



POLICY #6: CONDUCT, DISCIPLINE AND APPEALS

OVERVIEW

Contained within this policy are conduct expectations, processes for dealing with complaints and the CWUAA appeals process. The work has been broken down into four sections.

Section 1	CODE OF CONDUCT EXPECTATIONS
Section 2	GENERAL MISCONDUCT COMPLAINT PROCESS.
Section 3	FIELD OF PLAY: DANGEROUS PLAY (SERIOUS MISCONDUCT) IN COMPETITION
Section 4	APPEALS

1. SECTION 1 – CODE OF CONDUCT EXPECTATIONS

1.1. ENFORCEMENT OF BY-LAWS, POLICIES AND REGULATIONS

It is the duty of every coach, administrator or student to report to the Athletic Director of their institution any alleged, reputed or indicated violation of the By-Laws, Policies and/or Regulations of the Association.

1.2. GENERAL CONSIDERATIONS

1.2.1. As members of U SPORTS, all members are expected to adhere to U SPORTS Policies 90.6 Code of Ethics and Code of Conduct and 90.20 Harassment and Discrimination.

1.2.2. It is the expectation of the Association that Members (teams, student-athletes, coaches, managers, trainers, officials and administrators) will behave responsibly and with propriety at all competitions, at and away from the competition site, and when traveling on behalf of the university or association. Consideration of others is a requirement of participation.

1.2.3. It is the responsibility of each member to ensure that their representatives give such consideration to opponents, spectators, travel, hotel and restaurant patrons, and to the public in general. A very positive image of university sport within the community is essential to its continuation.

1.2.4. It shall be the responsibility of the Athletic Director(s) and coaches of each Member to ensure that every team member understands the Association's expectation of acceptable conduct, prior to his or her representation of the university. Further, it shall be the responsibility of each Athletic Director to take and enforce action deemed necessary at their home university where unacceptable behavior has been reported. As well, it shall be the responsibility of each Athletic Director to notify another Member immediately of any acts of unacceptable behavior evidenced by the latter's representative(s).

1.2.5. Where a member, team or individual team member fails to live up to conduct expectations, the Association reserves the right to take whatever action it deems to be warranted by the misconduct.

1.2.6. Any suspension ~~or~~ ~~expulsion or misconduct~~ that occurs during a non-conference or exhibition game, regardless if there is a suspension, must be reported immediately following the game by the member school to the Canada West Office to review.

1.2.7. Further, the burden of proof to make the Canada West office aware of a disciplinary sanction from other jurisdictions rests with the student-athlete to declare, (or the coach in instances of coach discipline).

1.3. APPROPRIATE CONDUCT

It is expected that all participants (athletic administrators, coaches, student-athletes, spectators, and officials) in interuniversity sport shall reflect the highest possible standards of honour and dignity that characterize participation in competitive interuniversity sport. They should conduct themselves in a manner reflecting positively on themselves and their institution and abide by U SPORTS and CWUAA Policies and Regulations.

1.3.1. University Athletic Administrators' and Staff Conduct

- 1.3.1.1. Athletic Administrators and staff are expected to make reasonable efforts to discourage spectators from engaging in unsportsmanlike behavior during athletic contests.
- 1.3.1.2. It is the responsibility of the host institution to uphold the expected standard of good sportsmanship, and CWUAA hosting standards.

1.3.2. Coaches' Conduct

- 1.3.2.1. Coaches are expected to promote standards of fair play by their student-athletes by disciplining them for acts of misconduct or unethical behavior during games, practices and team related functions.
- 1.3.2.2. Coaches shall support the officials of a game and any public criticism of a game official is a violation of CWUAA Policy. Coaches are not permitted to enter or attempt to enter the locker room of a game official preceding or following a contest.
- 1.3.2.3. Coaches are to remain in their designated coaching and team areas and refrain from any action that would incite others in attendance at the contest.
- 1.3.2.4. Coaches are to be mindful that the continuation of play of any scheduled contest is the responsibility of the game officials and that taking a team from any playing area is not the coach's prerogative. However, in instances where institutional policies related to safety direct a coach to vacate a playing area, the coach should act accordingly

1.3.3. Student-Athletes' Conduct

- 1.3.3.1. Student-athletes are expected to display sportsmanship both on and off the playing field. Sportsmanlike conduct includes showing respect toward all who are in attendance at an athletic event, including officials, coaches, athletes, opponents, spectators and the media. Unsportsmanlike conduct includes inappropriate behavior, language, gesture or action, which demeans, physically intimidates or endangers others.

