

Dispute Resolution and Appeal

Discipline and Complaints Policy

PURPOSE

1. AEF Members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of the Alberta Equestrian Federation Society ("AEF"), as updated and amended from time to time.
2. Non-compliance with any of AEF's policies, by-laws, rules, or regulations result in the imposition of sanctions pursuant to this policy or the by-laws of AEF.

APPLICATION

Application – General

3. This policy applies to AEF Members and to any alleged breaches of AEF's policies, by-laws, rules, or regulations,
4. In addition to being subject to disciplinary action pursuant to this policy, an employee of AEF who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or AEF's human resources policies, if applicable.

REPORTING

UCCMS Participants

5. If an AEF Member has been designated as a UCCMS Participant by a Program Signatory under OSIC, any alleged Maltreatment or Prohibited Behaviour (as those terms are defined in the UCCMS) that occurred or continued during the activities of the Program Signatory must be reported to the OSIC [here](#) and will be addressed pursuant to the OSIC's policies and procedures.
6. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above section, they shall refer the matter to the OSIC and notify the individual(s) that made the complaint of such action.

Organizational Participants

7. Any complaints involving alleged breaches of AEF's policies that do not fall within Sections 5 or 6 above may be reported by an AEF Member to the Independent Third Party in writing within 30 days of the occurrence of the incident.¹ For the avoidance of doubt, this includes

¹ This timeline may be waived at the Independent Third Party's sole discretion on provision of an explanation individual as to why they did not report their complaint within 30 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

complaints referred to the Independent Third Party by the OSIC if OSIC determine that a complaint initially reported to OSIC does not fall within its jurisdiction.

8. Notwithstanding any provision in this policy, AEF may, at its discretion, or upon request by the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this policy. In such cases, AEF will identify an individual to represent the Organization.
9. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential during the initial stages, the Independent Third Party may ask that AEF take carriage of the complaint and act as the Complainant.² The confidentiality of the Complainant's identity may not be guaranteed and will not be maintained for the entirety of the complaint process.

MINORS

10. Complaints may be brought by or against an AEF Member who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
11. Communication from the Independent Third Party, Internal Chair or External Panel (as applicable) must be directed to the Minor's representative.
12. If the Minor's representative is not their parent/guardian, the representative must have written permission to act in such a capacity from the Minor's parent/guardian.
13. A Minor is not required to attend or participate in an oral hearing, if held, or participate in an investigation if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

² In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

14. Upon receipt of a complaint, the Independent Third Party has a responsibility to:

- a) determine whether the complaint falls within the jurisdiction of this policy and whether it has been submitted in accordance with the deadlines indicated herein;
- b) determine the appropriate jurisdiction to manage the complaint by considering whether the incident occurred within the Event;
- c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith³;
- d) determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and
- e) choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the matter.

Available Process

There are two different processes that may be used to hear and adjudicate complaints. Subject to Sections 5 - 7, the Independent Third Party decides which process will be followed at their discretion, and such decision is not appealable.

Process #1 - the complaint contains allegations involving the following behaviours:

- a) Disrespectful conduct or comments
- b) Minor acts of physical violence, unless the physical violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will be addressed under Process #2
- c) Conduct contrary to the values of AEF.
- d) Non-compliance with the policies, procedures, rules, or regulations of AEF.
- e) Minor violations of the policies or bylaws of AEF

³ As indicated in the Sport Dispute Resolution Centre of Canada's Investigation Guidelines, a reported complaint shall not be characterized as vexatious if the evidence demonstrates that there was a reasonable basis for filing and pursuing it. For a complaint to be considered to have been made in bad faith, the Independent Third Party must consider that it was filed consciously for a dishonest purpose or due to the moral underhandedness of the Complainant and that there was an intention to mislead.

*** The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #1.

Process #2 - The complaint contains allegations involving any of the following behaviours:

- a) repeated incidents described in Process #1;
- b) hazing;
- c) abusive, racist, or sexist comments, conduct or behaviour;
- d) incidents that constitute Prohibited Behaviour under the AEF Code of Conduct and Ethics (the “Code”) or the UCCMS;
- e) major incidents of violence (e.g., fighting, attacking);
- f) pranks, jokes, or other activities that endanger the safety of others;
- g) conduct that intentionally interferes with a competition or with any Athlete’s preparation for a competition;
- h) conduct that intentionally damages the image, credibility, or reputation of AEF or one of its members;
- i) consistent disregard for the by-laws, policies, rules, or regulations of AEF;
- j) major or repeated violations of the Code or any other policies, by-laws, rules or regulations that designate this Discipline and Complaints Policy as applicable to address such alleged breaches;
- k) intentionally damaging the property of AEF;
- l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; or
- m) a conviction for any *Criminal Code* offense.

