



# Archery Canada - Alternative Dispute Resolution Policy

Approved by the Board of Directors on January 23, 2016

## 1) Definitions

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Archery Canada:	The brand and operating name of the officially registered and incorporated organization, formally known as the Federation of Canadian Archers Inc.
Alternative Dispute Resolution (ADR):	Refers to the process by which the Parties negotiate with the help of a Facilitator or Mediator to try to reach a mutually acceptable, negotiated settlement with respect to a complaint, dispute or appeal.
Arbitration:	A neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome. Arbitration is less formal than disciplinary panel hearing. In binding arbitration, parties agree to accept the arbitrator's decision as final, and there is generally no right to appeal. In non-binding arbitration, the parties may request an appeals panel or disciplinary panel hearing if they do not accept the arbitrator's decision.
Athlete Agreement	Refers to the contract between the National Team athletes and Archery Canada. The purpose of the athlete agreement is to establish a set of rights, obligations and commitments for both, the athlete and Archery Canada.
Complainant	The Party and/or Registrant alleging an infraction, the person who makes an official complaint.
Conduct:	The manner in which a person behaves, especially on a particular occasion or in a particular context.
Days:	In the context of the time, refers to total calendar days, irrespective of weekends or holidays.
Facilitation:	A neutral person called a "facilitator" helps the parties try to reach a mutually acceptable resolution of the dispute. The facilitator does not decide the case, but helps the parties communicate so they can try to settle

the dispute themselves. Facilitation is primarily used pre-conflict or at least pre-crystallized conflict. In facilitation, the goal is to assist a group in accomplishing the "content of their work," whatever that may be, (e.g., the preparation of recommendations to a decision making body, or solving a particular problem. In facilitation, the group (or representatives of the group) determines the process as well as the outcome.

Individuals	Registrants engaged in activities with, Archery Canada including, but not limited to, athletes, coaches, judges, officials, volunteers, managers, administrators, committee members, and directors and officers of Archery Canada.
Mediation:	A neutral person called a "mediator" helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the case, but helps the parties communicate so they can try to settle the dispute themselves. In mediation, the goal is to get an agreement. Mediation typically follows a fairly set process that is determined primarily by the mediator.
Member:	The organization recognized by Archery Canada as the sole governing body for the sport of archery in each Province or Territory of Canada.
National Team Program	Refers to all of the various National Teams to which athletes are selected by Archery Canada and includes the male and female senior, para-archery, youth teams, teams specifically selected for Olympic and Paralympic Summer Games, World Championships, World Cups, other international competitions, and all of the Archery Canada training teams, and all of their activities.
Neutral Individual	An example of neutral individual is a person who does not take sides in a dispute or disagreement. Someone who is not biased, and does not express an opinion or take actions that support either party.
Parties:	The Complainant, Respondent, and any other Individuals or persons or entities affected by the complaint.
Policy:	Means the Alternative Dispute Resolution Policy as set out below in this document.
Registrants:	Those individuals who participate in the activities of Archery Canada. Registrants include athletes, coaches, officials, administrators, volunteers, directors, officers, committee members and individuals recognized previously by the Corporation as Honorary and Life Members. In all cases, such individuals are registered with an archery club, a Member or with the Corporation directly (in cases where the Registrant is a Canadian living abroad). The term Registrant is also taken to mean archery clubs that are registered with the Corporation's Members. Registrants are not members of the Corporation, but may be charged registration fees in order to participate in the programs and activities of the Corporation.

Respondent:	Refers to the individual or body which is the subject of a complaint or incident (e.g., alleged offender).
Sanctions:	Penalties or sanctions identified within the Complaint and Disciplinary Policy which are applied to Archery Canada Registrants who do not meet the standard of behaviour contained within the Codes and Policies of Archery Canada, including but not limited to the Code of Conduct and Ethics and the Archery Canada Athlete Agreement.

