

CANADIAN CEREBRAL PALSY SPORTS ASSOCIATION (CCPSA)

POLICIES RELATING TO CONDUCT, DISCIPLINE AND DISPUTES

Adopted June 2004

CODE OF CONDUCT

CCPSA is committed to providing an environment in which all individuals are treated with respect. Further, CCPSA supports equal opportunity and prohibits discriminatory practices. Members of CCPSA and participants in CCPSA's programs and activities are expected to conduct themselves at all times in a manner consistent with the values of CCPSA.

Behaviour that violates this Code of Conduct may be subject to sanctions pursuant to CCPSA's policies related to discipline.

All directors, officers, organizers, coaches, officials, athletes, managers, volunteers, personal care attendants, medical and paramedical personnel, classifiers, employees and other members of CCPSA have a responsibility to:

1. Maintain and enhance the dignity and self-esteem of members and participants of CCPSA by:
 - Demonstrating respect to individuals regardless of gender, ethnic or racial origin, sexual orientation, age, marital status, religion, political belief, ability/disability or economic status;
 - Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees and members;
 - Consistently demonstrating the spirit of sportsmanship, sports leadership and ethical conduct and practices;
 - Ensuring that the rules of CCPSA recognized sports, and the spirit of such rules, are adhered to.
2. Adhere to CCPSA's policies with respect to the use of alcohol while participating in CCPSA events.
3. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods.
4. 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.

5. 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;
6. Comply at all times with the Constitution, Bylaws, policies, rules and regulations of the CCPSA, as adopted and amended from time to time, including complying with any contracts or athlete agreements executed with CCPSA;

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

7. Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability and fitness level of athletes, including educating athletes as to their responsibilities in contributing to a safe environment;
8. Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment and management of athletes' medical and psychological problems;
9. Educate athletes about the dangers of drugs and performance-enhancing substances and under no circumstances promote or condone their use;
10. Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate and as opportunities arise;
11. Give athletes the opportunity to discuss, contribute to and agree with proposed training and performance standards. Provide athletes and the parents/guardians of athletes who are minors with the information necessary to be involved in the decisions that affect the athlete;
12. Consider the academic pressures placed on student-athletes and conduct training and events in a manner that supports academic success.
13. At no time engage in an intimate or sexual relationship with an athlete with whom the coach has a coach/athlete relationship.

Athletes who have been selected to a representative team of CCPSA will have additional responsibilities to:

14. Report any medical problems in a timely fashion, where such problems may limit the athlete's ability to travel, train or compete;
15. Participate in all competitions, events, activities or projects to which the athlete has made a commitment;
16. Adhere to CCPSA's requirements regarding clothing and equipment.

DISCIPLINE POLICY

Note: In this policy, "days" means total days irrespective of weekends or holidays.

1. Policy Statement

Membership and participation in the activities of CCPSA offer many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including complying with the Code of Conduct of CCPSA as well as with CCPSA's other policies and procedures. CCPSA's Code of Conduct identifies the standard of behaviour that is expected of all 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

- a) This policy applies to all categories of Members of CCPSA and to all individuals participating in activities with or employed by CCPSA. These include, but are not limited to directors, officers, organizers, coaches, officials, athletes, managers, volunteers, personal care attendants, medical and paramedical personnel, classifiers, employees and other members of CCPSA
- b) This policy applies to all discipline matters that may arise during the course of CCPSA's business, activities and events, including but not limited to the office environment, competitions, practices, training camps, travel associated with competitive activities, and any meetings of staff, committees or the Board of Directors.
- c) The Official responsible for discipline (hereafter referred to as "Official") performs critical tasks under this policy. Where the Official is unable to perform such tasks, for whatever reason, a designate may be appointed to implement this policy.

3. Reporting an Infraction

- a) Any individual may report to the Official a complaint of a disciplinary infraction. It will be at the sole discretion of the Official to determine if the infraction is best dealt with as a minor infraction or a major infraction.
- b) Persons who experience harassment are encouraged to report this conduct to an official of CCPSA, where an "official" is any person in a responsible staff or volunteer position within CCPSA. The role of the official is to receive the complaint of harassment and to assist in its

informal resolution. Where the complaint cannot be resolved informally, the official will report the complaint to the Official for resolution under this policy.

