



## DISPUTE RESOLUTION POLICY<sup>1</sup>

### Preamble:

The intent of the ATAA Dispute Resolution Policy is to provide a process for ATAA members to bring an issue directly to the attention of the ATAA Executive Board for resolution. ATAA dispute resolution process addresses the association's obligation to establish mechanisms and procedures for resolving internal disputes. In addition, the policy provides a process for appeal. The policy reflects ATAA commitment to treat all members fairly and with respect and responds to the Alberta Sport Development Branch mandated requirements for policy development.

All disputes will be highly sensitive and ATAA shall conduct all proceedings under the process in a confidential manner, except where disclosure is directed by the Hearing Panel as part of the resolution of the dispute. As a general rule the decisions of the Hearing Panel shall become a matter of public record.

### Definitions

For the purpose of this policy the following definitions apply:

- a) Member:** Refers to all categories of membership as outlined in the ATAA Bylaws. This policy also extends to those individuals who are engaged in ATAA activities, which includes, but not limited to, athletes, coaches, officials, volunteer, directors, officers and staff (if applicable).
- b) Days:** In the context of this policy time, by which action must be completed, refers to total calendar day, irrespective of weekends or holidays.
- c) Complainant:** Refers to the member who makes an official complaint and is seeking redress.
- d) Appellant:** Refers to the member who is appealing an ATAA decision.
- e) Respondent:** Refers to the individual or body which is the subject of a complaint or whose decision is being appealed.

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<sup>1</sup> *Adopted from Archery Canada Complaint Policy*

## **Dispute Resolution Process**

### **1. Scope and Application**

The process applies to matters in dispute between ATAA and its members, or between members, relating to conduct or actions which are alleged to contravene ATAA bylaws, policies, rules, contracts and agreements. No final decision shall have been made with respect to the matters in dispute at the commencement of the process.

Before filing a complaint with the ATAA Executive Board, the complainant must have pursued the issue through the appropriate local club, if applicable. The ATAA will only address the complaint if local avenues have been used.

### **2. Reporting a Complaint**

Any individual who is a member of ATAA or engaged in ATAA activities may report a complaint to the ATAA President. The complaint must be submitted in writing together with a brief summary of the matters in dispute, within 30 days of the said incident or awareness of the incident.

### **3. Screening the Complaint**

Within five (5) days of receiving the written notice of complaint the President and two other board members, not directly involved with the issue, shall determine whether the matters in dispute and the parties to the dispute are properly within the scope and application of the policy. Depending on the nature of the reported complaint, the President can appoint an independent individual to conduct an investigation in order to confirm the facts. If an investigation is ordered it will be conducted in a timely manner and at the end will provide a written report to the President. If the complaint falls within the scope of the policy, a Hearing Panel will be established. At this point the complainant will be notified if a Hearing Panel will be convened.

### **4. Hearing Panel**

The Hearing Panel shall be comprised of three individuals who shall have no significant relationship with the complainant, and have no significant involvement in the complaint or the dispute. The Hearing Panel will be comprised of an Executive Board Member and an independent member selected by the Board. The third panel member will be selected from a list of potential members, submitted by the complainant. The Hearing Panel members cannot have any relationship with the complainant and shall be free of any actual or perceived bias or conflict.

## **5. Procedure for the Hearing Panel**

The Hearing Panel will meet within fourteen (14) days of the Panel appointment.

- a) The Hearing Panel may determine the most appropriate forum for the hearing and may be conducted in person, teleconference or via the internet. The complainant will be given 10 days' notice of the meeting.
- b) The complainant and other associated parties will be provided with a written report of the preliminary investigation (if applicable).
- c) Any of the parties at the hearing may be accompanied by a representative, advisor or legal counsel.
- d) A quorum will be all three panel members.
- e) There is an option for in person, oral presentations, or via telephone or any combination. The format is determined by the panel.
- f) The panel will be held within 21 days of the panel's appointment
- g) The parties will be provided written notice of the date, time and format for the hearing.

## **6. Evidence:**

This will not be a legal hearing therefore; the panel can hear whatever evidence it considers relevant to the matter in dispute. The panel will accept hearsay evidence provided the panel gives to such evidence the appropriate weight in respect the matter in dispute.

## **7. The Decision**

Within seven (7) days of concluding the hearing, the panel shall issue its written decision with reasons. All decisions will be within the guidelines, rules and policy of ATAA and Archery Canada. The panel may decide to:

- uphold the complaint,
- deny the complaint,
- design or recommend a strategy to resolve the dispute.

A copy of the decision shall be provided to each of the parties and to the ATAA President. The panel decision will be binding on all parties to the dispute.

**8. Timelines**

If the circumstances of the complaint or if a dispute is such that the process will not allow for the designated timely resolution, as outlined in the policy, the President and the panel may revise the timelines as required. However it is the intent of this policy to have all disputes resolved in a timely manner within a month from the time of submitting a dispute to the Board.

**9. Confidentiality**

As disputes can be highly sensitive, ATAA shall conduct all proceedings under this process in a confidential manner, except where disclosure is directed by the panel as part of the remedy or resolution of the dispute, is required by law, the Canadian Anti-Doping Program<sup>2</sup> or is in the best interest of the public. This agreement of confidentiality applies to both ATAA Board and panel members and the complainant and others associated with the matter.

**10. Appeal Procedure**

If the parties involved in the dispute feel the process is procedurally unfair, the decision of the panel may be appealed to the Executive Board of the ATAA. It must be noted that the appeal process is not for all cases, is not automatic and is based on procedure. The decision of the ATAA Executive Board is final.

**Dispute Resolution Policy**

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<sup>2</sup> \* Canadian Anti-Doping Program. The Canadian Centre for Ethics in Sport (CCES) manages the Canadian Anti-Doping Program (CADP), which is the set of rules that govern doping control in Canada. For details on the CADP, visit: [www.cces.ca/en/antidoping/cadp](http://www.cces.ca/en/antidoping/cadp)