## 2) OBJECTIVE OF THE ALTERNATIVE DISPUTE RESOLUTION POLICY

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- 2.1. Registrants are expected to conduct themselves at all times in a manner consistent with the values of Archery Canada that include fairness, integrity, open communication and mutual respect. Irresponsible behaviour by Registrants can do severe damage to the sport of archery and to the support that all levels of archers have worked so hard to achieve. Conduct that violates these values and the Archery Canada Code of Conduct and Ethics or Social Media Policy may be subject to sanctions pursuant to Archery Canada's Complaint and Disciplinary Policy.
- 2.2. The purpose of this policy is to provide individuals with a mechanism so that complaints, disputes and appeals can be dealt with fairly, expeditiously and affordably within Archery Canada, without having to resort to formal legal and court-like procedures.
- 2.3. In Alternative Dispute Resolution (ADR) processes such as facilitation, mediation or arbitration, parties to the complaint play an important role in resolving their own disputes. This often results in creative solutions, longer-lasting outcomes, greater satisfaction, and improved relationships.
- 2.4. As one of the processes associated with the Complaint and Disciplinary Policy and the Appeal Policy, Archery Canada encourages all individuals to communicate openly, collaborate, and use problem solving and negotiation techniques to resolve their differences or complaints, wherever suitable. Archery Canada believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques. Negotiated resolutions to complaints, disputes and/or appeals associated with the Code of Conduct and Ethics (in relation to minor disciplinary infractions) is strongly encouraged.

## 3) APPLICATIONS OF THE ALTERNATIVE DISPUTE RESOLUTION POLICY

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- 3.1. This Policy applies to **ALL** Registrants and Provincial/Territorial Members of Archery Canada.
- 3.2. Opportunities for Alternate Dispute Resolution may be pursued at any point in a dispute within Archery Canada when all parties to the dispute and/or complaint agree that such a course of action would be mutually beneficial.

## 4) PROVISIONS

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The several discrete but interrelated processes that comprise the Archery Canada Alternative Dispute Resolution policy are described briefly as follows:

### 4.1 Alternative Dispute Resolution Process - General

- 4.1.1. This Process applies to matters in dispute between Archery Canada and its Registrants, or between Registrants and Provincial/Territorial Members relating to conduct or actions which are alleged to contravene Archery Canada by-laws, codes, policies, rules and contracts/agreements.
- 4.1.2. No final decision shall have been made with respect to the matters in dispute at the commencement of this Process.
- 4.1.3. Parties who perceive that decisions rendered at the conclusion of this Process are **procedurally** unfair may appeal such decisions through the Archery Canada Appeal Process.
- 4.1.4. The dispute resolution process can also be invoked during the appeal process if appropriate and the parties agree.
- 4.1.5. Alternatively, with the mutual consent of all affected parties, decisions rendered by the Panel at the conclusion of the Archery Canada Alternative Dispute Resolution Process may be submitted to binding arbitration pursuant to the Sport Dispute Resolution Centre of Canada (SDRCC). The SDRCC is a national, sport-specific alternative dispute resolution organization geared toward resolving conflicts that arise within the Canadian amateur sport community. For more information about the SDRCC, visit its website at: [www.sdrcc.ca](http://www.sdrcc.ca). The Canadian Sport Dispute Resolution Code ("the Code") outlines the procedural rules under which all disputes submitted to SDRCC must take place. This document is an essential resource for parties, mediators and arbitrators. To read and download "the Code", visit: <http://www.crdsc-sdrcc.ca/eng/dispute-resolution-code.jsp>.
- 4.1.6. The Archery **Canada Alternative Dispute Resolution Process - General** is set out in detail at **Annex A**.

### 4.2 Summary Alternate Dispute Resolution Process – National Team Program

- 4.2.1. This Process applies only to individual Archery Canada Registrants who are athletes within the National Team Program and have signed the Archery Canada Athlete Agreement.
- 4.2.2. The Archery Canada Summary Dispute Resolution Process is a procedure which allows issues to be resolved in a time-sensitive fashion when recourse to the processes of Archery Canada Dispute Resolution Process and/or the Complaint and Disciplinary Policy, is not possible or practical. The Process is intended to facilitate and expedite decision-making when there is a critical lack of time such as when decisions may affect

an athlete's eligibility for competition or other time-sensitive participation with the National Team Program.

- 4.2.3. The Process can be used by an athlete to appeal disciplinary sanctions imposed as a result of a breach of the Archery Canada Athlete Agreement, the Archery Canada Code of Conduct and Ethics, or by Archery Canada to deal with other specified breaches or disputes. Decisions made pursuant to this Process may be appealed through the Archery Canada Appeal Process.
- 4.2.4. The **Archery Canada Summary Alternate Dispute Resolution Process – National Team Program** is set out in detail at **Annex B**.

## 5) JURISDICTION

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This policy shall be governed and construed in accordance with the laws of the Province of Ontario.

## 6) REVIEW AND APPROVAL

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- 6.1. The Archery Canada Board of Directors and Executive Director shall review this policy every four (4) years on the Summer Olympic/Paralympic Games cycle.

