

Canadian Pony Club



Procedures for Handling Breaches of the Code of Conduct

*Adopted by the Board of Directors March 31, 2000
Revised November 11, 2001
Further Revised November 8, 2003*

1. PREAMBLE

***This sets the tone for the approach that Pony Club takes to matters in dispute.*

***These Procedures are not intended to be the only way to resolve conflict and it is not intended that all conflicts must be handled under these Procedures. All efforts should be made to settle matters before a written allegation is ever accepted and these Procedures take over.*

The Canadian Pony Club supports the principles of Alternative Dispute Resolution (ADR) and is committed to techniques of negotiation, mediation and arbitration as effective ways to resolve disputes. Parties in dispute are encouraged to work together without outside help to reach a mutually agreeable settlement. Opportunities for mediation, whereby an independent and neutral third person helps parties in a dispute reach a mutually agreeable settlement by facilitating negotiations between them, may be pursued at any point of negotiations where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial. In the event that a dispute persists beyond negotiation and mediation, opportunities for arbitration may be pursued.

2. PURPOSE

The purpose of these Procedures is to provide conflict resolution arbitration to be used in initiating and resolving complaints and disputes for any alleged or perceived breaches of the Code of Conduct.

3. OVERVIEW

***This section outlines the authorities that the National Board has through CPC bylaws and policies.*

The Canadian Pony Club Bylaw 7.03, article (a) and (c) provides the Board of Directors the authority to govern the activities and affairs of Pony Club, to deal with all matters that may arise, and to establish policies with respect to Regions and Branches.

The Canadian Pony Club Bylaw 11.04 (b) provides Regional Committees the authority to monitor Branches' activities and Bylaw 12.12 (e) provides Branch Executive Committees the authority to resolve local controversy.

The Code of Ethics adopted by the Canadian Pony Club includes a Code of Conduct, a statement of the standard of behavior which is expected of members, volunteers, and employees. The Code of Ethics is mandatory and enforceable.

This Disciplinary Policy is a set of procedures describing how the Canadian Pony Club will determine if there has been a breach of the Code of Conduct, and, if so, how it will deal with such a breach.

All time-frames may be extended, with written notice to all parties, to accommodate extenuating circumstances.

***Be sure the reasons are justifiable and that everyone is kept informed.*

4. SCOPE

These Procedures apply to all members, volunteers and employees of the Canadian Pony Club while engaging in activities directly involving the Club at the branch, regional or national level. Anyone, from within or outside the Club, may report a breach of the Code of Conduct.

***Since we deal with youth, it is important that we protect them by accepting allegations from interested outsiders.*

5. EXCLUSIONS

These Procedures are superseded by the procedures in the Participation Agreement for issues that must be resolved during competitions.

***Be sure to review this Agreement that gives our representatives special authority "in the field".*

If a breach of the Code of Ethics is alleged against a party in their capacity of employee, the allegation is addressed to the party's immediate supervisor and all employment standards shall prevail in the consideration of the allegation.

***There may be laws and standards that these Procedures do not address for employee / employer relations.*

6. APPLICATION

In the application of these Procedures, all efforts must be made to be fair, transparent, and discreet. Persons affected by the process must have a reasonable opportunity to present their case. Decision-makers must listen fairly to both sides and make decisions which are not tainted by bias.

***This also protects decision-makers in appeals. Better to be generous, than not fair enough. If an appearance of conflict of interest is likely, then it is better to refer the issue to the next level than retain control.*

Bylaw 5 deals with suspension of membership. Article 5.02 gives District Commissioners the authority to suspend membership at the Branch level; article 5.03 gives

***Very serious allegations only. This will not be supported if used frivolously. It would leave the decision-makers vulnerable to appeal.*

Regional Chairs the authority to suspend membership at the Regional level; and article 5.04 (c) allows the Board of Directors to suspend immediately and, if warranted after further investigation, terminate the membership of any member for cause including but not limited to behavior likely to bring discredit to Pony

Club. These Procedures allow, in the cases of very serious allegations, for the suspension of members and volunteers pending a final determination of penalties.

