



CAHDS DISCIPLINARY AND COMPLAINTS PROCEDURE AND PROCESS DOCUMENT

Last updated: April 2024

1 Complaints Policy and Process

1.1 Filing a complaint

1.1.1 Any individual may report any complaint to CAHDS. CAHDS will only adjudicate complaints in regard to National or International Events. ROs may also file a complaint if a member has persistent issues unresolved by the RO that may impact CAHDS mission or the sports representation at a national level.

- A) A fee of \$75 will apply in order to file a complaint. This fee will be refundable if the complaint is found to be valid, or forfeited if the complaint is denied.

1.1.2 A complaint must be in writing and must be filed within 21 days after the alleged incident took place. Complaints and complaint fee should be submitted to:

CAHDS President
acsca.cahds@gmail.com

If the complaint is directed against the CAHDS President then the complaint may be directed to any other member of the CAHDS Board.

1.1.3 A complainant wishing to file a complaint outside of 21 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the timeframe set in section 1.1.2 above will be considered by the CAHDS Board. This decision may not be appealed.

1.1.4 A respondent's resignation or lapse of membership after a complaint is filed does not preclude disciplinary proceedings being pursued against the respondent under this Policy.

1.1.5 Upon receiving a complaint, the CAHDS President or Board member receiving the complaint shall review the complaint to determine its validity. A valid complaint shall include the rules or regulations that have been infringed. A determination that the complaint is valid shall be made within 14 days of the receipt of the complaint.

1.2 Disciplinary Committee Roles and Responsibility

1.2.1 After determining that a complaint is valid, the CAHDS President or Board member who received the complaint a disciplinary committee shall be formed to review and adjudicate a complaint. The disciplinary committee shall be made up of 3 members consisting of

- A) A member of the CAHDS Board of Directors
- B) A member of the Board of Directors from the respondent's Regional Organization, or the chair of the Independent Committee if not a member of an RO.
- C) An independent individual, knowledgeable in the area of the complaint. (ie Race Marshall, Veterinarian, Lawyer, etc)

1.2.2 The Disciplinary Committee has the responsibility to review and determine whether the complaint is within the jurisdiction of this Policy or frivolous. If the Disciplinary Committee determines the complaint is:

- A) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
- B) Not frivolous and within the jurisdiction of this Policy, the Disciplinary Committee will notify the parties that the complaint is accepted and what the applicable next steps are.

The Disciplinary Committee decision to accept or dismiss the complaint may not be appealed.

1.2.3 The Disciplinary Committee shall coordinate all administrative aspects and set timelines with complainants, respondents and any other parties they deem to have been involved or witness to the complaint. The Disciplinary Committee will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

- A) When coordinating an oral hearing, the Disciplinary Committee should first consider the schedule of the Disciplinary Committee, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.
- B) If the circumstances of the complaint are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the complaint, the Disciplinary Committee may direct that these timelines be revised.

1.2.4 The Disciplinary Committee shall conduct all interviews of complainant, respondent and other parties in a timely manner. The Disciplinary Committee will decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or online video conference, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.

1.2.5 The hearing will be governed by the procedures that the Disciplinary Committee deem appropriate in the circumstances, provided that:

- A) The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an in-person hearing, or an oral hearing by telephone or online video conference
- B) Copies of any written documents which the parties wish to have the Panel consider will be provided to all parties in advance of the hearing.

- C) The parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- D) The Disciplinary Committee may request that any other individual participate and give evidence at the hearing
- E) The Disciplinary Committee may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate

1.2.6 If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Disciplinary Committee will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

- A) Copies of any written documents which the parties wish to have the Disciplinary Committee consider will be provided to all parties in advance of the Disciplinary Committee rendering a decision and/or imposing any sanction.

1.2.7 The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

1.2.8 If a decision affects a third party to the extent that the third party would have recourse to a complaint or an appeal in their own right, that third party will become a party to the complaint procedure in question and will be bound by the Disciplinary Committee's decision.