- 1.3.3.2. Student-athletes should reflect the high standards of honour and dignity that should characterize participation in competitive interuniversity sport as well as conduct themselves in a manner reflecting positively on themselves and on their institution.
- 1.3.3.3. When attending events as spectators, student-athletes are encouraged to be active and engaged spectators while behaving in a manner reflecting positively on themselves and on their institution. Unsportsmanlike conduct (as outlined in 1.3.3.1) as a spectator will not be tolerated.

1.3.4. Fans and Spectators' Conduct

- 1.3.4.1. All Canada West members will have a visible spectator code of conduct. It is the expectation that host institutions manage (educate and enforce) acceptable fan behavior.
- 1.3.4.2. Fans and spectators are expected to behave in a manner that reflects the highest standard of sportsmanship.
- 1.3.4.3. Fans and spectators should refrain from:
 - 1.3.4.3.1. Using foul language or making obscene gestures of any kind.
 - 1.3.4.3.2. Abusing an official, opponent(s), opponent spectator(s) or other person(s), verbally or physically.
 - 1.3.4.3.3. Disrupting the progress of the game by their actions.
 - 1.3.4.3.4. Engaging in conduct contrary to the integrity of the game.

1.3.5. Officials' Conduct

- 1.3.5.1. Officials are charged with the duty of ensuring a fair athletic contest and are also responsible for facilitating competition. It is expected their judgment be impartial and formulated on objectivity, accuracy, fairness and integrity.
- 1.3.5.2. In a situation in which an official acts inappropriately and fails to adhere to CWUAA By-Laws, Policies and/or Regulations, the CWUAA Office will work with the official's governing body to ensure proper action is taken.

1.4. INAPPROPRIATE CONDUCT

Inappropriate Conduct includes, but is not limited to the following:

1.4.1. Aggressive Behavior

CWUAA is committed to creating an environment that is free of harassment, exploitation, intimidation, violent or threatening activity or gestures and any other aggressive behavior in violation of the rules and spirit of sport.

1.4.2. Disrespectful Behavior

At all times participants are required to conduct themselves in a manner respectful of themselves, their team, their University and its' athletic department, game officials, opponents and property. Participants are to refrain from disrespectful behavior such as

unsportsmanlike conduct; use of profane, abusive, demeaning, harassing, threatening or obscene expression; or deliberate damage to equipment or other property.

1.4.3. Unethical Behavior

Participants are held accountable to a high standard of ethical conduct in all activities affecting the CWUAA sport system.

1.4.4. Public Criticism of Game Officials

CWUAA has “zero tolerance” for the verbal abuse and public criticism (via Newspapers, Television, Radio, Press Conferences, Electronic Media, Social Media and other means as determined by CWUAA Board of Directors) of game officials.

1.4.5. Breach of CWUAA Bylaws, Policies or Playing Regulations

Every coach and university administrator is expected to adhere to all CWUAA bylaws, policies and regulations.

2. SECTION 2 - GENERAL MISCONDUCT COMPLAINT PROCESS

All reported violations and complaints from a member institution or from any individual or entity, which considers itself harmed by any representative of a member institution while engaged in CWUAA activity, must be directed in writing to the CWUAA Discipline Officer and copied to the affected member institution(s) if relevant (member to member complaint), within 24 hours of the competition of the competition or event in question.

2.1. SUBMITTING THE COMPLAINT

The initial complaint should include the following information:

- 2.1.1. The nature of the complaint incident or violation and the By-Laws, Policies and/or Regulations that has been violated.
- 2.1.2. Names of players, coaches, staff members, or representatives of the Members involved, including the name of the complainant.
- 2.1.3. The relevant facts and dates and places at which they are said to have taken place.
- 2.1.4. Any other available supporting evidence.
- 2.1.5. The member or individual submitting the complaint will be invoiced for a \$250 fee which is refundable if the complaint is upheld. This fee will be waived in cases where the complaint is submitted by a CWUAA staff or individual acting on behalf of CWUAA.