The behaviours identified above are examples only and are not a definitive list of behaviours that may be addressed through Process #2.

PROVISIONAL MEASURES

15. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of a Provisional Suspension or interim measures may be imposed against any AEF Member by the Board of Directors of AEF after which further discipline or sanctions may be applied according to this policy.

16. If an infraction occurs at an Event, it will be dealt with by the procedures specific to the competition, if applicable. Provisional Suspensions or interim measures may be imposed for the duration of the Event only, or as otherwise determined appropriate by the designated party at the Event, if any.⁴
17. Notwithstanding the above section, AEF may determine that an alleged incident at an Event is of such seriousness as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, assessment and/or investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel.
18. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a request to the Independent Third Party or External Discipline Panel (if appointed) to have the Provisional Suspension or interim measure lifted. In such circumstances, AEF shall be provided with an opportunity to make submissions, orally or in writing, regarding the Respondent's request to have their Provisional Suspension lifted. Provisional Suspensions or interim measures shall only be lifted in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
19. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal.

Procedural Steps

PROCESS #1: Handled by Internal Discipline Chair

Internal Discipline Chair

20. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair⁵ who may:
 - a) propose alternative dispute resolution techniques, if appropriate; and/or
 - b) ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the Internal Discipline Chair any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos or other recordings). Each Party shall have the right to receive the other Party's submissions and evidence, including the Complainant's

⁴ In-competition discipline or sanction imposed by the applicable official or authority does not prevent an Organizational Participant from facing additional disciplinary proceedings under the Code.'

⁵ The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.

complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or

- c) following receipt of the Parties' submissions, the Internal Discipline Chair may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.
21. Following their review of the submissions and evidence related to the complaint, the Internal Discipline Chair shall determine if any of the incidents listed in Process #1 above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction (see: Sanctions). If, after hearing the Parties and reviewing their submissions, the Internal Discipline Chair considers that none of the incidents listed in Process #1 above have occurred, they shall dismiss the complaint.
22. The Internal Discipline Chair will inform the Parties of the Internal Discipline Chair's decision, which shall be in writing and include reasons. The Internal Discipline Chair's decision will take effect immediately, unless specified otherwise by the Internal Discipline Chair. Should the circumstances require a decision to be rendered immediately or within a short timeline, the Internal Discipline Chair may render a short decision, either orally or in writing, followed by a written reasoned decision.
23. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of the relevant Member and AEF. Decisions will be kept confidential by the Parties and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.

PROCESS #2: Handled by Independent Third Party and External Discipline Panel

Independent Third Party

24. Following the determination that the complaint should be handled under Process #2, the Independent Third Party will propose the use of alternative dispute resolution methods, if appropriate. If the dispute is not resolved using alternative dispute resolution methods, the Independent Third Party will appoint an External Discipline Panel of one (1) person to hear the complaint. Thereafter, the Independent Third Party shall have the following responsibilities:
- a) coordinate all administrative aspects of the process and set reasonable timelines;
 - b) provide administrative assistance and logistical support to the External Discipline Panel as required, including providing the External Discipline Panel with any information related to previously imposed disciplinary sanctions against the Respondent(s) of the policies of AEF, any member or any other sport organization that had authority over the Respondent; and

- c) provide any other service or support that may be necessary to ensure a fair and timely proceeding.
25. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
26. If warranted, based on the nature of the case, the Independent Third Party may, in their sole discretion, appoint an External Discipline Panel of three (3) people. When a three-person External Discipline Panel is appointed, the Independent Third Party will appoint one of the External Discipline Panel's members to serve as the Chair.
27. The Independent Third Party, in cooperation with the External Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.
28. The hearing will be governed by the procedures that the Independent Third Party and the External Discipline Panel deem appropriate for the circumstances. The following procedural directions will apply:
- a) The determination of procedures and timelines, as well as the hearing duration, shall be as expedient and cost-efficient as possible to ensure that costs to the Parties and AEF and/or the member are reasonable.
 - b) The Parties will be given appropriate notice of the day, time, and place of the hearing.
 - c) Copies of any written documents which any of the Parties wishes to have the External Discipline Panel consider will be provided to all Parties, through the Independent Third Party, in advance of the hearing and in accordance with the timelines set by the Independent Third Party.
 - d) The Parties may engage a representative, advisor, translator, transcription services or legal counsel at their own expense.
 - e) The External Discipline Panel may request that any other individual participate and give evidence at the hearing.
 - f) If not a Party, AEF and/or the relevant member shall be allowed to attend the hearing as an observer and will be provided with access to any documents submitted. With the permission of the External Discipline Panel, AEF and/or the relevant member may make submissions at the hearing or may provide the discipline panel with clarifying

