

# Canadian Pony Club



## SAFE SPORT POLICIES ALTERNATIVE DISPUTE RESOLUTION POLICY



# CANADIAN PONY CLUB

## ALTERNATIVE DISPUTE RESOLUTION POLICY

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### ALTERNATIVE DISPUTE RESOLUTION POLICY

#### Purpose

1. CPC supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints, or with litigation.
2. CPC encourage all Organizational Participants to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. CPC believe that negotiated settlements are most often preferable to arbitrated outcomes.
3. Negotiated resolutions to disputes with and among Organizational Participants are strongly encouraged.

#### Application of this Policy

4. This policy applies to all Organizational Participants.
5. Opportunities for ADR may be pursued at any point in a dispute when all parties to the dispute agree that such a course of action would be mutually beneficial.

#### Facilitation and Mediation

6. If all parties to a dispute agree to ADR, a mediator or facilitator shall be appointed to mediate or facilitate the dispute.
7. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
8. Should a negotiated settlement be reached, the settlement shall be reported to CPC for approval if it involves any action by the CPC before execution. Any actions that are to take place because of the settlement shall be completed in accordance with the timelines specified by the negotiated settlement, pending approval.
9. Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Discipline and Complaints Policy* or *Appeal Policy*, as applicable.

#### Final and Binding

10. Any negotiated settlement will be binding on the parties.
11. Negotiated settlements may not be appealed.



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### APPEAL POLICY

#### Purpose

1. This *Appeal Policy* provides Organizational Participants with a fair and expedient appeal process.

#### Scope and Application of this Policy

2. This policy applies to all Organizational Participants.
3. Any Organizational Participant who is directly affected by a decision made by CPC or an External Discipline Panel, as applicable, shall have the right to appeal that decision if there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this policy.
4. This policy **will apply** to decisions relating to:
  - a) eligibility;
  - b) selection;
  - c) conflict of interest;
  - d) discipline; and
  - e) membership.
5. This policy **will not apply** to decisions relating to:
  - a) employment;
  - b) infractions for doping offenses;
  - c) the rules of the sport;
  - d) selection criteria, quotas, policies, and procedures established by entities other than CPC;
  - e) substance, content and establishment of team selection or carding criteria;
  - f) volunteer/coach appointments and the withdrawal or termination of those appointments;
  - g) budgeting and budget implementation;
  - h) the Organization's operational structure and committee appointments;
  - i) decisions or discipline arising within the business, activities, or events organized by entities other than CPC (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by CPC at its sole discretion);
  - j) commercial matters for which another appeals process exists under a contract or applicable law; or
  - k) decisions made under this policy.



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### Timing of Appeal

6. Organizational Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to CPC, the following:
  - a) notice of the intention to appeal;
  - b) their contact information;
  - c) name and contact information of the Respondent and any Affected Parties, when known to the Appellant;
  - d) date the Appellant was advised of the decision being appealed;
  - e) a copy of the decision being appealed, or description of decision if written document is not available;
  - f) grounds for the appeal;
  - g) detailed reasons for the appeal;
  - h) all evidence that supports these grounds;
  - i) requested remedy or remedies; and
  - j) an administration fee of two hundred dollars (\$200), which will be refunded if the appeal is upheld.
7. An Organizational Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

### Grounds for Appeal

8. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
  - a) made a decision that it did not have the authority or jurisdiction (as set out in the applicable governing documents) to make;
  - b) failed to follow its own procedures (as set out in the applicable governing documents);
  - c) made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or
  - d) made a decision that was unreasonable.



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### Screening of Appeal

9. The parties may first attempt to resolve the appeal through the *Alternative Dispute Resolution Policy*, if appropriate in the circumstances.
10. Appeals resolved under the *Alternative Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
11. Should the appeal not be resolved by using the *Alternative Dispute Resolution Policy*, CPC will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
  - a) to determine if the appeal falls under the scope of this policy;
  - b) to determine if the appeal was submitted in a timely manner; and
  - c) to decide whether there are sufficient grounds for the appeal.
12. If the Appeal Manager denies the appeal because of insufficient grounds because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
13. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal.
14. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

### Determination of Affected Parties

15. To confirm the identification of any Affected Parties, the Appeal Manager will engage CPC. The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion.