2.2. REVIEWING THE COMPLAINT

Upon receipt of the complaint the Discipline Officer shall review the complaint in a timely manner and will:

- 2.2.1. Dismiss the complaint if s/he considers it to be trivial or vexatious
- 2.2.2. Determine that the complaint does not fall within the jurisdiction of this Policy, and refer it the appropriate body having jurisdiction;

2.2.3. Direct that the complaint be dealt with by the appropriate Member, on the understanding that CWUAA may, at its discretion, also review such a complaint as a Major Violation;

2.2.4. Determine the direction in which the complaint should proceed and initiate the process:

- Informal Resolution
- Formal complaint
- Serious misconduct in competition

2.2.5. Informal resolution

2.2.5.1. The normal process in dealing with reports of violations shall begin with discussions between the Athletic Director/s who are involved and the CWUAA Discipline Officer. During this step of the process institutions will be asked to respond to the complaint received. Based on the response received, the CWUAA Discipline Office may accept the response of the institution/s and close the file. The complete record of the complaint and institutional response will go on record. A copy of the CWUAA Record will be forwarded to the individual initiating the complaint. In the event this fails, and the Discipline Office still believes there is possible or probable merit in the alleged, reputed or indicated violation, the complainant shall then proceed as a formal complaint.

2.2.5.2. The institution involved in an informal resolution will be assessed a \$150 processing fee.

2.2.6. Formal Complaint

Once directed to the formal complaint process the Discipline Officer shall initiate a preliminary investigation within two (2) business days of receiving the complaint. The preliminary investigation report could include a review of the following documentation:

- 2.2.6.1. A letter of complaint (as outlined in 2.1).
- 2.2.6.2. A written statement from the Athletic Director(s) whose representative(s) are cited in the complaint.
- 2.2.6.3. A written statement from the team representative cited in the complaint.
- 2.2.6.4. Videotape footage related to the incident or events reported in the complaint.
- 2.2.6.5. Interviews with individuals involved.
- 2.2.6.6. Any other information relevant to the complaint.

2.3. DISCIPLINE OFFICER DECISION

2.3.1. The Discipline Officer shall review all information collected through the course of the investigation, and shall provide a fair and unbiased decision in a reasonable time.

2.3.2. The Discipline Officer will have the option of managing the complaint on their own or requesting that the President of the Association strike an Ad-Hoc Discipline Committee to assist in rendering a decision.

2.3.3. The Discipline Committee will be selected by the CWUAA Manager of Sport or designate and will be composed of 3 individuals who are either CW Athletic Directors or staff, including one Board Member.

2.3.4. The CW Discipline Officer/Committee will have the option of consulting legal counsel in rendering their decision.

2.4. PENALTIES AND SANCTIONS

2.4.1. Once the Discipline Officer/Discipline Committee has completed the investigation of the complaint and arrived at a decision, the Discipline Officer, will communicate the decision including any corrective action, penalties and sanctions to the parties involved within two (2) business days.

2.4.2. Violations of CWUAA By-Laws, Policies and/or Regulations may result in one or more of the following penalties and sanctions being imposed:

- 2.4.2.1. Private or public reprimand or censure of a team or individual(s).
- 2.4.2.2. Required direct and/or public apology by a team or individual(s).
- 2.4.2.3. Required retribution for damage and/or costs by a team or individual(s).
- 2.4.2.4. Suspension or expulsion of a team or individual(s) for a period of time. All suspensions resulting from play in conference games shall be served in conference games. All suspensions resulting from non-conference games shall be served in the next scheduled game. A suspended coach will not be permitted anywhere within the playing venue from one hour before until one hour after their games. Suspended student-athletes must be in the stands of the facility if they are not playing at home.
- 2.4.2.5. Levy of fines on a team, individual(s) or institution.
- 2.4.2.6. CWUAA Suspension of a Member from CWUAA for a stated period of time.
- 2.4.2.7. Expulsion of a member from membership in CWUAA.
- 2.4.2.8. The full membership shall be informed of all suspensions.
- 2.4.2.9. Corrective action taken by the institution that imposes penalties and sanctions on teams and/or individuals cited in the complaint, will be reviewed. If such corrective actions and sanctions are deemed appropriate for the violation, then no further action may be required.

2.5. APPEAL

If suspensions, expulsions, and public reprimands are deemed to be part of the penalties and sanctions, the suspension or public reprimand shall occur once the appeal procedure outlined in **POLICY 6 SECTION 4** has been exhausted. The offending party, unless otherwise agreed to by all parties, will be provided at least two (2) business days' notice prior to the suspension or reprimand being made public.

3. SECTION 3 – FIELD OF PLAY SERIOUS MISCONDUCT (DANGEROUS PLAY) COMPLAINT PROCESS

Note: The word "Sport Convenor" will be substituted by "CW Associate Director Sport" or designate for the sports that do not have a Canada West designated Sport Convenor.

