



**CANADIAN AIKIDO FEDERATION and/or FÉDÉRATION CANADIENNE
D'AIKIDO**

MEMBER POLICIES

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Note:

In these policies Canadian Aikido federation and/or Fédération Canadienne d'Aikido is referred hereinafter as "CAF".

In these policies, "days" will mean total days irrespective of weekends or holidays.

A - CODE OF CONDUCT

The CAF is committed to providing an environment in which all individuals are treated with respect. Further, CAF supports equal opportunity and prohibits discriminatory practices.

Members of CAF and participants in CAF programs and activities are expected to conduct themselves at all times in a manner consistent with the values of CAF.

Conduct that violates these values may be subject to sanctions pursuant to CAF Discipline Policy.

All organizers, directors, officers, medical personnel, employees, instructors, officials, students, managers, volunteers, staff and other members of CAF have a responsibility to:

1. Maintain and enhance the dignity and self-esteem of members and participants of CAF by:
 - Demonstrating respect to individuals regardless of gender, ethnic or racial origin, sexual orientation, age, marital status, religion, political belief, disability or economic status;
 - Focusing comments or criticism appropriately and avoiding public criticism of students, directors, officers, managers, instructors, officials, organizers, volunteers, staff and members;
 - Consistently demonstrating the spirit of Martial Arts, Martial Arts leadership and ethical conduct and practices;
 - Ensuring that the rules of the martial art of Aikido and the spirit of such rules are adhered to.
2. Abstain from the use of alcohol and tobacco while participating at Aikido training events.
3. Take reasonable steps to manage the responsible consumption of alcoholic beverages in social situations associated with Aikido events.
4. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods.
5. Refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct, directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious.

6. Refrain from any behaviour that constitutes sexual harassment, where sexual harassment is defined as unwelcome sexual advances or conduct of a sexual nature when submitting to or rejecting this conduct influences decisions which affect the individual, such conduct has the purpose or effect of diminishing performance, or such conduct creates an intimidating, hostile or offensive environment;
7. Comply at all times with the Constitution, Bylaws, policies, rules and regulations of CAF, as adopted and amended from time to time, including complying with any contracts or agreements executed with CAF;

In addition to the above, **Instructors** will have additional responsibilities. The instructor/student relationship is a privileged one. Instructors play a critical role in the personal as well as Martial Art development of their students. Instructors must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it. Instructors shall at all times:

1. Ensure a safe environment by selecting activities and establishing controls are suitable for the age, experience, ability and fitness level of students, including educating students as to their responsibilities in contributing to a safe environment;
2. Avoid compromising the present and future health of students by communicating and cooperating with registered medical practitioners in their diagnosis, treatment and management of students' physical and physiological problems;
3. Educate students about the dangers of drugs and performance enhancing substances and under no circumstances promote or condone their use.
4. Accept and promote students' personal goals and refer to other instructors and Martial Art specialists as appropriate and as opportunities arise;
5. Provide students and their parents/guardians of students who are minors with the information necessary to be involved in the decisions that affect the student and their development.
6. Consider the academic pressures placed on students and conduct practices and events in a manner that supports academic success.
7. At no time engage in an intimate or sexual relationship with a student under the age of eighteen (18) years.

B - HARASSMENT POLICY

1. Policy Statement

- 1.1 The CAF is committed to creating and maintaining a martial art and work environment in which all individuals are treated with respect and dignity. Each individual has the right to participate and work in an environment that promotes equal opportunities and prohibits discriminatory practices.
- 1.2 More particularly, CAF is committed to providing an environment free from harassment on the basis of race, nationality or ethnic origin, religion, age, sex, sexual orientation, marital status, family status, or disability. Harassment on the basis of any of these grounds is a form of discrimination that is prohibited by human rights legislation throughout Canada. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.
- 1.3 The CAF does not tolerate harassment. All persons in positions of authority with CAF are expected to take appropriate action when harassment occurs. Individuals whose conduct is found to constitute harassment as defined in this policy will face disciplinary action.

