

Canadian Pony Club



SAFE SPORT POLICIES DISCIPLINE AND COMPLAINTS POLICY



CANADIAN PONY CLUB

DISCIPLINE AND COMPLAINTS POLICY

2023

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DISCIPLINE AND COMPLAINTS POLICY

PURPOSE

1. Organizational Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with all policies, by-laws, rules, and regulations of the CPC, as updated and amended from time to time.
2. Non-compliance with any of CPC's policies, by-laws, rules, or regulations, or those of its Members, as applicable, may result in the imposition of sanctions pursuant to this policy or the by-laws of CPC or, as applicable, those of its Members].

APPLICATION

Application – General

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

REPORTING

UCCMS Participants

5. If an Organizational Participation of CPC 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 CPC's policies that do not fall within Sections 5 or 6 above may be reported by an Organizational Participants to the Independent Third Party in writing



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60 days of the occurrence of the incident.¹ For the avoidance of doubt, this includes 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, CPC 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, CPC 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 CPC take carriage of the complaint and act as the Complainant.² The confidentiality of the Complainant's identity may not be guaranteed and may not be maintained for the entirety of the complaint process.
10. In exceptional circumstances, the Independent Third Party may direct a complaint to be managed by CPC if a Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the member does not have policies in place to address the complaint. In such circumstances, CPC shall have the right to request that a cost-sharing agreement is entered into with the member as a pre-condition to CPC managing the complaint.
11. Where the Independent Third Party refers a matter to be managed by a member or affiliated organization, or where a Member is otherwise responsible for managing a matter (i.e., because they received the matter directly), and the Member fails to conduct disciplinary proceedings within a reasonable timeline, CPC may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that CPC acted reasonably in taking jurisdiction over the matter, CPC's costs to conduct the proceedings, including legal fees, shall be reimbursed by the Member to CPC.

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 60 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal. Any complaints involving incidents occurring between January 1, 2023 to December 31, 2023 will be accepted without the restriction of the above timeline.

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



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MINORS

12. Complaints may be brought by or against an Organizational Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process.
13. Communication from the Independent Third Party, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.
14. 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.
15. 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.

INDEPENDENT THIRD-PARTY RESPONSIBILITIES

16. 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 above];
 - b) determine the appropriate jurisdiction to manage the complaint by considering the following:
 - i. whether the incident occurred within the business, activities, or Events of CPC, or one of its members; and
 - ii. if the member can manage the complaint process³.

³ In making this assessment, the Independent Third Party may determine that the Member lacks the capacity to manage the complaint (which may include financial and human resource capacity), that the Member is not the appropriate instance to manage the complaint due to its seriousness (for example, clubs will not be expected to manage serious complaints due to the complexity of conducting such a process), or that a real or perceived conflict of interest exists within the Member.

If the Independent Third Party determines that the Complaint or report should be handled by a Member, that organization may use its own policies to address the complaint or may adopt this Policy and appoint its own Independent Third Party to fulfil the responsibilities listed herein. Where this Policy is adopted by a Member, any reference to Independent Third Party below shall be understood as a reference to the Independent Third Party of the Member.



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	<ul style="list-style-type: none">c) determine whether the complaint is frivolous, vexatious or if it has been made in bad faith⁴;d) determine if the alleged incident should be investigated pursuant to Appendix A – Investigation Procedure; ande) 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 and 6, 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 CPC or those of one of its Members
- d) Non-compliance with the policies, procedures, rules, or regulations of CPC or those of one of its Members.
- e) Minor violations of the policies or bylaws of CPC or those of one of its Members.

*** 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 Code of Conduct and Ethics (the "Code") or the UCCMS;

⁴ 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.



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	<ul style="list-style-type: none">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 CPC or that of one of its Members;i) consistent disregard for the by-laws, policies, rules, or regulations of CPC or those of one of its Members;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 CPC or one of its Members, or improperly handling any of the aforementioned Organizations' monies;l) abusive use of alcohol, any use or possession of alcohol by Minors, or use or possession of illicit drugs and narcotics; orm) a conviction for any <i>Criminal Code</i> 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

17. 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 Organizational Participant by the Board of Directors of the CPC after which further discipline or sanctions may be applied according to this policy.
18. If an infraction occurs at a competition, 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 a competition, training, activity, or Event only, or as otherwise determined appropriate by the designated party at the Event, if any.⁵
19. Notwithstanding the above section, CPC 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

⁵ 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.'



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| completion of an investigation, assessment and/investigation by the OSIC, criminal process, the hearing, or a decision of the External Discipline Panel. | | |
| 20. | 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, CPC 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. | |
| 21. | 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

22. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will refer the matter to the Management Committee, who will appoint an Internal Discipline Chair⁶ who may:
- propose alternative dispute resolution techniques, if appropriate; and/or
 - 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 complaint. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or
 - 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.
23. 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

⁶ The appointed Internal Discipline Chair must be unbiased and not in a conflict of interest.



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(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.

24. The Independent Third Party 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.
25. Any decision rendered by the Internal Discipline Chair shall be provided to and maintained in the records of CPC. Decisions will be kept confidential by the Parties and CPC 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

26. 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 CPC, 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.
27. The Independent Third Party will establish and adhere to timelines that ensure procedural fairness and that the matter is heard in a timely fashion.
28. 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.
29. 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



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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.

30. 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 CPC 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, CPC 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, CPC 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 decision⁷.
 - 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.

⁷ The purpose of this provision is not to provide the CPC 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 CPC 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.



