

WSA Policy Manual

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SECTION 8: DOPING CONTROL

Position Statement

Wheelchair Sports Alberta Association is unequivocally opposed to the use and possession of performance enhancing procedures (ie. blood doping, diuretics, etc.) by Canadian wheelchair athletes, in contravention of the rules of the International Olympic Committee, and is equally opposed to any encouragement of the use of such substances or procedures by individuals in positions of leadership in the sport (coaches, administrators, trainers, medical practitioners, sport scientists, etc.) or by athletes themselves.

It is the intention of Wheelchair Sports Alberta Association to advocate and promote coaching practices in Canada that enhance performance in wheelchair sport through the application of scientific methods and suitable educational programs for athletes, parents, coaches, administrators, trainers, medical practitioners, other team support personnel and officials.

Wheelchair Sports Alberta Association in conjunction with WSA will conduct both announced and unannounced doping controls throughout Canada and elsewhere in conjunction with the Canadian Centre for Drug Free Sport (CCDS) and will comply with the requirements of the doping control program in accordance with the Fitness and Amateur Sport "Canadian Anti-Doping Policy" on "Banned and Restricted Doping Classes and Methods" and the "Standard Operation Procedures" (SOP) administered by the CCDS.

Definition of Doping

Doping is the deliberate or inadvertent use by an athlete of a banned or restricted substance or method to enhance athletic performance.

Categories of banned and restricted doping classes and methods:

Doping control is conducted for all substances on the IOC list of "Banned and Restricted Doping Classes and Methods".

Tests will be reported positive for:

- a) anabolic steroids and related compounds;
- b) diuretics and related compounds;
- c) pharmacological, chemical and physical manipulation designed to mask, camouflage or otherwise conceal the use of banned substances;
- d) wheelchair athlete who fails to report for doping control within the required time period.

Detection of a banned or restricted substance other than those listed above will be treated as follows:

- a) the athlete will be notified in writing by WSA/CWSA of the positive test results;
- b) the athlete will be required to explain the reason for the positive test result to the chairperson of CCDS in charge of drug testing;
- c) the athlete may be given a directive by the said chairperson that the drug use be discontinued.

International Lobby

Wheelchair Sports Alberta Association will pursue the adoption of policies and anti-doping measures by ISMWSF member organizations that are consistent with anti-doping programs designed to eradicate doping in sport. WSA will also cooperate with ISMWSF, in order to promote continued improvement of anti-doping measures that are in the best interest of sport.

Education

Wheelchair Sports Alberta Association will endeavor to promote and disseminate information and education programs, that encourage coaching practices and wheelchair athlete development processes consistent with the Wheelchair Sports Alberta Association Athlete Performance Model.

Wheelchair Sports Alberta Association will advocate and promote education programs to establish coaching practices in Alberta that enhance wheelchair sport performances through the application of approved scientific methods.

Wheelchair Sports Alberta Association will endeavor to make available to its members current documentation and resources that inform wheelchair athletes, coaches and administrators of "Banned and Restricted Doping Classes and Methods" and about current Wheelchair Sports Alberta Association policy on Doping Control.

Doping Control

Doping control is the deterrent component of the Wheelchair Sports Alberta Association Anti-Doping Program in conjunction with WSA. It involves the process of wheelchair athlete selection, sample collection, and laboratory urinalysis and result management.

All doping controls conducted by Wheelchair Sports Alberta Association and/or WSA will be administered as outlined in the current CCDS "Doping Control Standard Operating Procedures" and will include both announced and unannounced

doping controls.

Announced Doping Control is defined as pre-scheduled tests which are conducted at competitions or at training camp.

a) Selective Methods

Wheelchair athletes will be selected at random by draw, limited only by the number of tests approved by Sport Canada. This draw will be conducted by a Certified Doping Control Officer (CDCO). In the case of competition, at least one wheelchair athlete shall be selected from amongst the top three finishers in recognized events. In the event of a world record being established, the wheelchair athlete concerned shall undergo Doping Control.

3. Unannounced Doping Control is defined as unscheduled tests which are administered at any time, on a "short" or "no-notice" basis.

4.

The unannounced Doping Control Program will be administered on an independent, third party basis through CCDS. Wheelchair athletes will be selected in accordance with the policies contained in the CCDS "Doping Control Standard Operation Procedures".

Procedures for Conducting Announced and/or Unannounced Doping Control

Announced and/or Unannounced Doping Control will be conducted under the supervision of an Wheelchair Sports Alberta Association and/or WSA Technical delegate as outlined in the CCDS "Doping Control Standard Operating Procedures".

Definitions and Interpretations

1. Infractions fall into two broad categories:

- a) Doping Infractions: the use of banned substances or practices; and
- b) Doping Related Infractions: infractions other than the use of banned substances or practices.

2. A Doping Infraction is the use of banned substances or practices.

Reference for identifying these substances and practices include the International Olympic Committee's published categories of banned classes and methods.

3. Doping Related Infractions are:

- a) condoning the use of banned substances or practices;
- b) counselling or advising others to use banned substances or practices;
- c) avoiding or aiding in avoiding doping control and detection of banned substances or practices;
- d) securing, supplying or administering banned substances or practices;
- e) possession of banned substances without valid medical reason;
- f) importing or selling banned substances or materials intended for use in a manner contrary to anti-doping rules;
- g) refusal to participate in doping control; or;
- h) failing to cooperate as requested in any CCDS or sport-governing body investigation into a possible doping infraction;

with the intent of violating anti-doping rules.