Communication to a Regional Committee is made by contacting any one of the Region's Officers (Chair, Vice Chair, Director, Deputy Director, Secretary, or Treasurer). Communication to the National Board is made by contacting the Director representing the applicable Region or if they are the accused or are unavailable, any other Director.

***The person contacted is merely a messenger and is obligated to follow-through with this*

7. LEGAL ACTION

No action or legal proceeding will be commenced against the Canadian Pony Club in respect of a dispute, unless the Canadian Pony Club has failed to participate in accordance with this policy.

8. ALLEGATIONS

8.1 Format: Any allegation of a breach of the Code of Conduct must be made in writing and signed by the individual making the allegation. The allegation must include the name and position of both parties, the applicable section of the CPC Code of Conduct, the date that the breach is alleged to have occurred, and a description of all relevant details including negotiation and mediation measures pursued.

***Mediation is encouraged before an allegation is accepted and these Procedures are pursued.*

The recipient of the allegation must, within one week, notify all involved parties in writing that an allegation has been received and forward a copy of the allegation to them. In cases of very serious allegations, the recipient may immediately suspend the membership or volunteer status of the accused following the provisions of section 5 of the CPC Bylaws and shall notify the Regional Committee and National Board of that action. Unless removed by the National Board, the suspension shall remain in effect until a final determination of penalties is reached.

***"Involved" includes: accused, accuser, and anyone else named. Copies can be sent to other stakeholders at Regional and National levels if appropriate and discreet. EACH recipient, Branch, Regional and National levels, must complete the notification of all parties within a week.*

8.2 Minors: Where the complainant or the accused is a minor that minor may choose a parent, guardian, or other adult, who may speak or act on behalf of the minor complainant or minor accused during all parts of this process. The first recipient of any

***Minors who make a complaint or who are accused of a breach of the Code of Conduct have the option of whether or not they wish to be represented by a designated adult during all parts of the complaint process.*

accusation must inform each minor who is either a complainant or an accused that they have this right.

If the designated adult chosen to represent a minor is not the minor's custodial parent or legal guardian, written consent signed by at least one custodial parent or legal guardian must be provided to the recipient authorizing the chosen designated adult to act on behalf of the minor.

If the recipient is attempting an informal resolution of an allegation, the recipient may speak to a minor complainant or accused directly concerning the allegation PROVIDED THAT prior to speaking to the minor the recipient shall inform the minor that he/she may have a Designated adult present during the meeting.

If the complainant is a minor, the complaint may be brought forward by a designated adult. The designated adult will have the right to act on behalf of the complainant throughout the complaint process, including: making a complaint, receiving all notices on behalf of the complainant, and being present at all dealings with the complainant.

If the accused is a minor, a copy of the written allegation and of any decisions arising from the allegation shall be forwarded to a parent or guardian of the accused if such person is known. The accused's designated adult will have the right to act on behalf of the accused throughout the investigation process, including: responding to a written complaint, receiving all notices of behalf of the accused, and being present at all dealings with the accused.

***HOWEVER if the person accused is a minor, their parents or guardian if known must be notified of the complaint and the final decision regardless of whether or not the minor wishes it.*

8.3 Branch Consideration: If the allegation concerns a branch issue, it is made to the District Commissioner of the Branch with which the accused member or volunteer is affiliated. The District Commissioner shall act as the formal recipient of the allegation and shall preside over the Branch's considerations of the allegation which may be done by the full Branch Executive Committee or a subcommittee assigned by the Branch Executive Committee for that purpose. In the event that the District Commissioner is accused, the allegation is made to the Regional Committee as described in section 6. The Regional Committee shall appoint a representative to preside over the Branch's consideration of the allegation and to act as the recipient in place of the accused District Commissioner.

***Presides just over consideration, not over other DC responsibilities.*

8.4 Regional Consideration: If it is determined that the allegation is beyond the scope of local controversy and is thus of a regional nature or involves regional members or volunteers, the allegation must be made to a Regional Officer. The Officer receiving the allegation will contact the Regional Chair who will be the formal recipient of the allegation and will preside over all the Region's considerations of the allegation which may be done by the full Regional Committee or a subcommittee assigned by the Regional Committee for that purpose.