2. Application of this Policy

- 2.1 This policy applies to all employees as well as to all directors, officers, volunteers, instructors, students, officials, administrators, members and participants who are under the jurisdiction of CAF. It applies to harassment that may occur during the course of all CAF business, activities and events.
- 2.2 Harassment occurring within the business, activities or events of educational institutions or provincial associations, including member Dojo's under provincial jurisdiction, will be dealt with using the procedures of such educational institutions and provincial associations. Provincial associations are encouraged to adopt harassment procedures that are consistent with this policy. In the event that there are not similar consistent policies in place and the educational institution or provincial association is a member of CAF, the policies of CAF shall be adopted.
- 2.3 Notwithstanding the procedures in this policy, a person in a position of authority is encouraged to take immediate, informal, corrective disciplinary action in response to behavior that constitutes a minor incidence of harassment.
- 2.4 The Executive Committee is responsible for overseeing the procedures set out in this policy and will, at all times, ensure that such procedures are carried out in a timely manner.

3. Definitions

3.1 Harassment is a form of conduct that is cruel, intimidating, humiliating, offensive or physically harmful. Types of behaviour that constitute harassment include, but are not limited to:

- a) hostile verbal and non-verbal communications;
- b) condescending, patronizing, threatening or punishing actions that undermine self-esteem or diminish performance;
- c) unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- d) practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- e) any form of hazing;
- f) any form of physical assault;
- g) sexual harassment, as defined in this policy;
- h) behaviours such as those described above that are not directed towards individuals or groups but that have the effect of creating a negative or hostile environment; or
- i) retaliation or threats of retaliation against an individual who reports harassment

3.2 Sexual harassment is defined as unwelcome sexual remarks or advances, requests for sexual favours or other verbal or physical conduct of a sexual nature when:

- a) Submitting to or rejecting this conduct is used as the basis for making decisions that affect the individual; or
- b) Such conduct has the purpose or effect of interfering with an individual's performance; or
- c) Such conduct creates an intimidating, hostile or offensive environment.

4. Procedures for Receiving and Responding to a Complaint

4.1 A person who experiences harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known that the behaviour is contrary to this policy.

4.2 If confronting the person is not possible or if after confronting the person the behaviour continues, the person who has experienced the harassment, who has witnessed the harassment, or who believes that harassment has occurred should report the matter to an "official" of CAF. For the purposes of this policy, an official is any person in a responsible staff or volunteer position.

- 4.3 Once an incident is reported, the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents or guardians of the incident (if the person who has experienced the harm is a minor), and assisting in an informal resolution of the complaint, where this is appropriate. If the official considers that he or she is unable to act in this capacity, the complaint will be referred to another official who is able and willing to assist.
- 4.4 There are two possible outcomes to this meeting of complainant and official:
- a) The complainant may decide to pursue an informal resolution of the complaint, in which case the official will assist the two parties to negotiate an acceptable resolution of the complaint. If an informal resolution of the complaint is not appropriate or possible, the complainant may decide to lay a formal written complaint; or
 - b) The complainant may decide to lay a formal written complaint submitted to CAF's Executive, in which case the official shall advise the CAF harassment officer.

5. Fact-Finding

- 5.1 If informal resolution of the complaint is not appropriate or possible, and if the person who has experienced or witnessed the harassment, or who believes that harassment has occurred decides to pursue a formal written complaint, the official will refer the complaint to a designated CAF harassment officer. The harassment officer will assist the individual in preparing a formal written complaint and will provide a copy to the Executive Committee.
- 5.2 Once the complaint has been reported to the Executive Committee, the harassment officer will then gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint is made (the "respondent"), and any witnesses who, in the opinion of the official, might have relevant facts or observations about the incident. The respondent will also be allowed an opportunity to provide a written statement to the harassment officer.
- 5.3 The process of fact-finding will be carried out in a timely manner and the results summarized in a written report that will be provided to the Executive Committee, along with any written statement prepared by the respondent.