information that may be required for the External Discipline Panel to render its decision⁶.

- g) The External Discipline Panel shall allow any evidence at the hearing filed by the Parties and may exclude any evidence that is unduly repetitious or otherwise an abuse of process. The External Discipline Panel shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to evidence filed by the parties.
 - h) Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
 - i) The decision will be by a majority vote of the External Discipline Panel when the Panel consists of three people.
29. If the Respondent acknowledges the facts of the incident(s), the Respondent may waive the hearing, in which case the External Discipline Panel will determine the appropriate sanction. The External Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
30. The process will proceed if a Party chooses not to participate in the hearing.
31. If a decision may affect another AEF Member to the extent that the other AEF Member would have recourse to a complaint or an appeal in their own right, that AEF Member will become a Party to the complaint, shall be permitted to participate in the proceedings as determined by the External Discipline Panel, and will be bound by the decision.
32. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

⁶ The purpose of this provision is not to provide the AEF or a member with the possibility to try to influence whether a sanction is imposed and, if so, the duration or nature of the sanction. Instead, this provision is intended to provide the AEF or a member with the possibility to provide the discipline panel with clarifying information in other circumstances, for example, including but not limited to, when the parties have sought a particular sanction against an individual, but they have misunderstood or misrepresented fundamental elements of the programming or membership structure (or other similar issues) and, if left unaddressed, could result in the discipline panel imposing a sanction that is unenforceable.

DECISION

33. After hearing the matter, the External Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. If the External Discipline Panel considers that an infraction has not occurred, the complaint will be dismissed.
34. Within fourteen (14) days of the conclusion of the hearing, the External Discipline Panel's written decision, with reasons, will be distributed to all Parties by the Independent Third Party, including to AEF and the relevant member(s).
35. In extraordinary circumstances, the External Discipline Panel may first issue a verbal or summary decision soon after the conclusion of the hearing, with the full written decision to be issued before the end of the fourteen (14) day period.
36. The External Discipline Panel's decision will come into effect as of the date that it is rendered, unless decided otherwise by the External Discipline Panel. The External Discipline Panel's decision will apply automatically to AEF and all of its members and associated organizations, according to the terms of the *Reciprocity Policy*.
37. Once the appeal deadline in the *Appeal Policy* has expired, AEF or the member (as applicable) shall publish on their website the outcome of the case, the provision(s) of the relevant policies that have been violated, the name(s) of the Organizational Participant(s) involved and the sanction(s) imposed, if any, or as otherwise specified. If the matter is appealed, the publication provisions in the *Appeal Policy* shall apply. Identifying information regarding Minors or Vulnerable Participants will never be published.
38. If the External Discipline Panel dismisses the complaint, the information referred to in Section 37 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 35 above will be kept confidential by the Parties, the Independent Third Party, AEF, and the member (including the Respondent's club) and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken against the Party who breaches confidentiality pursuant to this policy.
39. Other individuals or organizations, including but not limited to, other provincial/territorial sport organizations and the National Sport Organization, clubs, etc., shall be advised of the outcome of any decisions rendered in accordance with this policy.
40. Records of all decisions will be maintained by AEF in accordance with their Privacy Policy.
41. When the External Discipline Panel imposes a sanction, the decision shall include, at a minimum, the following details:
 - a) jurisdiction;

- b) summary of the facts and relevant evidence;
 - c) where applicable, the specific provision(s) of AEF's policies, bylaws, rules or regulations that have been breached;
 - d) which Party is responsible for the costs of implementing any sanction;
 - e) which Organization is responsible for monitoring that the sanctioned individual respects the terms of the sanction;
 - f) any reinstatement conditions that the Respondent must satisfy (if any);
 - g) which Organization is responsible for ensuring that the conditions have been satisfied; and
 - h) any other guidance that will assist the Parties to implement the External Discipline Panel's decision.
42. If necessary, a Party – or the organization that is responsible for implementing or monitoring a sanction – may seek clarifications from the External Discipline Panel regarding the order so that it can be implemented or monitored appropriately.