4. Minor Infractions

- a) 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, the Official, a board member, committee member, volunteer, staff person, coach, organizer or manager.
- b) 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.
- c) Disciplinary sanctions for minor infractions may include the following:
 - verbal or written reprimand;
 - verbal or written apology;
 - service or other voluntary contribution to CCPSA;
 - suspension from the current activity;
 - any other similar sanction considered appropriate for the offense.

5. Major Infractions

- a) Major infractions are instances of misconduct that violate the Code of Conduct and that result, or have the potential to result, in harm to other persons, to CCPSA or to sport.
- b) If the incident is a major infraction, a hearing is required. The Official 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.
- c) The appropriate person having authority may deal major infractions occurring within competition immediately, if necessary. The individual being disciplined will be told the nature of the infraction and will have an opportunity to provide information concerning the incident. In such situations, disciplinary sanctions will be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this policy for major infractions.

6. Investigation

Depending on the nature and severity of the complaint, the Official 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 Official.

7. Discipline Panel

- a) Within 14 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 Official will appoint three individuals to serve as a Discipline Panel. The members of the Panel will select from themselves a Chairperson.
- b) The Discipline Panel will hold the hearing as soon as possible, but not more than 21 days after being appointed.
- c) Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Panel may decide to conduct the hearing by way of 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

The Panel may determine that the circumstances of the complaint 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: format, date and location of the hearing; timelines for the exchange of documents; clarification of issues in dispute; order and procedure of the hearing; evidence to be brought before the hearing; identification of any witnesses; or any other procedural matter that may assist in expediting the hearing.

9. Hearing

- a) The Panel will govern the hearing fairly and as it sees fit, provided that:
 - the individual being disciplined will be given 10 days written notice of the day, time and place of the hearing;
 - the individual being disciplined will receive a copy of the Investigator's report, if an investigation was carried out;
 - a quorum will be all three Panel members, and decisions will be by majority vote where the Chairperson carries a vote;
 - in the case of an oral hearing, the individual being disciplined may be accompanied by a representative;
 - in the case of an oral hearing, the individual being disciplined will have the right to present evidence and argument;
 - the Investigator may participate in the hearing at the request of the Panel;
 - the Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
 - if the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
 - the hearing will be held in private;

- once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
- b) The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent CCPSA policy such as those dealing with doping, conflict of interest, personnel or event-specific matters.
- c) After hearing the matter, the Panel will determine whether or not the individual has breached the Code of Conduct, or other relevant CCPSA policy, procedure or regulation, and if so, will determine 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 Official within 14 days of the conclusion of the hearing.
- d) 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

- a) The Panel may apply the following disciplinary sanctions singly or in combination, for major infractions:
- written reprimand;
 - removal of certain privileges of membership or employment;
 - suspension from certain events which may include suspension from the current competition or from future teams or competitions;
 - suspension from certain CCPSA activities such as competing, coaching or officiating for a designated period of time;
 - suspension from employment with or without pay;
 - suspension from all CCPSA activities for a designated period of time;
 - expulsion from membership;
 - publication of the decision;
 - other sanctions as may be considered appropriate for the offense.
- b) The preceding sanctions may be modified, or added to, as required by the provisions of any other pertinent CCPSA policy such as those dealing with doping, conflict of interest, personnel or event-specific matters.
- c) Unless the Panel decides otherwise, any disciplinary sanctions will commence immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension of membership or participation in CCPSA until such time as the sanction is complied with.
- d) In applying sanctions, the Panel may have regard to the following aggravating or mitigating circumstances:
- the nature and severity of the infraction;
 - the extent to which others have been harmed by the infraction;
 - the cooperation of the individual being disciplined in the proceedings under this policy;
 - whether the incident is a first offense or has occurred repeatedly;
 - the individual's acknowledgment of responsibility,
 - the individual's remorse and post-infraction conduct;

- the age, maturity or experience of the individual;
- whether the individual retaliated, where the incident involves harassment; and
- the individual's prospects for rehabilitation.