If the Regional Chair is the accused, this responsibility shall be transferred to the Regional Vice Chair or if one does not exist to the Regional Director if they are not also the Regional Chair in which case to the Regional Treasurer.

8.5 National Consideration: If it is determined that the allegation is beyond the scope of regional controversy and is thus of a national nature or involves national members or volunteers, the allegation must be made to a National Director. The Director receiving the allegation will in turn contact the National Chair who will be the formal recipient, unless the National Chair is the accused, in which case the National Vice-Chair will be contacted. The recipient will preside over all the National Board's considerations of the allegation. The National Board will consider the allegation through a meeting of the Board or Management Committee.

***The Management Committee is charged with governing Pony Club between meetings of the Board. It has representation from the East and West and the Finance committee. They generally meet through conference calls.*

8.6 Investigation of Allegation: The recipient of the allegation has the discretion to select the format of the investigation into its validity based on the severity of the allegation and considering all elements of procedural fairness.

***The more assistance you get in investigating, the less vulnerable you are to appeal.*

The investigation into the allegation may include, but is not limited to, a documentary review; a telephone, in-person, or documentary hearing; a combination of these formats; and consultation with impartial internal or outside assistance

8.7 Determination of Validity of Allegation: After careful and thorough investigation, the final recipient will make a determination as to whether there was a breach of the Code of Conduct and notify all involved parties in writing. If it is determined that a breach has occurred, appropriate penalties will be assigned weighing all aggravating and mitigating circumstances. The final outcome of this process must be completed within six months of receipt of the allegation.

***CPC's focus is on education, so penalties should be more positive and remedial than negative and punitive.*

9. APPEALS

9.1 Grounds For Appeal:

Appeals may only be made on the grounds of procedural error, which

***All appeals are between 2 parties: The one filing the appeal and the decision-maker i.e. Branch, Regional Committee or National Board.*

includes, but is not limited to, making a decision without authority, failing to follow procedures, making a decision that can not be supported by evidence, and making a decision which was biased. Appeals must be made within two weeks of the issuance of a decision.

9.2 Format of Appeal: Either party to the initial allegation and/or an appeal may appeal in writing, accompanied by an appeal deposit of \$100 in trust to the Canadian Pony Club, to the next level of Pony Club. The appeal must include the names and positions of all parties and a description of all relevant details including the grounds on which the appeal is based.

Appeals of Branch decisions on the initial allegation are made to the Regional Committee. Appeals of Regional decisions on the initial allegation or a subsequent appeal are made to the National Board. Appeals of decisions on the initial allegation or a subsequent appeal made by the National Board are arbitrated by a mutually acceptable, knowledgeable, independent, neutral third party to determine a binding settlement.

The Regional Committee, National Board or third party receiving the appeal must, within two weeks, notify all involved parties in writing that an appeal has been received and forward a copy of the appeal to them.

9.3 Investigation of Appeal: The Regional Committee, National Board or third party receiving the appeal has the discretion to select the format of the investigation into its validity.

***Remember that the appeal looks at the process undertaken to date.*

The investigation into the appeal may include, but is not limited to, a documentary review; a telephone, in-person, or documentary hearing; a combination of these formats; and consultation with impartial internal or outside assistance.

9.4 Determination of Appeal: If the investigation into the issues of the appeal determines that a procedural error has been made, a decision is also rendered

***Error may include a decision not supported by evidence, not just a flaw in the process.*

as to remedies that may include the overturning of the original decision, a new investigation, or a change in penalties.

If the appeal is successful, the deposit shall be returned and any and all costs incurred through appeal shall be borne by the unsuccessful party. If the appeal is unsuccessful, any and all costs incurred through appeal shall be deducted from the appeal deposit, the balance of which will be returned. Any costs incurred through appeal in excess of the deposit will also be borne by the unsuccessful party.

***The procedures outlined in this document are intended for internal Canadian Pony Club dispute resolution. As indicated in section 7, these are not legal proceedings. Costs for hiring anyone including lawyers are not anticipated nor are they to be included in "costs incurred through appeal". Costs to be included are travel, phone, printing, accommodations, and similar items.*

Decisions on appeals must be made within six months of receipt of the appeal.