SANCTIONS

43. When determining the appropriate sanction, the Internal Discipline Chair or External Discipline Panel, as applicable, will consider the following factors (where applicable):
- a) the nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - b) the Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
 - c) the respective ages of the individuals involved;
 - d) whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - e) the Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, Prohibited Behaviour or Maltreatment, and/or cooperation in the investigative and/or disciplinary process of AEF;
 - f) real or perceived impact of the incident on the Complainant, organization or the equestrian community;

- g) circumstances specific to the Respondent being sanctioned (e.g., lack of appropriate knowledge or training regarding the requirements in the *Code*; addiction; disability; illness);
 - h) whether, given the facts and circumstances that have been established, continued participation in the equestrian community is appropriate;
 - i) a Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - j) other mitigating or aggravating circumstances.
44. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required, and a single incident of Prohibited Behaviour, Maltreatment or other misconduct may justify elevated or combined sanctions.
45. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following disciplinary sanctions, singularly or in combination:
- a) **Verbal or Written Warning** - a verbal reprimand or an official, written notice that an AEF Member(s) has violated the *Code* and that more severe sanctions will result should the AEF Member (s) be involved in other violations.
 - b) **Education** - the requirement that an AEF Member (s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS
 - c) **Probation** - Should any further violations of the *Code* or the UCCMS occur during the probationary period, this may result in additional disciplinary measures, including, without limitation, a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period.
 - d) **Suspension** - either for a set time or until further notice, from participation, in any capacity, in any program, activity, Event, or competition sanctioned by, organized by, or under the auspices of AEF. A suspended AEF Member (s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the (s) satisfying specific conditions noted at the time of suspension.
 - e) **Eligibility Restrictions** - restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
 - f) **Permanent Ineligibility** - ineligibility to participate in any capacity in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of AEF.

- g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.
46. The Internal Discipline Chair or External Discipline Panel, as applicable, may apply the following presumptive sanctions which are presumed to be fair and appropriate for the listed Maltreatment:
- a) Sexual Maltreatment involving a Minor Complainant, or a Complainant who was a Minor at the time of the incidents complained of, shall carry a presumptive sanction of permanent ineligibility.
 - b) Sexual Maltreatment, Physical Maltreatment with contact, and Maltreatment related to interference or manipulation of process shall carry a presumptive sanction of either a period of suspension or eligibility restrictions.
 - c) While a Respondent has pending charges or allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable process.
47. An AEF Member (s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with AEF. Such *Criminal Code* offences may include, but are not limited to:
- a) any child pornography offences;
 - b) any sexual offences; and
 - c) any offence of physical violence.
48. Failure to comply with a sanction as determined by the External Discipline Panel will result in an automatic suspension until such time as compliance occurs.

OSIC SANCTION

49. AEF will ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes ("DSO") against an AEF Member will be implemented and respected within AEF's jurisdiction once AEF receives appropriate notice of any sanction or measure against an AEF Member from the OSIC.

APPEALS

50. The decision of an Internal Discipline Chair or External Discipline Panel, as applicable, may be appealed in accordance with the *Appeal Policy*.

CONFIDENTIALITY

51. The disciplinary process is confidential and involves only AEF, the member (where applicable) the Parties, the Independent Third Party, the Internal Discipline Chair, the External Discipline Panel (as appropriate), and any independent advisors to the External Discipline Panel.
52. None of the Parties (or their representatives or witnesses) or organizations will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless AEF is required to notify an organization such as the national federation, Sport 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.
53. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair or External Discipline Panel (as applicable).

TIMELINES

54. 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 Independent Third Party may direct that these timelines be revised.

STATISTICAL REPORTING

55. AEF may publish a general statistical report of the activity that has been conducted pursuant to this *Discipline and Complaints Policy*. This report shall not contain any information that is confidential under this policy, or that has been ordered to be kept confidential by a discipline or appeal panel, but may include the number of complaints reported to the Independent Third Party, and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Internal Discipline Chair process, the discipline panel process, and the number of appeals filed pursuant to the *Appeal Policy* and whether the appeals were upheld, partially upheld or dismissed.