4. For the purpose of this policy, an athlete is any individual who registers as an athlete or who participates as an athlete in competitive activities organized, convened, sanctioned or held by ISMWSF, WSA, Wheelchair Sports Alberta Association, or affiliated club, team, association or league.
5. Unless otherwise specified, reference in this policy to "person" or "persons" means any and all individuals who participate or seek to participate in these aforementioned activities (paragraph 4), including athletes.
6. In the case of an individual who participates in sport in more than one role, (for example, as both an athlete and a coach), the role of the individual for the purpose of application of this policy shall be that which the individual was performing at the time of the infraction (e.g. an athlete involved as a coach in a related infraction will not be treated as an athlete but as a "person" for the purposes of this policy).

7. Should any person wish to become an athlete or a member of Wheelchair Sports Alberta Association or affiliate, or wish to participate in an activity organized, convened, held or sanctioned by Wheelchair Sports Alberta Association or an affiliate, this policy shall apply retroactively: if he or she has committed a doping or doping-related infraction as defined by this policy, the penalties outlined in this policy shall apply.
8. All persons sanctioned by virtue of this policy will be ineligible to participate in any role and in any competition or activity organized, convened, held or sanctioned by a Canadian National Sport Governing Body, Provincial Sport Governing Body, or affiliate for the duration of the period of ineligibility. Penalties in any sport, role or level shall be respected by the authorities at all other levels of the same sport and in all other sports subject to this policy.
9. For the purposes of this policy, federal sport funding is defined as any direct financial support provided by the federal government - i.e. directly to the individual or via WSA. Provincial sport funding is defined as direct financial support provided by the provincial government - i.e. directly to the individual or via Wheelchair Sports Alberta Association (e.g. monthly financial support through the Athlete Assistance Program, coaching or professional staff salaries, honoraria for the provision of professional services, coaching apprenticeships, AADP, etc.) It is not the intent of this policy to limit the access to benefits arising from the federal government block payments made to the NSGB or provincial government block payments made to the PSGB once the individual's period of sport ineligibility (penalty) has been served.
10. A person does not commit a doping infraction where, in circumstances of medical reasons for the use of a banned substance, the substance is required for sustaining treatment or control of a medical condition, and where an exemption has been granted upon application to the CCDS.

Penalties - Doping Infractions

In accordance with the SOP, a doping infraction may be proven by a positive test result obtained from an IOC accredited laboratory, or by such other evidence which establishes a doping infraction (e.g. admission, etc.)

Whether a doping infraction is established by evidence other than a positive test result will be determined according to the Procedures for the Determination of Doping Related Infractions contained in the SOP, with necessary modifications.

The penalty for a doping infraction proven by a positive laboratory test result is calculated from the date of sample collection. Otherwise, a penalty is calculated from the decision of the Panel as set out in the Procedures for the Determination of doping Related Infractions, with necessary modifications.

1. Sport Eligibility Penalties:

Subject only to the provisions for reinstatement, the penalties for a doping infraction by an athlete are:

- a) 1st infraction: 4 years ineligibility
- b) 2nd infraction: life ineligibility

Subject only to the provisions for reinstatement, the penalties for a doping infraction by a person other than an athlete are:

- a) 1st infraction: life ineligibility

In cases where the infraction occurs at a major sport event (ie. World or Continental Championship, Canada Games or Major Games), a person's four-year ineligibility will include the same major sporting event even if the date of the next date of the major sport event is beyond the 4 year time period.

In accordance with the SOP, an athlete with a positive laboratory finding on the "A" Sample will be ineligible to compete pending the outcome of the "B" Sample Confirmation, or successful Protest or Appeal.

Direct Provincial Funding Penalties:

Subject only to the provisions for reinstatement, the penalties for a doping infraction by any person is:

- a) 1st infraction: life ineligibility

This penalty shall be applied to any person who wishes to participate in Canada whether they are affiliated to a Canadian sport body or not.

Penalties - Doping Related Infractions

1. Whether or not an infraction has been committed will be determined according to Procedures for the Determination of Related Infractions, contained in the SOP.
2. Subject only to the provisions for reinstatement, an athlete proven to have committed a doping related infraction will be subject to a lifetime ineligibility for direct federal or provincial sport funding, and a sport ineligibility for a minimum period of four years, except where the infraction and the athlete's misconduct is deemed by the sport governing body in question to warrant a greater penalty. An appeal of the determination of a doping related infraction may be brought in accordance with Procedures for the Determination of Related Infractions, contained in the SOP.
3. Subject only to the provisions for- reinstatement, any person other than an athlete proven to have committed a doping related infraction shall be subject to a lifetime penalty in respect of direct federal or provincial sport funding and sport eligibility. An appeal of the determination of a related infraction may be brought in accordance with Procedures for the Determination of Related infractions, contained in the SOP.
4. Penalties for doping related infractions are calculated from:
 - a) the date of refusal to be tested or avoiding doping control; or
 - b) in all other cases, from the decision of the Panel as set out in the SOP for the Determination of Related Infractions.

In accordance with the SOP, a person charged with a doping related infraction will be ineligible to participate in any role and in any competition or activity organized, convened, held or sanctioned by Wheelchair Sports Alberta Association

or affiliate, from a) the date the athlete refused or avoided the test, or in all other cases b) the date of the decision of the Panel, pending the outcome of a successful protest or appeal.

Reinstatement

This section deals with conditions and procedures through which reinstatement of sport eligibility and eligibility for direct provincial sport funding may be granted.

In all cases, the onus of proof of mitigating, exceptional or demonstrable circumstances for reinstatement rests with the sanctioned person.

There are three potential avenues for reinstatement, Categories I, II and III. Category I Reinstatement applies only to doping infractions. Category II and Category III Reinstatement apply to both doping and doping related infractions.

