



DISPUTE RESOLUTION POLICY:			
APPENDIX B - SUMMARY DISPUTE RESOLUTION PROCESS			
Reviewed:	October 28, 2016	Effective:	November 10, 2016
Next Review:	November 2019	Approval:	Board of Directors

1. APPLICATION

This Process is an accelerated version of the AO Dispute Resolution Process. It applies only to individual AO Members who are High Performance athletes within the Provincial Program and have signed an Athlete Agreement.

This Process will only be used to deal with issues that arise at competitions and training camps, where there is a critical lack of time in which to resolve the matter. Additionally, any period of time an athlete is under the auspices of AO, including travelling to competitive events, participating in or training for such events and travelling home after the events are applicable.

It is anticipated that the use of this Process will be rare. The most likely situation that may require its use will be appeals by athletes regarding team selections and/or the imposition of discipline sanctions resulting from a breach of the AO Athlete Code of Conduct, particularly where such sanctions will prevent an athlete from competing. The intent is to provide timely access to an authority other than that which imposed the initial sanction in order to seek redress.

Other issues that may be dealt with under this Process are breaches of the Athlete Agreement (other than those related to the Athlete Code of Conduct) and disputes involving National Team athletes that are within the scope of the AO Dispute Resolution Process.

2. THE SUMMARY PANEL

When a dispute arises, which falls within the scope and application of this Process, the Trip Leader (normally the senior coach) will contact the Board Chair and request that a Summary Panel be formed to deal with the issue. In situations where the Board Chair cannot be contacted, the Executive Director will act to establish the Panel. With due regard for the facts of the dispute, and provided that there are sufficient suitable, unbiased individuals available at the competition/camp venue, a three person Panel shall be established, which shall have the full delegated authority to act pursuant to the provisions of this Process. Where there is less scope for selection, a one person Panel shall be established. The panel may be selected from team staff, other AO staff, technical officials, volunteers in attendance, or parents accompanying the trip.

Despite any other process within the AO Dispute Resolution Policy, nothing shall prevent the Summary Panel from assuming jurisdiction when the appeal, breach or dispute arises outside Canada or elsewhere when there is a critical lack of time to respond and to impose or review, in a reasonable and fair manner, sanctions or disciplinary action against an athlete or athletes.

3. HEARING

At a minimum, the Panel shall, in a procedurally fair manner, hear the athlete's version of events and also hear from all other affected parties before imposing any sanction, discipline or remedy. In making its decision, the Panel is not authorized to change or alter any rule, criteria, policy, procedure or by-law of AO that has been properly passed and implemented by the Board of Directors.

4. DECISION

A sanction, discipline or remedy imposed by the Panel must be reasonable and proportionate to the issue in dispute, and may include:

- voiding or confirming a sanction which is being appealed;
- an order of specific performance;
- a written reprimand;
- removal of certain privileges;
- suspension from the Provincial Team Program, either for specified events or for a specified period of time;
- dismissal from the Provincial Team Program through termination of the Athlete Agreement;
- or any other sanction(s) which the Panel considers appropriate in the circumstances.

Where a decision is made by the Summary Panel results in the removal of an athlete from a competition or a team, such a decision may only be implemented after the Event Panel consults with the AO Board Chair. The Board Chair must ratify the decision of the Summary Panel before it can be implemented. In the event that the Board Chair cannot be contacted, the ED will contact another Board member to perform this function.

The decisions of the Summary Panel shall be binding on all athletes who have signed the AO Athlete Code of Conduct. Failure by an athlete to comply with a decision and remedy properly imposed by the Summary Panel shall result in an automatic suspension of all the athlete's privileges and there shall be no further right to participate as a member of the Provincial Athletics Program, until such time as the sanctions, discipline or other remedies are complied with.

5. CONFIDENTIALITY

As disputes can be highly sensitive, AO shall conduct all proceedings under this Process in a confidential manner, except where disclosure is directed by the Summary Panel as part of the remedy to resolve the dispute, is required by law, Canada's Doping Policy or is in the best interests of the public.

As a general rule, the decision of the Panel shall become a matter of public record.

6. APPEAL PROCEDURE

If a party believes the decision of the Summary Panel, rendered under this Process, was procedurally unfair, the decision may be appealed in accordance with the AO Appeal Process (see Appendix C - AO Dispute Resolution Policy). If this option is elected, the decision reached through the AO Appeal Process

will be final and binding on all parties and there shall be no recourse to any further appeal to a Court on any matter of fact or law. In the alternative, if the Appellant and the Respondent and all affected parties mutually agree to take part in an alternative appeal process, and if all parties sign an arbitration agreement confirming their intent to submit to binding arbitration, the appeal may be referred to arbitration under the SDRCC policies.