1.2.9 In fulfilling its duties, the Disciplinary Committee may obtain independent advice.

1.2.10 The Disciplinary Committee shall review the original complaint in context, with all additional evidence gathered, discuss and will determine whether an infraction has occurred and, if so, the sanctions to be imposed. The decision must be by agreement of the Disciplinary Committee. Within fourteen (14) days of the hearing's conclusion, the Disciplinary Committee shall provide a written decision, to the CAHDS board, affiliated ROs, the complainant, the respondent and any other relevant parties. This decision should include a written summary of the original complaint, the rule which was violated, and the decided upon course of action (infraction or no infraction and decided upon penalty if applicable).

1.2.11 In extraordinary circumstances, the Disciplinary Committee may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Disciplinary Committee. This written decision will be saved by the CAHDS secretary for historical reference for a period of 3 years for minor infractions, or in perpetuity for major infractions.

1.2.12 Unless the Disciplinary Committee decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Disciplinary Committee will result in automatic suspension until such time as compliance occurs.

1.2.13 The disciplinary process is confidential and involves only the Parties, the Disciplinary Committee, and any independent advisors to the Disciplinary Committee. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

1.2.13 The decision of the Disciplinary Committees may be appealed in accordance with the CAHDS Appeal Policy.

1.3 Infraction and Penalties

1.3.1 The penalty for violation shall be decided by the Disciplinary Committee using the following guideline, but shall be the final decision of the committee itself. Past offences shall be considered in the context of a 3-year rolling period.

1.3.2 Complaints will be considered in two categories: Minor and Major. The Offence will be reviewed and determined to be minor or major by the Disciplinary Committee

A) Minor infraction - any violation of the code of conduct excluding major infractions in 1.3.2.b. Sanctions are as listed below:

- a) 1st offence - Written warning, 3 month probation notice.
 - i) The Disciplinary Committee shall have sole discretion whether the disciplined party will be able to compete or apply to compete nationally or internationally during the probation period.
- b) 2nd offence - 1 calendar year suspension. For the duration of the suspension, the disciplined party may not:
 - i) hold a membership to CAHDS or to their Regional Organization;
 - ii) cannot apply or hold an IFSS Driver ID;
 - iii) cannot compete or apply to compete nationally or internationally.
- c) 3rd offence - 3 calendar year suspension. For the duration of the suspension, the disciplined party may not:
 - i) hold a membership to CAHDS or to their Regional Organization;
 - ii) cannot apply or hold an IFSS Driver ID;
 - iii) cannot compete or apply to compete nationally or internationally.
- d) 4th offence - shall be deemed a major infraction and the penalty shall reflect that of a major infraction as decided by the disciplinary committee.

B) Major infraction - physical harm or doping to an animal or human criminal offense, or other infractions deemed major by the Disciplinary Committee. Sanctions are as listed below:

- a) Suspension ranging from 1-3 years as determined by the disciplinary committee;
- b) Life-time ban.

1.3.3 An individual's conviction for a criminal offense, as determined by CAHDS, will be deemed an infraction under this policy and will result in expulsion from the CAHDS. Criminal offences include, but are not limited to:

- A) Any child pornography offences;
- B) Any sexual offences;
- C) Any offence of physical violence;
- D) Any offence of assault;
- E) Any offence involving trafficking of illegal drugs;
- F) Any offence of animal abuse.

2 Appeal Policy

2.1 Filing an Appeal

2.1.1 CAHDS provides Individuals with this Appeal Policy to appeal certain decisions made by the Disciplinary Committee.

2.1.2 Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit, in writing to the CAHDS, the following must be included in the appeal documents submitted:

- A) Notice of the intention to appeal;
- B) Contact information and status of the Appellant;
- C) Name 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 the appeal;
- I) Requested remedy or remedies;
- J) An appeal fee of two hundred Canadian Dollars (\$200CAD), which will be refunded if the appeal is successful, or forfeited if the appeal is denied.

