel determines otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Hearing Panel will result in an automatic suspension until such time as compliance occurs.
46. Records of all decisions of the Hearing Panel will be provided to and be maintained by EC. Publication of the decision and the timing of such publication will be in the discretion of EC.
47. The Complaint Manager may determine that an alleged incident is of such seriousness that the Complaint Manager may impose any sanction that he or she deems appropriate in the circumstances, pending completion of an investigation, criminal process, the Hearing, or a decision of the Hearing Panel.
48. An Individual's conviction for a Criminal Code offense is deemed an infraction under this Policy and may result in a sanction of expulsion from EC. Criminal Code offenses may include, but are not limited to:
- any child pornography offenses;
 - any sexual offenses;
 - any offense of physical violence;
 - assault; or,
 - any offense involving the trafficking of illegal drugs.

Confidentiality

49. The Complaints process is confidential and involves only the parties, the Complaint Manager, the Hearing Panel, witnesses, and any persons involved in advising or providing information to the Complaint Manager or Hearing Panel. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the Complaint to any person not involved in the Complaints process.

Records and Distributions of Decisions

50. Other persons and organizations, including but not limited to sport organizations and clubs, may be advised of any decisions rendered in accordance with this Policy.



B. APPEAL PROCEDURE

Grounds for Appeal

51. Not every decision may be appealed. For example, an appeal cannot be brought on substantive grounds relating to the facts found by the Hearing Panel or the merits of a decision. Appeals may be heard on the following procedural grounds only:
- a) a decision was made by incorrectly applying or misinterpreting the policies and rules of EC;
 - b) a decision was made that was influenced by bias; or,
 - c) a decision was made that the decision-maker did not have the authority or jurisdiction to make.
52. This policy will apply to decisions relating to:
- a) eligibility;
 - b) selection;
 - c) conflict of interest;
 - d) breach of EC policy; or,
 - e) membership;
53. The policy will not apply to decisions relating to:
- a) employment;
 - b) infractions for doping offenses relating to the application of the Canadian or World Anti-Doping program;
 - c) the sport rules which govern EC competition;
 - d) selection criteria, quotas, polices, and procedures established by entities other than EC;
 - e) substance, content, and establishment of team selection criteria;
 - f) coach or volunteer appointments and the withdrawal or termination of those appointments;
 - g) budgeting and budget implementation;
 - h) EC's operational structure and committee appointments;
 - i) decisions or discipline arising within the business, activities, or events organized by entities other than EC (appeals of these decisions shall be dealt with pursuant to the policies of those other entities);
 - j) commercial matters for which another appeals process exists under a contract or applicable law; or,
 - k) decisions made under the policy.

Time Requirements

54. All Appeals shall be administered by the Complaint Manager. All timelines set out in this Policy prior to the conduct of the Appeal Hearing may be extended at the sole discretion of the Complaint Manager or waived/amended by written agreement of all parties.

Initiation of an Appeal

55. Any Appeal must be brought within 21 days of the decision being appealed or the receipt of a decision from the Hearing Panel. All Appeals must be in writing and must be on the Notice of *Intention to Appeal Form*, which is set out on the EC website, as amended from time to time.
56. The 21-day period for bringing an Appeal is a strict deadline that must be respected by all Affected Parties. The deadline may only be extended by the Complaint Manager in rare circumstances where



the Appellant is able to provide a written request outlining compelling reasons why it was not possible for the Appellant to meet the 21-day deadline. The decision to allow or not allow an Appeal to proceed after the 21-day deadline is at the sole discretion of the Complaint Manager and may not be appealed.