- 5.4 Upon receiving this report and any written statement, the Executive Committee will decide within five (5) business days:
- a) if the complaint should be dealt with informally, in which case it will direct the appropriate response and the matter will then be concluded; or
 - b) that the alleged offence is of such seriousness as to warrant suspension of the individual from activities with CAF pending a review of the complaint.

6 Procedures for Reviewing Complaints

- 6.1 If the Executive Committee determines that the complaint should be dealt with more formally, it will appoint three unbiased individuals to serve as a Panel, and will appoint one of these individuals to serve as the Chairperson of the Panel. Both genders will be represented on the Panel.
- 6.2 The Executive Committee will then, at its sole discretion, and having regard to the nature of the complaint and the potential seriousness of the outcome, determine which of the following procedures will be used by the Panel to review the complaint (these procedures are listed from the least formal to the most formal):
- a) The Panel will review the statement of the complainant, the statement of the respondent and the report of the harassment officer and will then render a decision; or
 - b) The Executive Committee will appoint an outside investigator who will conduct a formal investigation of the incident and will provide a written report to the Panel. The Panel will consider this report, as well as the statements of the complainant and the respondent, and the report of the harassment officer, and will then render a decision; or
 - c) The Executive Committee will appoint an outside investigator who will conduct a formal investigation of the incident and will provide a written report to the Panel. The Panel will review this report at a hearing with the complainant and respondent present, may ask questions of the complainant and respondent, and may allow the complainant and respondent to ask questions of each other. Following the hearing, the Panel will render its decision; or
 - d) The Panel will convene a hearing involving the complainant, respondent and witnesses. The complainant and respondent will have an opportunity to present evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the Panel will render its decision; or
 - e) Any other appropriate combination of the above hearing methods.
- 6.3 If at any point the complainant becomes reluctant to continue with these procedures, it will be at the sole discretion of the Executive Committee to nonetheless continue the review of the complaint in accordance with this policy.

7. Investigators

- 7.1 The Investigator should be a person experienced in harassment matters and investigation techniques. The Investigator shall gather facts surrounding the incident by speaking directly with the complainant and the person against whom the complaint is made (the “respondent”), and any witnesses who, in the opinion of the Investigator, might have relevant facts or observations about the incident. The respondent shall also be given the opportunity to provide a written statement to the Investigator.
- 7.2 The Investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the CAF Executive.

8. Hearing

- 8.1 If the Executive determines that a hearing will be held, the hearing will be heard as soon as possible, but not more than fifteen (15) business days after the Discipline Panel has been appointed by the Executive.
- 8.2 The Discipline Panel shall govern the hearing as it sees fit, provided that:
- a) a quorum shall be all three (3) Discipline Panel members;
 - b) decisions shall be by majority vote; the Chairperson carries a vote;
 - c) the complainant and the respondent may be accompanied by a representative;
 - d) the hearing shall be held in private;
 - e) the respondent shall be given five (5) business days written notice (by courier or fax) of the day, time and place of the hearing, and included in the notice shall be a copy of the formal complaint and a copy of the Investigator’s report;
 - f) the complainant shall receive a copy of the Investigator’s report five (5) days prior to the hearing;
 - g) both the complainant and respondent shall be present at the hearing to respond to the Investigator’s report, give evidence and to answer questions of the Discipline Panel. The hearing shall proceed in the absence of either or both parties;
 - h) the Investigator may attend the hearing at the request of the Discipline Panel;
 - i) the Discipline Panel may request that witnesses to the incident be present or submit written evidence; and
 - j) once appointed, the Discipline Panel shall have the authority to abridge or extend timelines associated with all aspects of the hearing.
- 8.3 In order to keep costs to a reasonable level the Discipline Panel may conduct the hearing by means of a conference call or videoconference.