Approved: January 23, 2016

Review: 2020

Revision Approved: TBD

## 7) ADDITIONAL RELEVANT POLICIES:

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- Archery Canada Appeal Policy
- Archery Canada Athlete Agreement
- Archery Canada Code of Conduct and Ethics
- Archery Canada Complaint and Disciplinary Policy
- Archery Canada Equity and Inclusion Policy
- Archery Canada Social Media Policy
- Archery Canada Harassment and Abuse Policy
- Archery Canada Conflict of Interest Policy
- Archery Canada Privacy Policy

# ANNEX A

## ARCHERY CANADA ALTERNATIVE DISPUTE RESOLUTION PROCESS - GENERAL

### 1) Scope and Application

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- 1.1 This Policy applies to matters in dispute between Archery Canada and Registrants and Provincial/Territorial Members arising from their respective responsibilities and obligations contained in all Archery Canada by-laws, codes, policies, rules and contracts.
- 1.2 No final decision shall have been made with respect to the matters in dispute at the commencement of this Process.

### 2) Initiating the Process

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- 2.1 In order to directly initiate this Process (whether a Registrant, Provincial/Territorial Member or a representative of Archery Canada) individuals must file a complaint to the Archery Canada Executive Director at the National Office as per the process outlined in the Complaint and Disciplinary Policy, Incident Complaint Form.
- 2.2 As part of the complaint, the Complainant may also explicitly indicate on the Complaint Form that they wish to initiate the Alternative Dispute Resolution Process as an initial attempt to resolve the complaint.

### 3) Screening of Complaint

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- 3.1 If an explicit request for Alternative Dispute Resolution has been made, within five days of receiving the written notice of the complaint and summary, the Executive Director or President together with two other members of the Archery Canada Board of Directors, not directly involved with the issue, shall determine whether the matters in dispute and the parties to the dispute are properly within the scope and application of this Process, or are more properly dealt with pursuant to the full complaint and dispute resolution provisions of the Archery Canada Complaint and Disciplinary Policy.
- 3.2 This decision regarding jurisdiction by the three Board of Director members is final and may not be appealed.

## 4) Limitations

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- 4.1 Neither the Executive Director nor an alternate shall act as mediator or facilitator, if they have, or may have, a vested interest in the outcome of the mediation.
- 4.2 Neither the Executive Director nor a designate can agree to a settlement that places Archery Canada in a deficit position without Board of Directors approval.

## 5) Facilitation and Mediation

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- 5.1 If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute. This role could be filled by the Executive Director, a Board member or a neutral individual appointed by the Executive Director and agreed to by the parties.
- 5.2 The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated, and shall specify a deadline before which the parties must reach a negotiated decision.
- 5.3 Should a negotiated decision be reached, the decision shall be reported to, and approved by, Archery Canada. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending Archery Canada approval, and recorded using the Incident Report Form found in the Complaint and Disciplinary Policy.
- 5.4 As it is a negotiated settlement, Archery Canada shall not withhold approval except in extraordinary circumstances. (For example, one of the parties was later found not to have been truthful, or had not negotiated in good faith, etc.)
- 5.5 Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Archery Canada's Complaint and Disciplinary Policy or Appeal Policy.

## 6) Final and Binding

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- 6.1 Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
- 6.2 No action or legal proceeding will be commenced against Archery Canada or its individuals in respect of a dispute, unless Archery Canada has refused or failed to provide or abide by the dispute resolution processes set out in its governing documents, including the Archery Canada Complaint and Disciplinary Policy and Appeal Policy.

## Annex A1 - Reference Tool – Actions and Timelines

Initiating the Process	The Complainant explicitly indicates on the Complaint Form that they wish to initiate the Alternative Dispute Resolution Process as an initial attempt to resolve the complaint.
Screening of Complaint	If an explicit request for Alternative Dispute Resolution has been made, within five days of receiving the written notice of the complaint and summary, screening for appropriateness.
Facilitation/Mediation	If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator, acceptable to all parties, shall be appointed.
Deadline for Agreement	Facilitator/Mediator shall specify a deadline before which the parties must reach a negotiated decision.
Lack of Agreement = Revert to Complaint and Disciplinary Process or Appeal Process	Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator at the start of the process, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Archery Canada’s Complaint and Disciplinary Policy or Appeal Policy.

## ANNEX B

# ARCHERY CANADA SUMMARY ALTERNATE DISPUTE RESOLUTION PROCESS – NATIONAL TEAM PROGRAM

## 1) Scope and Application

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- 1.1 This Process is an abbreviated version of the Archery Canada Alternative Dispute Resolution Process. It applies only to individual Archery Canada Registrants who are athletes within the National Team Program and have signed the Archery Canada Athlete Agreement.
- 1.2 This Process will only be invoked to deal with issues where there is a critical lack of time in which to resolve the matter.
- 1.3 It is anticipated that the use of this Process will be rare. The most likely situation which may require its use will be appeals by athletes regarding team selections and/or the imposition of discipline sanctions resulting from a breach of the Archery Canada Athlete Agreement, particularly where such sanctions will prevent an athlete from competing. The intent is to provide timely access to an authority other than that which imposed the initial sanction in order to seek redress.