PRIVACY

56. The collection, use and disclosure of any personal information pursuant to this policy is subject to AEF's *Privacy Policy*.
57. AEF, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with AEF's *Privacy*



Toll free: 1.877.463.6233

Phone: 403.253.4411

Fax: 403.252.5260

Policy (or, in the case if a member, the member's *Privacy Policy*) in the performance of their services under this policy.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the Policy and is accepted by the Independent Third Party, the Independent Third Party will determine if the incident(s) should be investigated.

Investigation

2. If the Independent Third Party considers that an investigation is necessary, they will appoint an investigator. The investigator must be independent of the Independent Third Party and AEF with experience in investigating. The investigator must not be in a conflict-of-interest situation and should also have no connection to either Party.
3. Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward an employee in a Workplace. The investigator should review workplace safety legislation, the Organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
4. The investigation may take any form as decided by the investigator, guided by any applicable provincial legislation. The investigation may include:
 - a) interviews with the Complainant;
 - b) witness interviews;
 - c) statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant and provided to the Respondent;
 - d) interviews with the Respondent; and
 - e) statement of facts (Respondent's perspective) prepared by investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

5. Upon completion of their investigation, the investigator shall prepare a written report that shall include a summary of evidence from the Parties and any witnesses interviewed. The report shall also include a non-binding recommendation from the investigator regarding whether an allegation or, where there are several allegations, which allegations, should be heard by an External Discipline Panel pursuant to the *Discipline and Complaints Policy* because they constitute a likely breach of the *Code of Conduct and Ethics*, the UCCMS or any other relevant and applicable AEF or member policy.
6. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review, or investigation).

7. The Investigator's Report will be provided to the Independent Third Party who will disclose, at their discretion, all or part of the investigation report to AEF and the relevant members (if applicable). The Independent Third Party may also disclose the Investigator's Report – or a redacted version to protect the identity of witnesses – to the Parties, at their discretion, with any necessary redactions. Alternatively, and only if determined to be necessary or appropriate, the Independent Third Party or the External Discipline Panel, or other relevant AEF Members may be provided with an executive summary of the investigator's findings by the Independent Third Party.
8. Should the investigator find that there are possible *Criminal Code* offences, the investigator shall advise the Parties, AEF and, where applicable, the member, and the matter shall be referred by the Independent Third Party to the police.
9. The investigator must also inform AEF or the member (as applicable) of any findings of criminal activity. The AEF or the member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any crime involving Minors, fraud against the Organization or any member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the member (as applicable) into disrepute.

Reprisal and Retaliation

10. Any AEF Member against whom a complaint has submitted to the Independent Third Party by an AEF Member, or which AEF Member gives evidence in an investigation are strictly prohibited from engaging in reprisal or retaliation.
11. Any such conduct may constitute that Prohibited Behaviour be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy* or, as applicable, the policies and procedures of the OSIC.

False Allegations

12. An AEF Member who submits allegations that the investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and will be required to pay for all costs of any investigation that comes to this conclusion. The investigator may recommend to AEF or the member (as applicable) that the AEF Member be required to pay for the costs of any investigation that comes to this conclusion.
13. Any AEF Member who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full and shall be prohibited from participating in any member and AEF Events, activities, or business. AEF or any member(s) (as applicable), or the AEF Member against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.

Confidentiality

14. The investigator will make reasonable efforts to preserve the anonymity of AEF, Respondent, and any other party. However, AEF and its members recognize that maintaining full anonymity during an investigation may not be feasible. The investigator must inform any witness or participant in the investigation of this limitation.

Privacy

15. The collection, use and disclosure of any personal information pursuant to this policy is subject to AEF's *Privacy Policy*.
16. AEF, its members, or any of their delegates pursuant to this policy (i.e., Independent Third Party, Internal Discipline Chair, External Discipline Panel), shall comply with AEF's *Privacy Policy* (or, in the case if a member, the member's *Privacy Policy*) in the performance of their services under this policy.