Category I Reinstatement

1. Applications for Category I Reinstatement shall only be considered for doping infractions involving substances in the stimulant class of banned substances (i.e. ephedrine, phenylpropanolamine) when administered orally for medical purposes in association with decongestants and/or anti-histamines, as defined from time to time by the CCDS consistent with the International Olympic Committee Charter Against Doping in Sport.
2. On the first infraction, an athlete may apply at any time to WSA and Wheelchair Sports Alberta Association in order to return to competition after three months. Subsequent infractions may be dealt with by Category II or Category III Reinstatement Procedures.

In the event that reinstatement or sport eligibility is granted under Category I, reinstatement of eligibility for provincial funding will automatically be granted and take immediate but not retroactive effect.

Category II Reinstatement

1. Under limited and exceptional circumstances, a person who has committed an infraction with a four year or life sport eligibility penalty and who desires to be reinstated may apply to WSA and for reinstatement under Category II - i.e. reinstatement prior to the expiry of the (minimum) four-year penalty. The applicable

limitations are described in the Criteria for Category II Reinstatement.

2. An application for Category II Reinstatement may be made at any time. In the event that an athlete applies for Category II Reinstatement for a second doping infraction involving substances in the stimulant class of banned substances, as described in Category I reinstatement, the athlete shall remain ineligible to compete for a minimum of 3 months.
3. Independent adjudication's through processes coordinated by the CCDS will review and decide such cases. The burden of proof lies with the person. Factors such as age and good citizenship, will not, in and of themselves, constitute sufficient grounds for automatic consideration, or granting, or early reinstatement. The reviews will be conducted according to Procedures for Category II Reinstatement and Criteria for Category II Reinstatement, contained in the SOP.
4. The decision of the arbitrator will be final and binding.

In the event that reinstatement of sport eligibility is granted under Category II, reinstatement of eligibility for federal and provincial funding will automatically be granted and take immediate but not retroactive effect. There will be no reinstatement of eligibility for direct federal or provincial sport funding in any other circumstances.

Category III Reinstatement

Unless otherwise reinstated, an athlete who has committed an infraction with a four year sport eligibility penalty and who desires to be reinstated must in all cases notify in writing WSA, Wheelchair Sports Alberta Association and the CCDS of their desire for normal reinstatement of sport eligibility, once the applicable penalty has been served, under Category III. Notice must be given at least 18 months prior to the date of desired reinstatement, (and no sooner than 30 months after the original infraction in the event of a four year sport eligibility penalty, and correspondingly shorter if the penalty is no longer than four years). Wheelchair Sports Alberta Association, in consultation with the CCDS, will determine any conditions which must be fulfilled during the remaining time period leading up to reinstatement (e.g. involvement in no-notice testing, etc.).

SECTION 9: VOLUNTEER RECOGNITION

JUNIOR ATHLETE OF THE YEAR

- 1: The trophy is the property of the Wheelchair Sports Alberta Association
- 2: The trophy will be awarded at an Awards Ceremony.
- 3: The trophy will be awarded to the most deserving Alberta Junior athlete who, in the previous sporting season best demonstrates a spirit of athleticism in his/her sport, dedication, commitment, and team leadership.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the ceremony. Only Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall not be awarded.
- 6: Wheelchair Sports Alberta Association shall pay the cost of engraving the award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Awards Ceremony. Costs to repair any damages to the trophy while in the award winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque to keep as personal property.

MOST IMPROVED ATHLETE

- 1: The trophy is the property of the Wheelchair Sports Alberta Association.
- 2: The trophy will be awarded at an Awards Ceremony.
- 3: The trophy will be awarded to the most deserving Improved Athlete who, in the previous sporting season best demonstrates the most improvement in his/her sport.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the ceremony. Only Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall not be awarded.
- 6: Wheelchair Sports Alberta Association shall pay the cost of engraving the award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Awards Ceremony. Costs to repair any damages to the trophy while in the award winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque to keep as personal property.

VOLUNTEER OF THE YEAR

- 1: The trophy is the property of the Wheelchair Sports Alberta Association.
- 2: The trophy will be awarded at an Awards Ceremony.
- 3: The trophy will be awarded to the most deserving Volunteer who, shows the true spirit of volunteerism and has given outstanding service to the association over the past year.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the ceremony. Only Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall not be awarded.
- 6: Wheelchair Sports Alberta Association shall pay the cost of engraving the award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Awards Ceremony. Costs to repair any damages to the trophy while in the award winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque to keep as personal property.

COACH OF THE YEAR

- 1: Trophy is the property of Wheelchair Sports Alberta Association.
- 2: The trophy will be awarded at an Awards Ceremony.
- 3: The trophy will be awarded to the most deserving Alberta Coach who, in the previous sporting season best demonstrates a spirit of sport through dedication, support and commitment to their athletes.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the ceremony. Only Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall not be awarded.
- 6: Wheelchair Sports Alberta Association shall pay the cost of engraving the award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Awards Ceremony. Costs to repair any damages to the trophy while in the awards winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque to keep as personal property.

RETIREMENT AWARD

- 1: The trophy is the property of the Wheelchair Sports Alberta Association.
- 2: The trophy will be awarded at an Awards Ceremony.
- 3: The trophy will be awarded to the most deserving Alberta retiring member who, in the previous years best demonstrated a strong commitment to wheelchair sports in Alberta.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the ceremony. Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall; not be awarded.
- 6: The Wheelchair Sports Alberta Association. shall pay the cost of engraving the award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Award's Ceremony. Costs to repair any damages to the trophy while in the awards winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque to keep as personal property.