2.2 Appeals Committee Roles and Responsibilities

2.2.1 Upon the receipt of an appeal, CAHDS will appoint an Appeals Committee to administer the appeals submitted in accordance with this policy. The Appeals Committee shall be made up of:

- A) A member of the CAHDS Board of Directors;
- B) A member of the Board of Directors from the respondent's Regional Organization, or the chair of the Independent Committee if not a member of an RO;
- C) An independent individual, knowledgeable in the area of the complaint. (ie Race Marshall, Veterinarian, Lawyer, etc)

These individuals cannot have been a part of the original disciplinary committee who ruled on the original complaint. Such appointment is not appealable.

2.2.2 An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Appeals Committee. Sufficient grounds only include decision where there is proof that the Disciplinary Committee:

- A) Made a decision that it did not have the authority or jurisdiction to make (as set out in the Respondent's governing documents);
- B) Failed to follow its own procedures (as set out in the CAHDS disciplinary and complaints procedure and process document);
- 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);
- D) Made a decision that was grossly unreasonable.

2.2.3 Upon receiving the notice of the appeal, the fee, and all other information (outlined in 2.1.2.), the Appeals Committee will:

- A) Determine if the appeal falls under the scope of this Policy;
- B) Determine if the appeal was submitted in a timely manner;
- C) Decide whether there are sufficient grounds for the appeal.

2.2.4 Once the Appeals Committee has ruled whether or not an appeal is valid, the Appellant, CAHDS Board and any impacted Parties will be notified, in writing, by the Appeals Committee of the reasons for this decision. This decision may not be appealed.

2.2.5 Should the appeal be accepted, and after all parties have been notified, the Appeals Committee will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

- A) When coordinating an appeal hearing, the Appeals Committee should first consider the schedule of the Appeals Committee, then the schedule of any Respondents and then the Appellant in an attempt to find a suitable time for everyone.
- B) 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 complaint, the Appeals Committee may direct that these timelines be revised.

2.2.6 The Appeals Committee shall then decide the format under which the appeal will be heard. This decision may not be appealed. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or online video conference, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.

2.2.7 The hearing will be governed by the procedures that the Appeals Committee shall deem appropriate in the circumstances, provided that:

- A) The hearing will be held within a timeline determined by Appeals Committee
- B) The Parties will be given reasonable notice of the day, time and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or online video conference
- C) Copies of any written documents which the parties wish to have the Appeals Committee 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 Appeals Committee may request that any other individual participate and give evidence at the hearing
- F) The Appeals Committee 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

2.2.8 The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.

2.2.9 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 a party to the appeal in question and will be bound by its outcome.

2.2.10 In fulfilling its duties, the Appeals Committee may obtain independent advice.

2.2.11 The Appeals Committee shall review the original complaint in context, with all additional evidence gathered in the course of the appeal, discuss and determine whether an infraction has occurred. The Appeals Committee shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Appeals Committee will have no greater authority than that of the original decision-maker. The Appeals Committee 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;
- C) Uphold the appeal and vary the decision.

2.2.12 The Appeals Committee's written decision, with reasons, will be distributed to all Parties, the Disciplinary Committee, CAHDS Board, impacted ROs, and impacted Parties within 14 days of the hearing's conclusion. In extraordinary circumstances, the Appeals Committee may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Appeal Panel. This written decision will be saved by the CAHDS secretary for historical reference for a period of 3 years for minor infractions, or in perpetuity for major infractions.

2.2.13 Unless the Appeals Committee decides otherwise, any disciplinary sanctions will begin immediately. Whether the length of the penalty shall be retroactively effective to the date of the original decision shall be the decision of the Appeals Committee. Failure to comply with a sanction as determined by the Appeals Committee will result in automatic suspension until such time as compliance occurs.

2.2.14 The appeals process is confidential and involves only the Parties, the Appeals Committee, and any independent advisors to the Appeals Committee. Once initiated and until a decision is

released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

2.2.15 No other action or legal proceeding will be commenced against CAHDS, CAHDS Board, or Individuals in respect of a dispute, unless CAHDS has refused or failed to provide or abide by the appeal process as set out in this Policy.