### Procedure for Appeal Hearing

16. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
17. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances. The following guidelines will apply to the hearing:



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| a)      | The hearing will be held within a timeline determined by the Appeal Manager   |               |
| b)      | The Parties will be given reasonable notice of the day, time, and place of an oral, in-person hearing or oral hearing by telephone or electronic communications.  |               |
| c)      | Copies of any written documents which any of the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing.   |               |
| d)      | The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.   |               |
| e)      | The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.   |               |
| f)      | The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate.   |               |
| g)      | If a decision in the appeal may affect another Party to the extent that the other Party would have recourse to an appeal in their own right under this policy, that Party will become an Affected Party to the appeal in question and will be bound by its outcome. |               |
| h)      | The decision to uphold or reject the appeal will be by a majority vote of Panel members.  |               |
| 19.     | In fulfilling its duties, the Panel may obtain independent advice.  |               |

### Appeal Decision

20. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the Grounds for Appeal section of this policy and that this error had a material effect on the decision or decision-maker.
21. The Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
- a) reject the appeal and confirm the decision being appealed;
  - b) uphold the appeal and refer the matter back to the initial decision-maker for a new decision;  
or
  - c) uphold the appeal and vary the decision.
22. The Panel will also determine whether costs of the appeal will be assessed against any Party. In assessing costs, the Panel will consider the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.
23. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and CPC. In extraordinary circumstances, the Panel may first issue a verbal or summary decision



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soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record and published according to the Publication Guidelines unless decided otherwise by the Panel.

### **Timelines**

24. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.

### **Confidentiality**

25. The appeals process is confidential and involves only the parties, the CPC the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties (or their representatives or witnesses) will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless CPC is required to notify an organization such as an international federation, Sport Canada, Equestrian Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law
26. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 25 will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless CPC is required to notify an organization such as an international federation, Sport Canada, Equestrian Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
27. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Panel.

### **Final and Binding**

28. No action or legal proceeding will be commenced against CPC or Organizational Participants in respect of a dispute, unless CPC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.



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### SOCIAL MEDIA POLICY

#### Preamble

1. CPC is aware that Organizational Participant interaction and communication occurs frequently on social media. CPC cautions Organizational Participants that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

#### Application of this Policy

2. This policy applies to all Organizational Participants.

#### Conduct and Behaviour

3. All conduct and behaviour occurring on Social Media must comply with the *Code of Conduct and Ethics*.
4. Organizational Participants may not engage in the following behaviour on Social Media:
  - a) posting a disrespectful, hateful, harmful, disparaging, or insulting comment on a social medium;
  - b) posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, embarrassing, suggestive, provocative, or otherwise offensive;
  - c) creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promoting negative or disparaging remarks or commentary about CPC or its stakeholders or reputation; or
  - d) any instance of cyber-bullying or cyber-harassment where incidents of cyber-bullying and cyber-harassment can include but are not limited to the following conduct on any social medium, via text message, or via email: regular insults, negative comments, vexatious behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.

#### Organizational Participants' Responsibilities

5. Organizational Participants should be aware that their Social Media activity may be viewed by anyone; including CPC.
6. If CPC unofficially engages with an Organizational Participant in Social Media (such as by retweeting a tweet or sharing a photo on Facebook) the Organizational Participant may, at any time, ask CPC to cease this engagement.





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7. When using Social Media, an Organizational Participant must model appropriate behaviour befitting the Organizational Participant's role and status in connection with CPC.
8. Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Organizational Participant from being subject to the *Discipline and Complaints Policy*.
9. An individual who believes that an Organizational Participant's Social Media activity is inappropriate or may violate policies and procedures should report the matter to CPC in the manner outlined by the *Discipline and Complaints Policy*.

### **CPC's Responsibilities**

10. CPC has a responsibility to understand if and how Persons in Authority and Athletes are using Social Media to communicate with each other. Persons in Authority and Athletes may need to be reminded that behaviour in Social Media is still subject to the *Code of Conduct and Ethics* and *Social Media Policy*.
11. Complaints and concerns about the behaviour of a Person in Authority or Athlete in Social Media can be addressed under the *Discipline and Complaints Policy*.

### **Guidelines**

12. The Guidelines in this section provide Persons in Authority and Athletes with tips and suggestions for Social Media use. Persons in Authority and Athletes are strongly encouraged to develop their own strategy for Social Media use (either written down or not) and ensure that their strategy for Social Media use is acceptable pursuant to the Code.
13. Given the nature of Social Media as a continually developing communication sphere, Persons in Authority and Athletes must use their best judgment when interacting with Social Media. These Guidelines are not hard and fast rules or behavioural laws; but rather recommendations that will inform individuals' best judgment.
14. Any behaviour on Social Media which violates the *Code* may be subject to discipline.