3.1. Canada West has zero tolerance for individuals who engage in dangerous play in competition. Complaints made under this section are serious, therefore it is appropriate that the party submitting the complaint and the individuals assigned to manage the complaint have enough time to consider their decisions thoroughly.

3.2. INCIDENT REPORTS OR COMPLAINTS

3.2.1. Incidents of Dangerous Play can be reported by the referee or the individual for official oversight and should include information as outlined in 3.2.3. This needs to be forwarded to the Sport Convenor for review within 12 hours of the completion of the game in question. For an expedited hockey review, the complaint must be submitted no later than 7:00 am MST the day following.

3.2.2. Athletic Director/Managers may also submit a complaint of dangerous play along with any supporting documentation such as video clips or game sheets, to the Sport Convenor or designate. Complaints will be considered even if a penalty was not called on the play in question.

3.2.2.1. The complaint must be submitted within 48 hours of the completion of the game in question and be copied to the opposing team's Athletic Director. For an expedited hockey review, the complaint must be submitted within 2 hours of the completion of the game.

3.2.2.2. The member or individual submitting the complaint will be invoiced for a \$250 fee (plus an additional \$100 non-refundable for expedited review) which is refundable if the complaint is upheld. This fee will be waived in cases where the complaint is submitted by a CWUAA staff or individual acting on behalf of CWUAA.

3.2.3. The initial complaint should include the following information:

3.2.3.1. The competition in which the incident occurred (Teams, date and location)

3.2.3.2. The specific play in question (Time/period, half)

3.2.3.3. Any penalty called on the play in question

3.2.3.4. Any other available supporting evidence, including video

3.2.3.5. Names of competition officials

3.2.3.6. Name and contact information of individual submitting the complaint

3.3. DECISION TO REVIEW

3.3.1. The Sport Convenor or designate in consultation with the Discipline Officer or designate will determine within 12 hours (or 7:00 am MST for an expedited hockey review) from receipt of a complaint if a further review is warranted.

3.4. INCIDENT REVIEW COMMITTEE

3.4.1. If the Sport Convenor/Discipline Officer or designate determines further review is warranted, the Discipline Officer will:

3.4.1.1. Communicate verbally and in writing with the affected institution (by 7:30 am MST for an expedited hockey review) that further review will be conducted in accordance with the Canada West Policy; and

3.4.1.2. Form an Incident Review Committee consisting of four individuals:

- 3.4.1.2.1. The Discipline Officer or designate Chair (non-voting)
- 3.4.1.2.2. Sport Convenor or designate
- 3.4.1.2.3. Two additional member who can include:
 - 3.4.1.2.3.1. The Canada West Officials' Coordinator/RIC
 - 3.4.1.2.3.2. A Canada West Office staff member
 - 3.4.1.2.3.3. The Sport Liaison
 - 3.4.1.2.3.4. An Athletic Director/Manager
 - 3.4.1.2.3.5. An individual/s considered a sport expert

At the discretion of the Chair, additional committee members (from the individuals listed in 3.4.1.2) may be added to the incident review committee.

In all cases an attempt will be made to have a full review panel, in order to meet expedited hockey timelines there may be times where a 3-person panel will be used.

- 3.4.2. If the Sport Convenor or designate determines that further review is not warranted, the Sport Convenor will communicate verbally and in writing with the affected institution, and where necessary the referee involved in the game in question, that no further review will be conducted and the rationale for the decision.

3.4.3. Collection of relevant data

- 3.4.3.1. The Sport Convenor will collect all information relevant to the incident in question and provide this to the Incident Review Committee. Information may be provided by, but not restricted to: information from participating institutions, game tapes, interviewing student-athletes, coaches, game officials or supervisors, as required. Strict guidelines may be imposed on all submissions to ensure timely completion. A decision will be communicated to the Canada West President and subsequently communicated verbally and in writing to the institutions involved within 72 hours (or 11:00 am MST for an expedited review) from receipt of a game misconduct report form or participating institution complaint.