9. Decision

- 9.1 As soon as possible, but within five (5) business days of a completed procedure as described in section 6.2 or upon review of the harassment officers report, the Panel will present its findings in a report to the Executive Committee with a copy provided to both the complainant and respondent. This report will contain:
- a) A summary of the relevant facts;
 - b) a determination as to whether the acts complained of constitute harassment as defined in this policy;
 - c) disciplinary action to be taken, if the acts constitute harassment; and
 - d) measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute harassment.
- 9.2 If the Panel determines that allegations of harassment are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary action against the complainant.
- 9.3 The decision of the Panel will be final and binding upon the complainant, respondent and CAF. Any disciplinary action imposed under this policy may be appealed pursuant to CAF's policy on Appeals.

10. Discipline

- 10.1 When recommending appropriate disciplinary action, the Discipline Panel shall consider factors such as:
- a) the nature and severity of the harassment;
 - b) whether the harassment involved any physical contact;
 - c) whether the harassment was an isolated incident or part of an ongoing pattern;
 - d) the nature of the relationship between the complainant and respondent;
 - e) the age of the complainant;
 - f) whether the respondent had been involved in previous harassment incidents;
 - g) whether the respondent admitted responsibility and expressed a willingness to change; and
 - h) whether the respondent retaliated against the complainant.

10.2 In directing disciplinary action, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment and other aggravating and mitigating circumstances:

- a) Verbal apology;
- b) Written apology;
- c) Letter of reprimand from the CAF;
- d) A fine or levy;
- e) Referral to counselling;
- f) Removal of certain privileges of employment or association with CAF;
- g) Demotion or a pay reduction;
- h) Temporary suspension from employment, with or without pay;
- i) Termination of employment or contract;
- j) Publication of the decision;
- k) any other sanction that the Panel considers appropriate in the circumstances.

10.3 Unless the Panel decides otherwise, any disciplinary sanctions will take effect immediately.

11. Confidentiality

11.1 CAF recognizes the sensitive and serious nature of harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, CAF will do so. It is also the policy of CAF to allow publication of the decision of the Panel, where the acts complained of constitute harassment and where the Panel directs publication as part of its decision.

12. Review

12.1 This policy will be reviewed by the Executive Committee on an annual basis, and revised as required.

C – DISCIPLINE POLICY

1. Preamble

- 1.1 Membership in CAF offers many benefits and privileges. At the same time members and participants are expected to fulfil certain responsibilities and obligations, including complying with the Code of Conduct of CAF as well as with CAF's other policies and procedures. CAF's Code of Conduct identifies the standard of behaviour that is expected of members and participants, and those who fail to meet this standard may be subject to the disciplinary procedures set out in this policy.

2. Application of this Policy

- 2.1 This policy applies to all categories of members of CAF and to all individuals participating in activities with or employed by CAF. These include, but are not limited to, medical personnel, students, instructors, officials, organizers, managers, volunteers, directors, officers, employees and other members of CAF.
- 2.2 This policy applies to all discipline matters that may arise during the course of CAF business, activities and events, including but not limited to the office environment, practices, training, training camps, travel associated with training activities, and any meetings of staff, committees or the Board of Directors.

3. Reporting an Infraction

- 3.1 Any individual may report to the President a disciplinary infraction by either reporting it orally or by using an Incident Report. It will be at the sole discretion of the President to determine if the infraction is best dealt with as a minor or a major infraction.

4. Minor Infractions

- 4.1 Minor infractions are single incidents of misconduct that breach the Code of Conduct but generally do not result in harm to others. All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the individual involved: this person may include, but is not restricted to, a board member, committee member, volunteer, staff person, instructor, organizer or manager.

- 4.2 Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the person having authority, provided the individual being disciplined is told the nature of the infraction. This policy will not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor infraction.
- 4.3 Disciplinary sanctions for minor infractions may include the following:
- a) verbal or written reprimand;
 - b) verbal or written apology;
 - c) service or other voluntary contribution to the CAF;
 - d) suspension from the current activity or competition;
 - e) any other similar sanction considered appropriate for the offence.