JAMES MARSHALL MEMORIAL TROPHY

- 1: The trophy is the property of the Wheelchair Sports Alberta Association.
- 2: The trophy will be awarded at the Awards Banquet.
- 3: The trophy will be awarded to the most deserving Alberta athlete who, in the previous sporting season best demonstrates leadership, sportsmanship, dedication and achievement in wheelchair sports.
- 4: Nominations from the Wheelchair Sports Alberta Association membership must be received thirty (30) days prior to the Banquet. Only Wheelchair Sports Alberta Association current members may be nominated.
- 5: Selection of the trophy winner shall be determined by the Wheelchair Sports Alberta Association Executive Committee. Should the Executive Committee decide that there is no nomination deserving of the trophy, then the trophy shall not be awarded.
- 6: Wheelchair Sports Alberta Association shall pay the cost of engraving the Award winner's name on the trophy.
- 7: The award winner may keep the trophy in his/her possession up until thirty (30) days prior to the next Awards Banquet. Costs to repair any damages to the trophy while in the award winner's possession shall be paid by that same award winner.
- 8: The award winner shall be awarded an additional plaque which may be kept as personal property. JAMES MARSHALL MEMORIAL TROPHY

DR. ROBERT D. STEADWARD AWARD

Nature and Intent of the Award

Awarded to an individual whose dedication and contribution to wheelchair sport in the province of Alberta, exemplifies the passion and spirit that Dr. Robert D. Steadward, has committed his lifetime to.

Selection Committee

A selection committee appointed by the Board of Directors, will review nominations and a final decision will be made by the Wheelchair Sports Alberta Association Board of Directors.

Criteria

Individuals nominated for this award must meet the following criteria:

- a) The contribution must be made in the capacity of an administrator, delegate, coach or sport builder.
- b) Will have made a significant contribution to the development of wheelchair sport, at the provincial and national levels or a combination of both.

SECTION 10: CONFLICT OF INTEREST GUIDELINES

PREAMBLE

Wheelchair Sports Alberta is a body devoted to the promotion of wheelchair sport in Alberta. In carrying out this object, the Association has come to depend upon the personal efforts of a large group of people, including its directors, officers and employees.

As the primary responsibility of the Association is the promotion and development of wheelchair sport in general, rather than the advancement of isolated special interests at the expense of other interests within the sport community, and as it is important that the goals of wheelchair sport be advanced without hope of personal gain or reward, the Association has agreed to enact a conflict of interest policy designed to create an environment in which the goals and objectives of the Association will not be compromised by any of the persons who may be charged from time to time with carrying them out.

DEFINITIONS

"Conflict interest" means an interest, if furthered, will, may or appears to, adversely affect an interest of Wheelchair Sports Alberta Association.

"Interest" includes advantages, goals and opportunities, whether pecuniary or nonpecuniary.

"Immediate family" means a spouse, child, sibling, or parent of a person affected by this policy.

"Officer" means all directors, officers and employees of Wheelchair Sports Alberta Association.

APPLICATION

This policy applies to all officers.

An interest of:

any member of the immediate family of an officer, or
a corporation, partnership or other business controlled by an officer, shall be considered to be an interest of the officer.

GENERAL DUTY

Officers have a duty to carry out their responsibilities to the Association in its best interests. All officers shall at all times act to avoid conflicting interests.

DEALING WITH THIRD PARTIES

No officer shall engage directly or indirectly in any personal business transaction or pursue any personal profit which accrues from or is based upon his/her position with the Association.

The Association shall not enter into any contract for the supply of goods or services in which:

- an officer or person who was an officer within the three years preceding the contract,
- a member of the immediate family of an officer, or
- a corporation, partnership or other business controlled by an officer or former officer, or by a member of the immediate family of an officer, has an interest, unless:
 - the officer or former officer fully and fairly discloses the interest in the transaction in writing at the first reasonable opportunity;
 - the transaction is reasonable and fair to the Association; and
 - the transaction is approved by the Board of Directors of the Association.

This provision does not apply to a contract of employment between the Association and any employee of the Association.

If any contract or other transaction is entered into violation of these provisions, the Association shall be at liberty to treat the contract or transaction as null and void, or to seek indemnification in respect of such contract or transaction from the officer or former officer involved therein.

No officer who is an employee shall:

- maintain any direct or indirect personal, business, or financial activity which conflicts with his/her duty as an employee of the Association, or
- use his/her position with the Association, or business contacts made as a result of such a position, to further his/her personal interests.

INVOLVEMENT WITH OTHER ORGANIZATIONS

Officers shall be at liberty to assume and hold positions within corporations, organizations, or other bodies, provided that such involvement is disclosed to the Association at the first reasonable opportunity.

In acting in such a capacity, no officer shall act in any manner which will or may compromise the interests of the Association or his/her ability to act in the Association's best interest. In particular, without limiting this general duty, no officer shall:

disclose information concerning the Association which is not of a public nature,

undertake to obtain an advantage from the Association for the other corporation, organization, or other body, or

attempt to influence a decision of the Association which may benefit the other corporation, organization or other body, or otherwise use his/her position within the Association to further the interests of the other corporation, organization, or other body.

An officer who acts in any capacity in a corporation, organization or other body shall not act as its representative at any Association event, and shall abstain from participating in any decision made by any body within the Association which involves directly the other organization or its interests.

DISCLOSURE

Where an officer is required by this policy to disclose his/her involvement in a transaction or contract, or in a corporation, organization, or other body, such disclosure shall be made to the President of the Association.

In addition to the disclosure requirements specifically set out in this policy, all officers shall disclose to the President any situation or matter which involves or may involve a conflicting interest.

The President of the Association shall:

in case of a contract or transaction disclosed pursuant to this policy, promptly advise the Board of Directors of the fact of the interest and ensure that the matter is placed before the Board for formal consideration at the first

reasonable opportunity;

in the case of an involvement in a corporation, organization, or other body, ensure that the officer's involvement is made known to any committee or other body within the Association which may deal with the interests of the other organization;

in any other case, promptly determine whether the interest disclosed breaches this policy, and so advise the officer.