3.5. PENALTIES AND SANCTIONS

- 3.5.1. Once the Discipline Officer/Discipline Committee has completed the investigation of the complaint and arrived at a decision, the Discipline Officer, will communicate the decision including any corrective action, penalties and sanctions to the parties involved within two (2) business days.
- 3.5.2. Violations of CWUAA By-Laws, Policies and/or Regulations may result in one or more of the following penalties and sanctions being imposed:
 - 3.5.2.1. Private or public reprimand or censure of a team or individual(s).
 - 3.5.2.2. Required direct and/or public apology by a team or individual(s).
 - 3.5.2.3. Required retribution for damage and/or costs by a team or individual(s).
 - 3.5.2.4. Suspension or expulsion of a team or individual(s) for a period of time. All suspensions resulting from play in conference games shall be served in conference games. All suspensions resulting from non-conference games shall be served in the next scheduled game. A suspended coach will not be permitted

anywhere within the playing venue from one hour before until one hour after their games. Suspended student-athletes must be in the stands of the facility if they are not playing at home.

- 3.5.2.5. Levy of fines on a team, individual(s) or institution.
- 3.5.2.6. CWUAA Suspension of a Member from CWUAA for a stated period of time.
- 3.5.2.7. Expulsion of a member from membership in CWUAA.
- 3.5.2.8. The full membership shall be informed of all suspensions.

Corrective action taken by the institution that imposes penalties and sanctions on teams and/or individuals cited in the complaint, will be reviewed. If such corrective actions and sanctions are deemed appropriate for the violation, then no further action may be required.

3.6. Football Specific Targeting (U SPORTS 11.11.3) Review Process

3.6.1. Officials will forward any “targeting rule” violations to the football RIC immediately post game. The RIC will loop in the CW football convenor and the CW Discipline Officer.

3.6.2. The RIC and Convenor will review the play in question and make a determination as to next steps. These could include:

- 3.6.2.1. Upholding the call on the field and issuing the required one game suspension
- 3.6.2.2. Determining the play merits no further discipline or
- 3.6.2.3. Forward as a complaint to the Discipline Office, as a Policy 6 Dangerous Play complaint, if it is believed further review should occur.

3.6.3. In fulfilling its duties, the RIC and Convenor may obtain independent advice from a third party “football rules/game expert” to offer an opinion and input to the play.

3.6.4. Within 48 hours of the completion of the game there will be a resolution communicated to the offending team head coach, AD.

3.7. APPEALS

3.7.1. Only suspensions greater than one game may be appealed in accordance with SECTION 4 - APPEALS (below). A one-game suspension will remain in effect while the appeal is heard.

4. SECTION 4-APPEALS

4.1. Definitions

The following terms have these meanings in this Appeals Section:

“Appellant”	The Party appealing a decision
“CWUAA”	CWUAA Universities Athletic Association
“Case Manager”	An individual appointed by the President or designate to administer this Appeal Policy. The Case Manager will have responsibilities that include, but are not limited to: Ensuring procedural fairness; Respecting the applicable timelines; and Using decision making authority empowered by this Policy.
“Days”	Days irrespective of weekend and holidays
“Individuals”	All categories of membership defined in the CWUAA’s Bylaws, as well as all student-athletes, coaches, managers, officials, staff members, or institutions associated with CWUAA
“Mediation”	A form of resolving disputes with the assistance of a third party (mediator) who assists the parties in negotiating a settlement.
“Parties”	The Appellant, Respondent, and any other Members or persons affected by the appeal
“Respondent”	The body or individual whose decision is being appealed

4.2. Purpose

4.2.1. CWUAA is committed to providing an environment in which all Individuals involved with CWUAA are treated with respect. CWUAA provides Individuals with this Appeal Policy to enable fair, affordable, and expedient appeals of certain decisions made by CWUAA.

4.3. Scope and Application of this Policy

4.3.1. This Policy applies to all Individuals. Any Individual who is directly affected by a CWUAA decision shall have the right to appeal that decision; provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy and the appeal falls within the scope of appealable decisions (Section 4.4).

4.4. This Policy will apply to decisions relating to:

4.4.1. Conflict of Interest Decisions

4.4.2. Discipline per Section 2 of CWUAA’s Discipline Policy 6

- 4.4.3. Discipline per Section 3 of CWUAA's Discipline Policy 6, which are greater than a one (1) game suspension
- 4.4.4. Decisions rendered in accordance with CWUAA's Game Protest Policy 10
- 4.4.5. Fines per CWUAA's Finance Policy
- 4.4.6. Any other matter deemed appropriate by the CWUAA Board of Directors at their sole discretion

4.5. Timing of Appeal

- 4.5.1. Individuals 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 the CWUAA Office, the following:
 - 4.5.1.1. Notice of the intention to appeal
 - 4.5.1.2. Contact information and status of the appellant
 - 4.5.1.3. Name of the respondent and any affected parties
 - 4.5.1.4. Date the appellant was advised of the decision being appealed
 - 4.5.1.5. A copy of the decision being appealed, or description of decision if written document is not available
 - 4.5.1.6. Grounds for the appeal
 - 4.5.1.7. Detailed reasons for the appeal
 - 4.5.1.8. All evidence that supports these grounds
 - 4.5.1.9. Requested remedy or remedies
 - 4.5.1.10. An administration fee of five hundred dollars (\$500) payable to CWUAA's Head Office

- 4.5.2. An Individual 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 assigned Case Manager and may not be appealed.