5. Major Infractions

- 5.1 Major infractions are instances of misconduct which violate the Code of Conduct and that result, or have the potential to result, in harm to other persons, to CAF or the marital art of Aikido.
- 5.2 If the incident is a major infraction, a hearing is required. The President will notify the individual alleged to have committed a major infraction of the matter as soon as possible, and will provide the individual with a copy of this policy.

6. Investigation

- 6.1 Depending on the nature and severity of the infraction, the President may appoint an independent individual to conduct an investigation. If this is the case, the Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the President.

7. Discipline Panel

- 7.1 Within 7 days of receiving a report documenting a major infraction or of receiving the written report of the Investigator if an investigation was carried out, the President will appoint three individuals to serve as a Discipline Panel. The members of the Panel will select from themselves a Chairperson and the Panel will consist of at least 1 Board Member, 1 Dojo Instructor and 1 student of Yudansha level. The Discipline Panel should include representation of both genders.
- 7.2 The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.

- 7.3 Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may decide to conduct a hearing by way of a review of documentary evidence or by way of oral hearing. If the panel decides to conduct an oral hearing, it may decide to do so in person or by means of telephone conference.

8. Preliminary Meeting

- 8.1 The Panel may determine that the circumstances of the infraction warrant a preliminary meeting. The Panel may delegate to one of its members the authority to deal with these preliminary matters, which may include but are not limited to:
- a) format
 - b) date and location of the hearing;
 - c) timelines for the exchange of documents;
 - d) clarification of issues in dispute;
 - e) order and procedure of the hearing;
 - f) evidence to be brought before the hearing;
 - g) identification of any witnesses; or
 - h) any other procedural matter which may assist in expediting the hearing.

9. Hearing

- 9.1 The Panel will govern the hearing as it sees fit, provided that:
- a) the individual being disciplined will be given ten (10) days written notice of the day, time and place of the hearing;
 - b) the individual being disciplined will receive a copy of the Investigator's report, if an investigation was carried out;
 - c) a quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;
 - d) the individual being disciplined may be accompanied by a representative;
 - e) the individual being disciplined will have the right to present evidence and argument;
 - f) the Investigator may participate in the hearing at the request of the Panel;
 - g) the Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
 - h) if the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
 - i) the hearing will be held in private;
 - j) once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
- 9.2 The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent CAF policy.

- 9.3 After hearing the matter, the Panel will determine whether or not the individual has breached the Code of Conduct or other relevant CAF policy and if so, the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties and to the President within 7 days of the conclusion of the hearing.
- 9.4 Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may hold a hearing for the purpose of determining an appropriate sanction.

10. Sanctions

- 10.1 The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- a) written reprimand;
 - b) removal of certain privileges of membership or employment;
 - c) suspension from certain events;
 - d) suspension from certain CAF activities such as training, instructing or officiating for a designated period of time;
 - e) suspension from employment with or without pay;
 - f) suspension from all CAF activities for a designated period of time;
 - g) expulsion from membership;
 - h) publication of the decision;
 - i) other sanctions as may be considered appropriate for the offence.
- 10.2 The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent CAF policy.
- 10.3 Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanctioned as determined by the Panel will result in automatic suspension of membership or participation in CAF until such time as the sanction is complied with.

10.4 In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:

- a) the nature and severity of the infraction;
- b) the extent to which others have been harmed by the infraction;
- c) the cooperation of the individual being disciplined in the proceedings under this policy;
- d) whether the incident is a first offence or has occurred repeatedly;
- e) the individual's acknowledgment of responsibility,
- f) the individual's remorse and post-infraction conduct;
- g) the age, maturity or experience of the individual;
- h) whether the individual retaliated, where the incident involves harassment; and
- i) the individual's prospects for rehabilitation.