In case of any dispute between an officer and the President as to the application of this policy, the Board of Directors shall review the disclosed interests and the opinion of the President, make such further investigation as it deems necessary, and reach a decision on the matter, which decision shall be final and binding on the officer and the Association.

SECTION 11: DISCIPLINE

DISCILINE PROCEDURES

JURISDICTION

- (a) If an athlete has breached the Code of Conduct and
 - (i) the breach occurs at a national event or,
 - (ii) the breach involves a team member of a different Provincial or Territory, or
 - (iii) the breach involves a coach, an official, or volunteer who is not a member of the athlete's team, or
 - (iv) a breach of sub-sections (b), (c), or (d) of the Code of Conduct; the Wheelchair Sports Alberta shall appoint a Discipline Committee to investigate the breach;
- (b) If the breach of the Code of Conduct falls outside the scope of section (a) above, the local club on whose team the athlete who has breached the Code of Conduct belongs may appoint a committee to investigate the breach;
- (c) Should the breach of the Code of Conduct be investigated by WSA, the procedure set out below will be followed;
- (d) Should the breach of the Code of Conduct be investigated by a local club, the Disciplinary policy of that club will apply.

INITIATION OF DISCIPLINARY PROCESS

- (a) Disciplinary process may be initiated upon receipt of a complaint relating to participant's conduct or upon staffs' initiative;
- (b) Staff shall prepare written particulars of each complaint or, if proceeding on their own initiative, particulars of the member's conduct;
- (c) The written particulars shall be provided to the President or the designated senior staff person in consultation with the President, who will cause a Discipline Committee to be formed.

MAKE-UP OF DISCIPLINE COMMITTEE

- (a) The Discipline Committee will have four (4) members;
- (b) The Executive will annually appoint, through an application process, three (3) members to the Discipline Committee for a one (1) year term. Appointees must be members in good standing;
- (c) Upon receiving a complaint, the three standing members of the Committee shall appoint a fourth member who shall be a representative of the sport to which the complaint relates;
- (d) A Quorum of the Discipline Committee will be three (3) of four (4) members;
- (e) A decision or order of the Committee will be by majority vote.

DISCIPLINE COMMITTEE'S MANDATE

Upon receipt of the particulars of complaint of a participant's misconduct, the Discipline Committee shall:

- (a) determine whether further investigation is required;
- (b) determine whether the matter warrants any form of discipline;
- (c) dismiss the matter if no further investigation or discipline is warranted.

NOTICE TO ATHLETE AND ATHLETE'S RIGHT TO HEARING

- (a) If, after investigation, the Discipline Committee concludes a form of discipline may be warranted; it shall notify the participant whose conduct is in question as soon as possible of all allegations against him/her.
- (b) This notice shall be in writing and sent to the participant by courier.

- (c) The notice shall inform the participant that he/she may respond to the allegations by making written submissions or by asking for a hearing before the Discipline Committee.
- (d) The participant must respond to the said notice within thirty (30) days of delivery, otherwise the Discipline Committee can take whatever action it deems fit without further notice to the athlete.

HEARING

- (a) If the athlete elects to respond by mailing written submissions, the Discipline Committee may set a reasonable time for the athlete to deliver the written submissions to the Committee.
- (b) If the athlete elects to have a hearing, the Discipline Committee may call the witnesses it sees fit, take the evidence of witnesses on oath, and cross-examine all witnesses including the participant.
- (c) The Discipline Committee is not bound to follow the laws of evidence as contained in the laws of the Province or Territory in which the hearing is held, but can hear any form of evidence it considers just.
- (d) Upon receiving all the evidence and hearing the submissions of the athlete, the committee shall determine whether the athlete committed any misconduct.
- (e) If the Committee determines that the athlete is guilty of misconduct, the athlete will have the opportunity to make submissions as to the nature and extent of the disciplinary action to be taken against him/her.
- (t) The Discipline Committee may then order that the participant undergo such discipline as it thinks just.

Such discipline may include:

- (i) a reprimand;
- (ii) suspension from WSA;
- (iii) revocation of membership.

- (g) If revocation of membership is ordered, the Committee must recommend revocation and institute a vote of the membership in accordance with the provisions of the WSA By-laws.

APPEALS

- (a) The athlete may appeal the order of the Discipline Committee by delivering a written notice of his/her intention to appeal to the WSA office within fourteen (14) days of the date the order was delivered to the athlete.
- (b) All appeals will be to the Executive Committee.
- (c) The athlete may appear at a hearing before the Executive Committee or make written submissions.
- (d) The Executive Committee may overturn, uphold or modify the order of the Discipline Committee.
- (e) All decisions of the Executive Committee are final and no further appeal may be made.

SECTION 12: GRIEVANCE PROCEDURE

GRIEVANCE PROCEDURE

ARTICLE 1 GENERAL RULES

- 1.1. All members of Wheelchair Sports Alberta are required to follow the procedures set forth in this document as the correct method to resolve a grievance only after all other reasonable means or procedures designed to settle the grievance have been exhausted.

This includes, but is not limited to, selection, carding issues, discipline, harassment, etc.

- 1.2. The time limitations for notice and due process as outlined in this document will be respected so long as fundamental justice can be served.
- 1.3. All correspondence will be directed through the Provincial office (including correspondence to the President). Registered mail may be replaced by courier or facsimile transmission providing receipt of material is confirmed by signature on an appropriate acknowledgement form.
- 1.4. The President of WSA, or in absence of the President, the Vice-President shall preside over these procedures.
- 1.5. The correct order of procedures to follow are:

intent to grieve,
notice of grievance,
review and decision, and
appeal.