11. Serious Infractions

- a) The Official may determine that an alleged infraction is of such seriousness as to warrant suspension of the individual pending the hearing and decision of the Panel.
- b) Where it is brought to the attention of the Official that a Member has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offense, the Official may suspend the Member pending further investigation, a hearing or a decision of the Panel.
- c) Notwithstanding the procedures set out in this policy, any Member of CCPSA who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of CCPSA for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by CCPSA in accordance with this policy.

11. Confidentiality

Where the behaviour reported may constitute harassment, or is of a similar sensitive nature, CCPSA 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.

12. Appeals

Except where otherwise provided, the decision of the Panel may be appealed in accordance with the CCPSA's Appeals Policy.

APPEALS POLICY

1. Purpose

The purpose of this appeals policy is to enable disputes with members and participants to be dealt with fairly, expeditiously and affordably, within CCPSA without recourse to external legal procedures.

2. Definitions

- a) These terms will have these meanings in this policy:
- *Days* -- will mean total days, irrespective of weekends or holidays.
 - *Member* -- refers to all categories of members in CCPSA as well as to all individuals engaged in activities with or employed by CCPSA, including, but not limited to directors, officers, coaches, athletes, officials, volunteers, personal care attendants, medical and paramedical personnel, classifiers, employees and members.
 - *Appellant* -- refers to the Member appealing a decision
 - *Respondent* -- refers to the body whose decision is being appealed.

3. Scope of Appeal

- a) Any Member of CCPSA 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 include but are not limited to those relating to eligibility, harassment, team selection, Nomination to Athlete Assistance Program (AAP), classification, discipline and entitlements and obligations under an athlete agreement.
- b) This policy will not apply to decisions relating to:
- Matters of employment;
 - Infractions for doping offences, which are dealt with pursuant to the *Canadian Anti-Doping Program*;
 - The rules of the CCPSA recognized sport, which may not be appealed;
 - Discipline matters arising during events organized by entities other than CCPSA, which are dealt with pursuant to the policies of these other entities;
 - Matters relating to the substance, content and establishment of team selection criteria, which may not be appealed;
 - Volunteer appointments and the withdrawal of those appointments by the Board of Directors, which may not be appealed;
 - Matters of budgeting and budget implementation, which may not be appealed;
 - Matters of operational structure and committees, which may not be appealed; and
 - Any decisions made under Section 4(b) or Section 6 (b) of this policy.

4. Timing of Appeal

- a) 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, a summary of the evidence that supports these grounds, and the remedy or remedies requested to the President of CCPSA.
- b) 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 4(a). 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

- a) Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 - Making a decision for which it did not have authority or jurisdiction as set out in CCPSA's governing documents;
 - Failing to follow procedures as laid out in the bylaws or approved policies of CCPSA, including policies for selection; or
 - Making a decision that was influenced by bias.

6. Screening of Appeal

- a) Within 7 days of receiving the notice and grounds of an appeal, the President or designate will determine whether there are appropriate grounds for the appeal to proceed as set out in Section 5.
- b) 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.
- c) In the case of an appeal concerning the Athlete Assistance Program, if the appeal is denied by the CCPSA Committee, the individual may appeal to Sport Canada under Sport Canada Policy. For more information, refer to the section 6g under Dispute Resolution Policy.

7. Appeals Panel

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 (hereafter referred to as the "Panel") as follows:

- 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.
- The President, or designate, may name one of the Panel members to serve as Chairperson of the Panel. In the event the President, or designate, does not name a Chairperson, the members of the Panel will select from themselves a Chairperson.
- Where the appeal relates to a matter of classification, the President will ensure that the Panel includes at least one member having appropriate classification expertise.

8. Preliminary Meeting

- a) The Panel may determine that the circumstances of the appeal warrant a preliminary meeting or decision. The matters that may be considered at a preliminary meeting include:
 - Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
 - Timelines for exchange of documents;
 - Clarification of issues in dispute;
 - Clarification of evidence to be presented to the Panel;
 - Order and procedure of hearing;
 - Location of hearing, where the hearing is an oral hearing;
 - Identification of witnesses
 - Identification of affected parties; and
 - Any other procedural matter that may assist in expediting the appeal proceedings.
- b) The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

9. Procedure for the Hearing

- a) 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:
 - The hearing will be held within 21 days of the Panel's appointment.
 - The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
 - A quorum will be all three Panel members. Decisions will be by majority vote, where the Chairperson carries a vote.
 - 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 under this policy, that party will become a party to the appeal in question and will be bound by its outcome.
 - A representative or advisor, including legal counsel may accompany any of the parties.
 - The Panel may direct that any other person participate in the appeal.
- b) 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

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:

- 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; and
- The applicable principles and timelines set out in Section 9 are respected.