11. Serious Infractions

11.1 The President may determine that the alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.

11.2 Where it is brought to the attention of the President that a Member has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the President may suspend the Member pending further investigation, a hearing or a decision of the Panel.

11.3 Notwithstanding the procedures set out in this policy, any Member of CAF who is convicted of a criminal offence involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of CAF for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by CAF in accordance with this policy.

12. Confidentiality

12.1 Where the behaviour reported either orally or in an Incident Report constitutes harassment, or is of a similar sensitive nature, CAF will keep all proceedings under this policy confidential, except where disclosure is directed by the Panel as part of a sanction, is required by law or is in the best interests of the public.

13. Appeals Procedure

13.1 Except where otherwise provided, the decision of the Panel may be appealed in accordance with the CAF Appeal Policy.

D - APPEAL POLICY

1. Preamble

- 1.1 The purpose of this appeals policy is to enable disputes with members to be dealt with fairly, expeditiously and affordably, within CAF, without recourse to formal legal and court-like procedures.

2. Definitions

- 2.1 The following terms have these meanings in this Appeal Policy:

- a) *Member* -- refers to all categories of members in the CAF, as well as to all individuals engaged in activities with or employed by the CAF, including, but not limited to, students, instructors, officials, volunteers, directors, officers, medical and paramedical personnel, administrators and employees (including contract personnel)
- b) *Appellant* -- refers to the member appealing a decision
- c) *Respondent* -- refers to the body whose decision is being appealed.

3. Scope of Appeal

- 3.1 Any member of CAF who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 5 of this policy. Examples of decisions that may be appealed are those relating to eligibility, carding, harassment and discipline.

- 3.2 This policy will not apply to decisions relating to:

- a) Matters of employment;
- b) The rules of Aikido, which may not be appealed;
- c) Volunteer appointments and the withdrawal of those appointments by the Board of Directors, which may not be appealed;
- d) Matters of operational structure and staffing, which may not be appealed;
- e) Discipline matter arising during events organized by entities other than CAF, which are dealt with pursuant to the policies of these other entities;
and
- f) Any decisions made under Sections 4 and 7 of this policy.

4. Timing of Appeal

- 4.1 Members who wish to appeal a decision will have 21 days from the date on which they received notice of the decision, to submit in writing notice of their intention to appeal, grounds for the appeal and a summary of the evidence which supports these grounds, and the remedy or remedies requested to the President of CAF (the President).
- 4.2 Any party wishing to initiate an appeal beyond the 21-day period must provide a written request stating reasons for an exemption to the requirement of Section 3. The decision to allow, or not allow an appeal outside the 21 day period will be at the sole discretion of the President, and may not be appealed.

5. Grounds for Appeal

- 5.1 Not every decision may be appealed. A decision cannot be appealed, nor can an appeal be heard, on substantive grounds relating to the merits of the decision. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 - a) Making a decision for which it did not have authority or jurisdiction as set out in CAF's governing documents;
 - b) Failing to follow procedures as laid out in the bylaws or approved policies of CAF; or
 - c) Making a decision that was influenced by bias.

6. Screening of Appeal

- 6.1 Within 5 days of receiving the notice and grounds of an appeal, the President will determine whether there are appropriate grounds for the appeal to proceed as set out in Section 5. In the absence of the President, a designate will perform this function.
- 6.2 If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the President, or designate, and may not be appealed.

7. Appeals Panel

7.1 If the President, or designate, is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal the President will establish an Appeals Panel (the "Panel") as follows:

- a) The Panel will be comprised of three individuals who will have no significant relationship with the affected parties, will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
- b) The Panel's members will select from themselves a Chairperson.

8. Preliminary Conference

8.1 The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters which may be considered at a preliminary conference include:

- a) Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
- b) Timelines for exchange of documents;
- c) Clarification of issues in dispute;
- d) Clarification of evidence to be presented to the Panel;
- e) Order and procedure of hearing;
- f) Location of hearing, where the hearing is an oral hearing;
- g) Identification of witnesses; and
- h) Any other procedural matter which may assist in expediting the appeal proceedings.