ARTICLE II INTENT TO GRIEVE

- 2.1. A written intent to grieve must be filed with the Provincial Office to the attention of the President within fifteen (15) days of the alleged incident (or upon the team's return to Alberta from the trip on which the alleged incident occurred).

- 2.2. The person(s) filing the intent to grieve will be hereafter referred to as the complainant and the person(s) or organization to which the grievance applies, the respondent.
- 2.3. A \$25.00 fee must accompany the filing of the intent to grieve. The \$25.00 fee will be refunded upon attendance at the hearing/meeting.
- 2.4. The intent to grieve must clearly state the nature of the grievance, the parties involved, correct addresses, telephone and facsimile numbers, and be signed by the complainant.
- 2.5. The President may request clarification of the intent to grieve and will ensure that all other reasonable means to resolve the matter have been exhausted before a decision is made by the President to formally accept or reject the intent to grieve.
- 2.6. An intent to grieve can be rejected, where, in the opinion of the President, the matter is trivial, frivolous, vexatious, or has not been initiated in good faith.
- 2.7. The President will provide an acknowledgement of the intent to grieve by registered mail to the complainant stating whether the intent to grieve has been accepted or rejected.

If the intent to grieve has been accepted the president will supply the complainant with a declaration form which binds the complainant to the grievance procedures and any decision delivered by an appeal committee, should an appeal be necessary.

- 2.8. The signed declaration form must be returned to the national office before the notice of grievance is issued.

ARTICLE III NOTICE OF GRIEVANCE

- 3.1. The President, upon accepting an intent to grieve, will notify, by telephone or other means of communication, the respondent(s) identified in the intent

to grieve, informing them that a grievance has been initiated and that Alberta Section - CWSA has agreed to proceed with a review of the matter.

- 3.2. The President will forward within fifteen (15) days, a copy of the notice of grievance to the respondent by registered mail. If applicable, the possible sanctions that relate to the grievance will be attached. The President will request that the respondent or a designated representative reply to the notice of grievance in writing to the provincial office within fifteen (15) days of giving notice. The deadline for a response will be clearly identified.

The President will supply the respondent with a declaration form which binds the respondent to the grievance procedures and any decision delivered by an appeal committee, should an appeal be necessary.

- 3.3. If the respondent or a designated representative fails to reply in writing within the fifteen (15) day period, as outlined in article 3.2., the review and decision of the grievance will continue without representation by the respondent.
- 3.4. If the grievance involves an athlete, copies of all correspondence will be mailed to the athlete's personal coach. At the request of the athlete, copies of all correspondence will also be mailed to the relevant club.

ARTICLE IV REVIEW & DECISION

- 4.1. The parties shall make every effort to resolve the grievance to the satisfaction of both parties without a full hearing by holding a formal review of this matter.
- 4.2. WSA will work with both parties to establish an "Agreed Statement of Facts".
- 4.3. The President will appoint the Review Committee of no less than three and no more than five people (including the chairperson) to review the grievance.

When the grievance is athlete centered an Athlete Representative as elected by the Provincial Team athletes, or designate as agreed upon by both

parties, will be automatically included on the Review Committee.

The Executive Director may be present throughout the review but is not a member of the Committee and has no vote.

- 4.4. A conference telephone call is an acceptable forum to hold the review.
- 4.5. The Review Committee will examine the Agreed Statement of Facts and shall render one of two possible decisions:

Rule in favor of the respondent

Rule in favor of the complainant. If the decision requires that a sanction be levied then the appropriate sanction will also be determined by the Review Committee at the time of the review.

- 4.6. The President will notify both parties of the decision of the Review Committee by registered mail.
- 4.7. The complainant and the respondent, both have a right to accept the decision of the Review Committee or to appeal the decision. The deadline for an appeal will be clearly identified.

ARTICLE V

APPEALS

- 5.1. Appeals of the decision of the Review Committee will be heard by a neutral Appeal Committee. (0►)
- 5.2. A written notice of appeal must be filed with the Provincial Office to the attention of the President within 30 days of the giving of notice of the decision by the Review Committee.
- 5.3. For each appeal, the President shall cause to be established a three member neutral Appeal Committee (including the chairperson) to conduct the appeal. Members of the review committee are not eligible.

The WSA provincial office will provide a list of potential members that could participate on the Appeal Committee. The appellant will have the right to select two members and the respondent one.

The Executive Director may be present throughout the appeal but is not a member of the committee and has no vote.

- 5.4. The decision of the Appeal Committee, or a majority of the members of the Appeal Committee, shall be binding on both parties. A formal acknowledgement of this must be signed by both parties prior to the hearing being held.
- 5.5. The Appeal Committee shall hold its hearing session as soon as possible but not more than 30 days after the President of WSA has received the written notice of appeal, unless both parties consent to an extension of this time period.
- 5.6. At the appeal hearing, both parties shall have the right to submit written briefs, adduce evidence, to make a personal appearance and to be represented by a third party.
- 5.7. Each party shall bear the costs of its own expenses.
- 5.8. The Appeal Committee shall rule in one of the three following ways:
 - The decision of the Review Committee be upheld.
 - The decision of the Review Committee be overturned.
 - The decision of the Review Committee be altered.
- 5.9. The President will notify both parties of the decision of the Appeal Committee by registered mail.

SECTION 13: ADVERTISING

Background

Wheelchair Sports Alberta Association membership has specific needs for goods and services and is a defined target market that is attractive to advertisers who would like to position themselves in that market. Wheelchair Sports Alberta Association has a number of communication vehicles that reach the large target market, in addition to specialized market segments.

This policy covers advertisements in the association newsletter and inclusion of flyer inserts in any of the association mail outs.