11. Appeal Decision

- a) Within 14 days of concluding the appeal, the Panel will issue its written decision, with reasons. The decision will follow this format:
 - Issue to be decided;
 - Background to the case;
 - Statement of the facts;
 - Authorities considered;
 - Decision; and
 - Reasons for decision.
- b) In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
 - To reject the appeal and confirm the decision being appealed; or
 - To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - To uphold the appeal and vary the decision but only 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
 - To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, will be allocated, if at all.
- c) The decision will be considered a matter of public record. A copy of the decision will be provided to each of the parties and to the President, or designate.
- d) 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. Timelines

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.

13. Location

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.

14. Final and Binding Decision

The decision of the Panel will be final and binding on the parties and on all members of CCPSA, subject only to the provisions of CCPSA's Dispute Resolution Policy.

15. Urgent Appeals

- a) Where the appeal relates to a decision arising during a tournament or competition and must be dealt with on an urgent basis, notice of the appeal will be provided to the Chief Tournament Official within 90 minutes of the decision being communicated to the Appellant.

- b) Within 120 minutes of receiving the notice of appeal, the Chief Tournament Official will appoint a Panel 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. The Chief Tournament Official will designate one of the Panel members to serve as Chairperson.
- c) The Panel will hear and decide the matter using the following procedures:
 - the hearing will be an oral hearing, held in private;
 - the parties will be given 60 minutes notice of the hearing, and may each be accompanied at the hearing by a representative;
 - quorum will be all three Panel members. Decisions will be by majority vote where the Chairperson carries a vote;
 - the Panel may direct that any other person participate in the appeal;
 - the Panel will render its decision, with reasons, verbally within 30 minutes of the conclusion of the hearing;
- d) The Panel may, in its sole discretion, adapt such procedures and timelines to accommodate any unique, urgent or unforeseen circumstances during a tournament or competition, at all times ensuring that the matter is heard and decided in a timely and fair manner.
- e) Where the appeal does not relate to a decision arising during a tournament or competition but is nonetheless of an extraordinary and urgent nature, upon receiving notice of the appeal the President will respect the principles set out in this policy but may, in his or her sole discretion, adapt procedures and timelines to ensure that the appeal is heard and decided in a fair and timely manner.

DISPUTE RESOLUTION POLICY

1. Policy Statement

CCPSA 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

This policy applies to disputes with and among members, where the term “Member” refers to all categories of members within CCPSA, as well as to all individuals engaged in activities with or employed by CCPSA, including, but not limited to directors, officers, coaches, athletes, referees, volunteers, personal care attendants, medical and paramedical personnel, classifiers, employees and other members.

3. Negotiation

CCPSA 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

- a) Opportunities for facilitation and mediation may be pursued at any point in a dispute within CCPSA where it is appropriate and where the disputing parties agree that such a course of action would be mutually beneficial.
- b) 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

Appeals within CCPSA will be dealt with under the CCPSA Appeals Policy.

6. Arbitration

- a) 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.
- b) 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).
- c) Where arbitration is pursued through the SDRC, it will be done so in accordance with the rules of arbitration prescribed by the SDRC.
- d) 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.
- e) Where a dispute is referred to arbitration, all parties to the original dispute will become parties to the arbitration.

- f) 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.
- g) An NSO, on behalf of an athlete, or the athlete himself may request a review of an AAP decision to Sport Canada. Requests for review to Sport Canada are directed to the Manager of the AAP, who will refer the matter to the Sport Canada AAP Review Committee for a decision. The entire process can be found at:
http://www.pch.gc.ca/progs/sc/pol/athlete05/index_e.cfm

7. No Legal Action

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