### **Social Media Guidelines for Persons in Authority**

15. Persons in Authority should consider the following guidelines to inform their own strategy for Social Media use:
  - a) with Minor Athletes, ensure that parents/guardians are aware if some interactions may take place on Social Media and the context for those interactions, and give parents/guardians the option to prohibit or restrict communication in this space;
  - b) attempt to make communication with Athletes in Social Media as one-sided as possible. Be available for Athletes if they initiate contact – Athletes may wish to have this easy and quick



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access to you – but Persons in Authority should never impose themselves onto an Athlete’s personal Social Media space;

- c) ensure all Social Media communication is professional, unambiguous, and on-topic. Avoid emojis and unspecific language that can be interpreted in multiple ways;
- d) choosing not to engage with Social Media is an acceptable strategy. Be prepared to inform Athletes (and/or parents/guardians) if you will not engage in this space and explain which media you will use to communicate with them;
- e) Athletes will search for your Social Media accounts. Be prepared for how you will respond when an Athlete attempts to interact with you on Social Media;
- f) annually review and update the privacy settings on all your Social Media accounts;
- g) consider monitoring or being generally aware of Athletes’ public Social Media behaviour to ensure compliance with the *Code of Conduct and Ethics* and this policy;
- h) never demand access to an Athlete’s private posts on Twitter, Instagram, or Facebook;
- i) do not send friend requests to Athletes. Never pressure Athletes to send you a friend request or follow your Social Media accounts;
- j) if you accept a friend request from one Athlete, you should accept these requests from all Athletes. Be careful not to show favouritism on Social Media;
- k) consider managing your Social Media so that Athletes do not have the option to follow you on Twitter or send you a friend request on Facebook;
- l) do not identify Minor Athletes on publicly available Social Media;
- m) seek permission from adult Athletes before identifying them on publicly available Social Media;
- n) avoid adding Athletes to Snapchat and do not send snapchats to Athletes;
- o) do not post pictures or videos of Minor Athletes on your private Social Media accounts;
- p) be aware that you may acquire information about an Athlete that imposes an obligation of disclosure on your part (such as seeing pictures of Minor Athletes drinking during a trip);
- q) if selection decisions and other official team business are announced on Social Media, ensure they are also posted on a less-social medium like a website or distributed via email;
- r) never require Athletes to join Facebook, join a Facebook group, subscribe to a Twitter feed, or join a Facebook page about your team or organization;
- s) if you create a page on Facebook or Instagram for your team or Athlete, do not make this Social Media site the exclusive location for important information. Duplicate important information in less-social channels (like on a website or via email);



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t)	exercise appropriate discretion when using Social Media for your own personal communications (with friends, colleagues, and other Persons in Authority) with the knowledge that your behaviour may be used as a model by Athletes;	
u)	avoid association with Facebook groups, Instagram accounts, or Twitter feeds with explicit sexual conduct or viewpoints that might offend or compromise your relationship with an Athlete; and	
v)	never misrepresent yourself by using a fake name or fake profile.	

### Social Media Guidelines for Athletes

16. The following tips should be used by Athletes to inform their own strategy for Social Media use:
- Set your privacy settings to restrict who can search for you and what private information other people can see.
  - Coaches, teammates, officials, or opposing competitors may all add you to Facebook or follow you on Instagram or Twitter. You are not required to follow anyone or be Facebook friends with anyone.
  - Avoid adding Persons in Authority to Snapchat and do not send snapchats to Persons in Authority.
  - If you feel harassed by someone in a social medium, report it to your coach or another Person in Authority with your organization.
  - You do not have to join a fan page on Facebook or follow a Twitter feed or Instagram account.
  - Content posted on a social medium, relative to your privacy settings, is considered public. In most cases, you do not have a reasonable expectation of privacy for any material that you post.
  - Content posted to a social medium is almost always permanent – consider that other individuals may take screen caps of your content (even snapchats) before you can delete them.
  - Avoid posting pictures of, or alluding to, participation in illegal activity such as: speeding, physical assault, harassment, drinking alcohol (if underage), and smoking cannabis (if underage).
  - Model appropriate behaviour in Social Media befitting your status as a) an Athlete, and b) a member of your organization and its governing organizations. As a representative of your organization, you have agreed to the *Code of Conduct and Ethics* and must follow that *Code* when you post material and interact with other people through Social Media.



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- j) Be aware that your public Facebook page, Instagram account, or Twitter feed may be monitored by your organization, coach, or by another organization and content or behaviour demonstrated in Social Media may be subject to sanction under the *Discipline and Complaints Policy*.