Definitions

Target Market - Wheelchair Sports Alberta Association membership

Market Segmentation - areas of the Wheelchair Sports Alberta Association membership that have been further divided into distinct, specialized groups

Advertiser - business who pays to promote their products/services in Wheelchair Sports Alberta Association communication vehicles

Advertisement - product or service promotion in the newsletter distributed to the membership

Flyer - one promotion insert in Wheelchair Sports Alberta Association mail outs to the market segments

Non-Wheelchair Sports Alberta Association Material - includes advertisements or promotional material for goods and services that are not directly related to Wheelchair Sports Alberta's mission.

Policy

Wheelchair Sports Alberta will encourage and solicit advertisements that are of value to the entire membership and selected market segments. This is to be a mutually financial benefit opportunity for all partners.

Non-Wheelchair Sports Alberta related material is not to exceed 30% of the designated space allotted in communication vehicles.

Advertisements should be negotiated as part of a sponsorship package and included in the original agreement, with the cost of advertisement and potential reductions built into the sponsorship. For those sponsors presently signed who would like to advertise in the communication vehicles, they are eligible to a 25% reduction of the structured advertising fees.

The acceptance of non-Wheelchair Sports Alberta material will be at the discretion of the Executive Director.

Placement will be at the discretion of the Executive Director in discussion with the advertiser.

Ads may be purchased as per the rate schedule.

The flyer option is a supplement to the advertisement in the newsletter and advertisers are only eligible to purchase the flyer option after purchasing an advertisement in the newsletter.

All revenue will be used to off-set the costs of production.

ADVERTISING RATES

Advertisements

Newsletter - the association newsletter that has a readership of 500 made up of members and affiliates; distribution is quarterly - October, January, April and July.

Full Page \$ 100.00

1/2 Page \$ 50.00

1/4 Page \$ 30.00

1 /8 Page \$ 20.00

Prices are per issue and include type setting and layout charges. Advertisers are

eligible for a 10% discount on second run advertisements and a 15% discount on third run advertisements if purchased in advance. For the advance purchase of a full year of advertising in four issues, the advertiser qualifies for a 25% discount.

Flyers

Once an advertiser has purchased an advertisement in the newsletter, they are eligible to purchase the flyer option to expand their marketing strategies. The flyer is to consist of 8 1/2 x 11-inch paper.

Flyer rate \$ 50.00

The price for this one-page advertisement includes distribution and mailing costs. Advertisers are eligible for a 10% discount on additional runs if purchased in advance.

**SECTION 14:
HARASSMENT POLICY AND GUIDELINES**

Preamble:

The principles and values of sport as defined by the recent Sport Forum process include the statements that:

The fundamental rights of participants are defined and protected
Sport organizations are responsible for the conduct of sport.

Also, as per selected parts of sections from the Vision for Sport in Canada, (1)

- from Section 1: Sport in Canadian Society:

Sports is valued because it makes a unique and significant contribution to Canadian Society, community life, and personal well-being in the following areas;

- by contributing to the physical, mental and social development of the individual,
- by providing opportunities for the pursuit of excellence,
- by encouraging and supporting personal achievement and self-esteem,
- by providing an outlet for personal enjoyment and satisfaction,
- by enhancing personal health and well-being,

- from Section 2: Sport and its Values:

Stakeholders, partners and participants in the Canadian sport system should promote and strengthen the values associated with sport, which include the following:

Sport is based on and reflects positive fundamental social values and ethics including achievement, enjoyment, safety responsibility, collaboration, equity and fair play.

Sport is characterized by the pursuit of excellence within the values associated with fair play, integrity, and mutual respect.

- from Section 3: Sport and its Participants:

Sport is characterized as participant oriented and athlete centered in its underlying philosophy, policies, programs and practices.

All participants in Canadian sport promote and exemplify the values and ethics identified in the National Vision.

From these, it is clear that sport must be a positive experience for all involved. We must accept that:

harassment in sport is an issue of safety for all participants
sport must be a quality experience for all
harassment in any form diminishes the sport experience
harassment can mark a person's life long after their participation in sport has ended
excellence in sport is impossible within an environment marked by harassment.

(1) Draft FPTFPSC document, November, 1993

Policy Statement:

It is the policy of Wheelchair Sports Alberta Association that every employee and member of Wheelchair Sports Alberta Association can expect to be afforded a sport and work environment free of harassment and abuse and to be treated with respect.

Wheelchair Sports Alberta is committed to providing a quality sport experience for all its members, staff, and volunteers. Therefore, Wheelchair Sports Alberta does not tolerate any form of harassment, i.e., zero tolerance. Zero tolerance is defined as meaning that no level of harassment is acceptable.

Neither will Wheelchair Sports Alberta accept a hostile environment. This may be defined as an atmosphere of intolerance for behavior, language, or treatment of individuals which undermines their personal power, creates personal discomfort, or jeopardizes their aspirations to achieve their personal goals within the Association.

Wheelchair Sports Alberta will act quickly on any complaint of harassment and abuse with the goal of resolving the situation fairly and of preventing future occurrences. Wheelchair Sports Alberta will be proactive in ensuring that the membership is aware of all participants' rights and obligations as outlined in this policy.

Goals of the policy:

to resolve a situation fairly and in a timely manner
to prevent any further harassment
to eliminate harm to the complainant
to reduce liability of the organization and its Directors, staff and members through responsible policies, procedures, and implementation strategies
to educate and train organization members and participants about harassment and, in particular sexual harassment

Authority Reference:

The Canadian Charter of Rights and Freedoms states that:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability."

The Alberta Individual Rights Protection Act states that:

Harassment is a form of discrimination. It is against the law.