## 2) The Event Panel

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- 2.1 When a dispute arises which falls within the scope and application of this Process, the National Team Leader or the appropriate National Coach will contact the Vice President High Performance and request that an Event Panel (the “Panel”) be formed to deal with the issue. In situations where the Vice President High Performance cannot be contacted, the Archery Canada Executive Director, or any member of the Archery Canada Board of Directors, will act to establish the Panel. A three person Event Panel shall be established which shall have the full delegated authority to act pursuant to the provisions of this Process. The panel may be selected from team staff, other Archery Canada staff or Archery Canada volunteers in attendance, or, if appropriate, athletes of the team in question.
- 2.2 Notwithstanding any other process within the Archery Canada Alternative Dispute Resolution Process, nothing shall prevent the Event Panel from assuming jurisdiction when the appeal, breach or dispute arises outside Canada or elsewhere when there is a critical lack of time to respond and to impose or review, in a reasonable and fair manner, sanctions or disciplinary action against an athlete or athletes.

## 3) Hearing and Decision

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- 3.1 At a minimum, the Panel shall, in a procedurally fair manner, hear the athlete’s version of events and also hear from all other affected parties before imposing any sanction, discipline

or remedy. In making its decision, the Panel is not authorized to change or alter any rule, criteria, policy, procedure or by-law of Archery Canada that has been properly passed and implemented by the appropriate governing body.

- 3.2 A sanction, discipline or remedy imposed by the Panel must be reasonable and proportionate to the issue in dispute, and may include: voiding or confirming a sanction which is being appealed; an order of specific performance; a written reprimand; removal of certain privileges; suspension from the National Team Program, either for specified events or for a specified period of time; dismissal from the National Team Program through termination of the Archery Canada Athlete Agreement; or any other sanction which the Panel considers appropriate in the circumstances.
- 3.3 Where a decision is made by the Event Panel that results in the removal of an athlete from a competition or a team, such a decision may only be implemented after the Event Panel consults with the President of Archery Canada.
- 3.4 The President must ratify the decision of the Event Panel before it can be implemented. In the event that the President cannot be contacted, the Executive Director will contact the Vice President Finance and Administration to perform this function.
- 3.5 The decisions of the Event Panel shall be binding on all athletes who have signed the Archery Canada Athlete Agreement. Failure by an athlete to comply with a decision and remedy properly imposed by the Event Panel shall result in an automatic suspension of all the athlete's privileges and there shall be no further right to participate as a member of the National Team Program, until such time as the sanctions, discipline or other remedies are complied with.

## 4) Confidentiality

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- 4.1 Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the complaint, discipline or appeal to any person not involved in the proceedings. This includes no contact with the media, or postings on social media.
- 4.2 As disputes can be highly sensitive, Archery Canada shall conduct all proceedings under this Process in a confidential manner, except where disclosure is directed by the Event Panel as part of the remedy to resolve the dispute, or where is required by law, the Canadian Anti-Doping Program (CADP), or where it is in the best interests of the public.
- 4.3 As a general rule, the decision of the Panel shall become a matter of public record.

## 5) Appeal Procedure

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- 5.1 If a party believes the decision of the Event Panel, rendered pursuant to this Process, was procedurally unfair, the decision may be appealed pursuant to the Archery Canada Appeal Process.

## Annex B1 - Reference Tool – Actions and Timelines

Initiating the Process	This Process will only be invoked to deal with issues where there is a critical lack of time in which to resolve the matter.
Screening of Complaint	The most likely situation which may require its use will be appeals by athletes regarding team selections and/or the imposition of discipline sanctions resulting from a breach of the Archery Canada Athlete Agreement, particularly where such sanctions will prevent an athlete from competing.
Establishment of Event Panel	A three person Event Panel shall be established which shall have the full delegated authority to act pursuant to the provisions of this Process.
Decision	<p>Where a decision is made by the Event Panel that results in the removal of an athlete from a competition or a team, such a decision may only be implemented after the Event Panel consults with the President of Archery Canada.</p> <p>In the event that the President cannot be contacted, the Executive Director will contact the Vice President Finance and Administration to perform this function.</p>
Appeal	If a party believes the decision of the Event Panel, rendered pursuant to this Process, was <b>procedurally</b> unfair, the decision may be appealed pursuant to the Archery Canada Appeal Process.