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- 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.
31. 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.
32. The process will proceed if a Party chooses not to participate in the hearing.
33. If a decision may affect another Organizational Participant to the extent that the other Organizational Participant would have recourse to a complaint or an appeal in their own right, that Organizational Participant 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.
34. In fulfilling its duties, the External Discipline Panel may obtain independent advice.

DECISION

35. 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.
36. 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 CPC and the relevant member(s).
37. 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.
38. 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 CPC and all of its members and associated organizations, [according to the terms of the *Reciprocity Policy*].
39. Once the appeal deadline in the *Appeal Policy* has expired, CPC 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)



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imposed, if any, or as otherwise specified by the Publication Guidelines. 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.

40. If the External Discipline Panel dismisses the complaint, the information referred to in Section 35 above may only be published with the Respondent's consent. If the Respondent does not provide such consent, the information referred to in Section 39 above will be kept confidential by the Parties, the Independent Third Party, CPC, and the Member 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.
41. Other individuals or organizations, including but not limited to, Members, other provincial/territorial sport organizations, sport clubs, etc., shall be advised of the outcome of any sanction imposed in accordance with this policy.
42. Records of all decisions will be maintained by CPC in accordance with their Privacy Policy.
43. 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 CPC's policies, bylaws, rules or regulations that have been breached;
 - d) which Party or Organization 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.
44. 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.



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SANCTIONS

45. 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 CPC;
 - f) real or perceived impact of the incident on the Complainant, equine organizations or the sporting 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 equine 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.
46. 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.
47. 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 Organizational Participant(s) has violated the *Code* and that more severe sanctions will result should the Organizational Participant(s) be involved in other violations
 - b) **Education** - the requirement that an Organizational Participant(s) undertake specified educational or similar remedial measures to address the violation(s) of the *Code* or the UCCMS



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- 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 sponsored by, organized by, or under the auspices of CPC. A suspended Organizational Participant(s) may be eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Organizational Participant(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 CPC
 - 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.
48. 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.
49. An Organizational Participant(s)'s conviction for certain *Criminal Code* offenses involving harmful conduct shall carry a presumptive sanction of permanent ineligibility from participating with CPC. 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.



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50. 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

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

APPEALS

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

CONFIDENTIALITY

53. The disciplinary process is confidential and involves only CPC, 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.
54. None of the Parties (or their representatives or witnesses) or organizations referred to in Section 53 will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings, unless CPC is required to notify an organization such as an international federation, Sport Canada, Equestrian Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
55. 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

56. 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

57. CPC 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 (for CPC and Members), and statistics regarding the number of cases that were resolved through alternate dispute resolution, the Internal Discipline Chair process, the discipline panel process, and



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the number of appeals filed pursuant to the *Appeal Policy* and whether the appeals were upheld, partially upheld or dismissed.

PRIVACY

58. The collection, use and disclosure of any personal information pursuant to this policy is subject to CPC's *Privacy Policy*.
59. CPC, 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 CPC's *Privacy Policy* (or, in the case of a member, the member's *Privacy Policy*) in the performance of their services under this policy.



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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 CPC 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 CPC 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).



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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 CPC 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, other relevant Organizational Participants 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, CPC 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 CPC or the member (as applicable) of any findings of criminal activity. The CPC 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 Organizational Participant against whom a complaint has submitted to the Independent Third Party by an Organizational Participant, or which Organizational Participant gives evidence in an investigation are strictly prohibited from engaging in reprisal or retaliation.
11. Any such conduct may constitute 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 Organizational Participant 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 may be required to pay for the costs of any investigation that comes to this conclusion. The investigator may recommend to CPC or the member (as applicable) that the Organizational Participant be required to pay for the costs of any investigation that comes to this conclusion.
13. Any Organizational Participant 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 CPC Events, activities or business. CPC or any member(s) (as applicable), or the Organizational Participant against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 10.



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Confidentiality

14. The investigator will make reasonable efforts to preserve the anonymity of CPC, Respondent, and any other party. However, CPC 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 CPC's *Privacy Policy*.
16. CPC, 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 CPC's *Privacy Policy* (or, in the case if a member, the member's *Privacy Policy*) in the performance of their services under this policy.



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APPENDIX B - PUBLICATION GUIDELINES

1. Subject to CPC'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 CPC is complete, or the appeal period has passed, 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, CPC 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 CPC.
6. Decisions will be posted in accordance with the following:
 - a) Where a sanction or discipline is imposed for a set period where an Organizational Participant is restricted in their involvement with the sanctioned activities of the CPC, such as a suspension or a probationary period, the decision will be posted for the duration of the sanction. It will be removed at once the identified time has passed.
 - 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 there 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 Organizational Participant has completed the required conditions to the satisfaction of CPC, 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 CPC 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 CPC. All information except for information already publicly available or released is subject to a publication ban



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and must be kept confidential until the process is completed to protect the integrity of the process.

7. Prior to publishing the disciplinary decision, CPC will remove any confidential or sensitive material from the disciplinary decision, including any identifying information about Organizational Participants or other individuals named, unless these Organizational Participants 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 CPC may notify any relevant organization of any settlement and resulting restrictions on the participation rights of an Organizational Participant within the sanctioned activities of CPC.
9. CPC 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 Organizational Participants will never be published by CPC.
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 CPC from notifying relevant sport organizations of any disciplinary decision imposing a sanction and/or discipline on an Organizational Participant, including Minor or Vulnerable Organizational Participant, as required by the *Reciprocation Policy*. If a Minor or Vulnerable Organizational 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 CPC in accordance with the *Privacy Policy*.