Appendix B - Publication Guidelines

1. Subject to AEF's *Discipline and Complaints Policy*, disciplinary decisions of an External Discipline Panel will be considered a matter of public record, subject to the restrictions set out below.
2. Publication of all decisions will not take place until the disciplinary process undertaken by AEF is complete, or appeal period, as applicable.
3. Publication means the communication of information by making it known or accessible to the public through any means, including print, telecommunication, or electronic means.
4. Notification means providing a written copy of any disciplinary decision to an organization as required by the *Reciprocation Policy*. Parties who receive a copy of a disciplinary decision may not publicly disclose this information, except as reasonably necessary to implement the terms of the decision and any sanction.
5. After receiving a copy of a disciplinary decision, AEF will, unless otherwise directed by the External Discipline Panel, make the disciplinary decision publicly available on their website or by any other means, such as social media channels, deemed appropriate by AEF.
6. Decisions will be posted in accordance with the following:
 - a) Where a sanction or discipline is imposed for a set period where an AEF Member is restricted in their involvement with the sanctioned activities of the AEF, such as a suspension or a probationary period, the decision will be posted for the duration of the sanction. It will be removed once the identified time has passed plus two years.
 - b) Where a sanction or discipline involves a verbal or written warning or other reprimand, the decision will be posted for two years.
 - c) If a sanction or discipline involves a period of ineligibility, the decision will be posted for the period of ineligibility plus two years, except in the case of a sanction of permanent ineligibility. A sanction of permanent ineligibility will be posted indefinitely.
 - d) If a sanction or discipline is conditional on the completion of training, education or other conditions, the decision will be posted until the AEF Member has completed the required conditions to the satisfaction of AEF, plus two years.
 - e) All publications shall take place following the completion of the complaint process. In exceptional circumstances, publication will take place to protect the public and/or if the integrity of AEF will be affected by not publishing the decision.
 - f) The publishing of interim suspensions and/or provisional measures will only take place in exceptional circumstances described above in subsection (e).

- g) Publication bans are standard while a complaint is in progress with AEF. All information except for information already publicly available or released is subject to a publication ban and must be kept confidential until the process is completed.
- 7. Prior to publishing the disciplinary decision, AEF will remove any confidential or sensitive material from the disciplinary decision, including any identifying information about AEF Members or other individuals named, unless these AEF Members are subject to a sanction and/or discipline in the disciplinary decision.
- 8. Matters which are resolved prior to a decision of a panel being issued will not be subject to publication, though AEF may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an AEF Member within the sanctioned activities of AEF.
- 9. AEF will publish a summary of the disciplinary decision. This summary will include the name of the Respondent(s), the nature of the breach or breaches, the policies, bylaws, rules, or regulations that have been breached, the outcome and any sanction imposed, as well as the date of decision.
- 10. Identifying information regarding Minor or Vulnerable Participants will never be published by AEF.
- 11. Disciplinary decisions involving sanctions imposed by the OSIC will be published according to the guidelines established by the OSIC.
- 12. Nothing in the above prohibits AEF from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an AEF Member, including Minor or Vulnerable Participant, as required by the *Reciprocity Policy*. If a Minor or Vulnerable Participant is sanctioned and/or disciplined under a disciplinary decision, any organization who receives notification of this disciplinary decision must keep the decision confidential, except as reasonably necessary to implement the terms of the disciplinary decision.
- 13. Records of all decisions will be maintained by AEF in accordance with the *Privacy Policy*.

Alternative Dispute Resolution Policy

Purpose

1. AEF 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. AEF encourages AEF Members to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. AEF believes that negotiated settlements are most often preferable to arbitrated outcomes.
3. Negotiated resolutions to disputes with and among AEF Members are strongly encouraged.

Application of this Policy

4. This policy applies to all AEF Members.
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 AEF for approval if it involves any action by the AEF 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.



Toll free: 1.877.463.6233

Phone: 403.253.4411

Fax: 403.252.5260

Final and Binding

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

Appeal Policy

Purpose

1. This *Appeal Policy* provides AEF Members with a fair and expedient appeal process.

Scope and Application of this Policy

2. This policy applies to all AEF Members.
3. Any AEF Member who is directly affected by a decision made by AEF 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 equestrian activities;
 - d) selection criteria, quotas, policies, and procedures established by entities other than AEF;
 - 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) AEF's operational structure and committee appointments;

- i) decisions or discipline arising within the business, activities, or events organized by entities other than AEF (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by AEF 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.

Timing of Appeal

6. AEF Members 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 AEF, 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 AEF Member 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.

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*, AEF 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 AEF. 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:
 - 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 AEF. In extraordinary circumstances, the Panel may first issue a verbal or summary decision 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 AEF 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 AEF is required to notify an organization such as the national federation, Sport 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 26 will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless AEF is required to notify an organization such as the

national federation, Sport 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 AEF or AEF Members in respect of a dispute, unless AEF has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.