8.2 The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

9. Procedure for the Hearing

9.1 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:

- a) The hearing will be held within 21 days of the Panel's appointment.
- b) The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
- c) A quorum will be all three Panel members.
- d) Decisions will be by majority vote, where the Chairperson carries a vote.
- e) If the decision of the Panel may affect another party to the extent that the other party would have recourse to an appeal in their own right, that party will become a party to the appeal in question.
- f) Any of the parties may be accompanied by a representative or advisor, including legal counsel.
- g) The Panel may direct that any other person participate in the appeal.

9.2 In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference.

10. Procedure for Documentary Appeal

10.1 Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate provided that:

- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument.
- b) The applicable principles and timelines set out in Section 11 are respected.

11. Evidence that may be Considered

11.1 As a general rule, the Panel will only consider evidence that was before the original decision-maker. At its discretion, the Panel may hear new evidence that is material and that was not available at the time of the original decision.

12. Appeal Decision

12.1 Within 14 days of concluding the appeal, the Panel will issue its written decision, with reasons. The decision will follow this format:

- a) Issue to be decided
- b) Background to the case
- c) Statement of Facts
- d) Authorities considered
- e) Decision
- f) Reasons for decision

12.2 In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:

- g) To reject the appeal and confirm the decision being appealed;
- h) To uphold the appeal and refer the matter back to the initial decision-maker for a new decision;
- i) To uphold the appeal and vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality; and
- j) To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, will be allocated, if at all.

12.3 A copy of this decision will be provided to each of the parties and to the President.

12.4 In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Section 12.1.

13. Timelines

13.1 If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

14. Location

14.1 The appeal will take place in the location designated by the President, or designate, unless the Panel decides the appeal is to be held by way of telephone conference, or unless, at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

15. Final and Binding

15.1 The decision of the Panel will be final and binding on the parties and on all members of CAF, subject only to the provisions of CAF's policies relating to Alternative Dispute Resolution

E - DISPUTE RESOLUTION POLICY

1. Policy Statement

- 1.1 CAF supports the principles of Appropriate 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.

2. Scope

- 2.1 This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within CAF, as well as to all individuals engaged in activities with or employed by CAF, including, but not limited to directors, officers, officials, volunteers, instructors, students, medical and paramedical personnel, employees and other members.

3. Negotiation

- 3.1 CAF encourages all 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 Members are strongly encouraged.

4. Facilitation and Mediation

- 4.1 Opportunities for facilitation and mediation may be pursued at any point in a dispute within CAF where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
- 4.2 Where mediation is pursued, it will be done so in accordance with standard mediation practice using trained mediators who are acceptable to the parties, or alternatively, with the consent of the parties it may be pursued through the Sport Dispute Resolution Centre (SDRC).

5. Appeals

- 5.1 Appeals within CAF will be dealt with under the CAF Appeal Policy.

6. Arbitration

- 6.1 In the event that a dispute persists after internal avenues of decision-making, negotiation, facilitation, mediation and/or appeals have been exhausted, the parties may pursue opportunities for arbitration.
- 6.2 Where arbitration is pursued, it will be done so in accordance with standard arbitration practice using trained arbitrators who are acceptable to the parties, or alternatively, with the consent of the parties it may be pursued through the Sport Dispute Resolution Centre (SDRC).
- 6.3 Where arbitration is pursued through the SDRC, it will be done so in accordance with the rules of arbitration prescribed by the SDRC.
- 6.4 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.
- 6.5 Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.
- 6.6 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.

7. No Legal Action

- 7.1 No action, application for judicial review or other legal proceeding will be commenced against CAF 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 CAF in respect of an arbitration, for which the parties have entered into a written Arbitration Agreement.