57. The completed *Notice of Intention to Appeal Form* must be forwarded to the Complaint Manager by the Appellant.
58. Following receipt of an Appeal, the Complaint Manager shall determine if the Appeal can be brought based on the grounds of Appeal set out in Section 51 of this Policy. If the Complaint Manager has any questions or requires further information to make this determination, such information will be requested from the Appellant in writing. Any such requested further information must be provided by the Appellant within five (5) days of the request.
59. If the Appeal cannot be brought based on the grounds for Appeal set out in Section 51 of this Policy, the Complaint Manager shall advise the Appellant in writing within 10 days of receipt of the Appeal or, if further information is requested, within 10 days of receipt of the further information from the Complainant. No further steps shall be taken with respect to the Appeal.

Submissions

60. Once it is determined that the Appeal may be brought, the Complaint Manager will:
 - a) determine, in their sole discretion, whether the appeal should be directed to the SDRCC to be heard pursuant to their procedures rather than pursuant to this Policy. The Complaint Manager may make this decision, which is not appealable, if the matter is of such urgency or nature that the SDRCC is the preferred mechanism for the resolution of the appeal;
 - b) determine, in collaboration with EC, whether there are any Affected Parties;
 - c) advise all Respondents and Affected Parties of the nature and particulars of the Appeal and provide a copy of the *Notice of Intention to Appeal Form* to all Respondents and Affected Parties;
 - d) request written submission(s) from the Appellant with respect to the position taken by the Appellant on the Appeal, provided within 14 days of request. The Appellants' submissions will be provided to all Respondents; and,
 - e) request written submissions from the Respondents and Affected Parties in reply to the submissions of the Appellant, provided within 14 days of provision of the Appellant's submissions. All submissions from the Respondents and Affected Parties will be provided to the Appellant.
61. Appeals are not a rehearing of the matter, and in particular are not a forum in which to recanvass the findings of fact or to recall witnesses. The written submissions should be fulsome and outline all the positions taken and the basis for those positions by each of the parties to the Appeal as these submissions, and the oral argument of the parties or their counsel arising from those submissions, are the evidentiary basis on which the Appeal Panel will proceed.

Counsel or Advisor

62. Any Appellant, Respondent or Affected Party may choose to be assisted and/or represented by counsel or an advisor at any time during the Appeal process, but each party is responsible for the costs of any person that he retains, unless an order for costs is made by the Appeal Panel, in which case the order for costs shall be determinative.



Selection of Appeal Panel

63. The Complaint Manager shall, within 14 days of receipt of the submissions from the parties:
 - a) appoint an Appeal Panel of one or three adjudicators;
 - b) select adjudicator(s) for the Appeal Panel who have no relationship or involvement with the dispute outlined in the Appeal, or with any of the parties, either directly or indirectly. The decision regarding the composition of the Appeal Panel shall be at the sole discretion of the Complaint Manager, whose decision shall be final;
 - c) advise all parties as to the identity of the Appeal Panel member(s); and,
 - d) provide the Appeal Panel with copies of the written submissions from each party.
64. The Appeal Panel members, if more than one, shall select a Chairperson amongst themselves and advise the Complaint Manager of that selection.
65. The Appeal Panel is responsible for the structure, conduct, and timing of the Appeal, and will communicate all directions in respect to the Appeal to the parties via the Complaint Manager. All timelines in respect to the Appeal may be extended or amended by the Appeal Panel and communicated to the parties.

Appeal

66. The Appeal shall proceed within 21 days of the appointment of the Appeal Panel. Each of the parties shall be advised in writing of date, place, and time of the Hearing at least 10 days prior to the Appeal; the Appeal is not decided by document review.
67. In particular and without limiting the generality of the forgoing, the Appeal Panel will determine how the Appeal will be conducted and will outline the process to be followed to the parties in writing at least 10 days prior to the Appeal.
68. Decisions made by the Appeal Panel will be by majority and do not need to be unanimous. A written decision shall be provided by the Appeal Panel to each party within 30 days of the completion of the Appeal. This decision shall include any determination made by the Appeal Panel as to the payment of costs for the Appeal.
69. The decisions of the Appeal Panel, including all decisions on costs, are final.