4.6. Grounds for Appeal

- 4.6.1. An appeal will only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
 - 4.6.1.1. Made a decision for which it did not have authority or jurisdiction (as set out in the Respondent's governing documents)
 - 4.6.1.2. Failed to follow its own procedures (as set out in the Respondent's governing documents)
 - 4.6.1.3. 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 is unable to consider other views)
 - 4.6.1.4. Failed to consider relevant information or took into account irrelevant information in making the decision

4.7. The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, that the Respondent has made an error as described in Section 4.6 of this Policy.

4.8. Screening of Appeal

4.8.1. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the CWUAA Office will appoint a Case Manager (who may be any individual affiliated or unaffiliated with CWUAA) who has the following responsibilities:

- 4.8.1.1. Determine if the appeal falls under the scope of this Policy
- 4.8.1.2. Determine if the appeal was submitted in a timely manner
- 4.8.1.3. Decide whether there are sufficient grounds for the appeal

4.8.2. If the appeal is denied by the Case Manager, the Appellant will be notified, in writing by the Case Manager, of the reasons for this decision. This decision may not be appealed. The Case Manager will reach a decision no more than seven (7) days after appointment, unless the unforeseen circumstances arise which require the timelines to be extended, as determined by the Case Manager.

4.9. Mediation

4.9.1. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager may recommend mediation to the parties. If the parties consent to mediation, the Case Manager will appoint a Mediator who will attempt to resolve the appeal via negotiation and facilitation. The Mediation will be governed by the procedures that the Mediator deems appropriate. If the Mediator cannot resolve the appeal in a reasonable period of time, as determined by the Mediator or the Case Manager in their sole discretion, the matter appeal will continue pursuant to this Policy. Any mediated settlement agreement will be approved by CWUAA.

4.10. Procedure for Appeal Hearing

4.10.1. If mediation was rejected or was unsuccessful, the Case Manager will appoint an Appeals Panel composed of three Individuals (one of which will be the Chair).

4.10.2. The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

4.10.3. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

4.10.4. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone, 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 Case Manager and the Panel deem appropriate in the circumstances, provided that:

- 4.10.4.1. The hearing will be held within the appropriate timeline determined by the Case Manager
 - 4.10.4.2. The Parties will be given reasonable notice of the day, time and place of the hearing
 - 4.10.4.3. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
 - 4.10.4.4. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - 4.10.4.5. The Panel may request that any other individual participate and give evidence at the hearing
 - 4.10.4.6. The Panel may allow as evidence at the hearing any oral evidence and document or things 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
 - 4.10.4.7. 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 a party to the appeal in question and will be bound by its outcome
 - 4.10.4.8. The decision to uphold or reject the appeal will be by a majority vote of Panel members
- 4.10.5. In fulfilling its duties, the Panel may obtain independent advice.
- 4.11. Appeal Decision
- 4.11.1. The Panel shall issue its decision, in writing and with reasons, 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:
 - 4.11.1.1. Reject the appeal and confirm the decision being appealed
 - 4.11.1.2. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
 - 4.11.1.3. Uphold the appeal and vary the decision
- 4.12. Communication
- 4.12.1. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and CWUAA no later than fourteen (14) days after the completion of the hearing. 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 unless decided otherwise by the Panel.

4.12.2. A fair summary of the decision will be available to all CWUAA members.

4.13. Confidentiality

4.13.1. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

4.14. Appeal Fee

4.14.1. The Appellant will only have their administrative fee returned if they are successful with their appeal.

4.15. Final and Binding

4.15.1. The decision of the Panel will be binding on the Parties and on all CWUAA's Individuals.

4.15.2. No action or legal proceeding will be commenced against CWUAA or Individuals in respect of a dispute, unless the CWUAA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in CWUAA's governing documents.

4.16. Effective Date

4.16.1. This Policy is effective as of October 5, 2016.