Discrimination is prohibited on the grounds of-

• Race	* Color
* Place of Origin	* Ancestry
* Religious Beliefs	* Gender
* Marital Status	* Physical Disability
* Mental Disability	* Age

Every person who is an employee has a right to freedom from harassment in the workplace by employer or fellow employee.

Every person has the right to claim and enforce their rights.

NOTE: This policy shall comply with the relevant articles of the Alberta Individual Rights Protection Act as they are updated.

In keeping with the spirit of this commitment, Wheelchair Sports Alberta

Association does not tolerate any form of harassment and undertakes to protect all workers and participants regardless of their race, colour, ancestry, religion, place of origin, gender, disability, age, or marital status from harassment by other employees or members including officers of the association, administrators, organizers, coaches, athletes and volunteers of Wheelchair Sports Alberta with whom they have come in contact.

Definition Of Harassment:

Harassment means being subject to unwelcome verbal or physical conduct related to:

* Race	* Color
* Place of Origin	* Ancestry
* Religious Beliefs	* Gender
* Marital Status	* Physical Disability
* Mental Disability	* Age

Sexual Harassment is unwelcome sexual conduct and discrimination on the grounds of gender. Sexual Harassment is a statement about power. The victim is hesitant to seek help because she/he feels there will be reprisals or economic consequences. Some examples of sexual harassment are:

- Gender Harassment:	Generalized sexist remarks and behavior.
- Seductive Behavior:	Behavior viewed by another as an unwanted sexual advance.
- Sexual Bribery:	Sexual advances made by a person who is able to grant or to deny a benefit to another. In sport, this would be unwanted sexual advances by someone who is able to grant or to deny benefit (such as team membership) to another.
- Sexual Coercion:	Coercion of sexual activity with threat of punishment or penalty. In sport, this could be, for example, the person who says, "if you don't sleep with me; I'll make sure you

don't get an invitation to the national team training camp."

-Sexual Imposition/Assault: Touching, grabbing, fondling, rape.

Harassment may include:

- written or verbal abuse or threats;
- sexually oriented comments;
- racial or ethnic slurs;
- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, age, marital status, ethnic or racial origin, religion, etc.;
- displaying of sexually explicit, racist or other offensive or derogatory material;
- unwelcome sexual remarks, invitations or requests whether indirect or explicitly, or intimidation;
- condescension, paternalism or patronizing behavior which undermines self-respect or adversely affects performance or working conditions;
- physical conduct such as touching, kissing, patting, pinching, etc.
- vandalism;
- physical assault.

Harassment may be done by:

Man to Woman, Woman to Man, Woman to Woman, Man to Man or by Coach to Athlete, Athlete to Coach, or Athlete to Athlete, Member to Member, and including staff.

Definition of Reprisal:

As part of their right to freedom from harassment, Wheelchair Sports Alberta employees and members are protected from reprisal or the threat of reprisal, whether this be done subtly or overtly or whether this is done in an implicit or explicit manner.

Reprisal may include situations in which an employee or member is:

1. denied or threatened with denial or promotional advancement, training, or other related opportunities or benefits (e.g. team selection, etc.);
2. disciplined or threatened with disciplinary action;
3. dismissed or threatened with dismissal.

On the sole basis of:

rejecting the sexual advances of a person in authority who could or who could be perceived to have influence over Wheelchair Sports Alberta related decision affecting the employees or members;

- having made a complaint of harassment.

Reprisal may also include situation involving co-workers or co-participants who, because the individual worker or participant has made a complaint of harassment, continue or escalate the harassment; ostracize or isolate the individual; and/or engage in any behaviour with the intent to intimidate, threaten, hurt or adversely affect the performance or working conditions of the individual.

Applicability:

This policy applies to all departments, offices and committees subject to Wheelchair Sports Alberta administrative policies and is directed towards the protection of employees or members from harassment which may occur:

 during the course of Wheelchair Sports Alberta business and events; or
 outside such business and events where there may be repercussions in the work or sport environment adversely affecting members and Wheelchair Sports Alberta relationships.

Procedure:

Wheelchair Sports Alberta is committed to creating and maintaining a supportive sport environment free from all forms of harassment.

Board/Committee members, affiliated groups, employees, and members of Wheelchair Sports Alberta are responsible for preventing and discouraging harassment by:

understanding and upholding the principles of this policy;
not engaging in behavior contrary to this policy and ensuring that all members are treated fairly and equitably;
communicating the Wheelchair Sports Alberta objectives to create and maintain a harassment-free environment;
not allowing or condoning behavior contrary to this policy;
taking all complaints of harassment seriously by investigating complaints in a thorough and sensitive manner and taking prompt action to resolve the situation in accordance with procedures outlined in the following sections.

The law considers as socially responsible those organizations which have a harassment policy, take a proactive role, actively communicate their procedure and act quickly.

Wheelchair Sports Alberta employees and members have a responsibility not to harass any other employee, member, or participant. Individuals who experience harassment are encouraged to make it known to the harasser that the behavior is offensive and/or report the incident(s) in accordance with the following complaint procedures. Workers and participants who witness harassment or who become aware that an individual is being harassed are encouraged to report the incident in accordance with the complaint procedure which follows.

Individuals are encouraged to report incidents of harassment. Individual will receive the full support of Wheelchair Sports Alberta and all complaints will be addressed in a sensitive, responsible, respectful and timely manner. Individuals filing a complaint will be made aware of their rights under the Alberta Individual Rights Protection Act and of the process and time frames of that Act.

Complaint Procedures:

General Responsibility:

All parties involved (staff, committee members, Board of Directors, participants in Wheelchair Sports Alberta events, complainant(s), investigating officers, alleged harasser(s), outside parties, and any other party privy to a harassment case) are bound to maintain confidentiality throughout all stages of the investigation process or this could result in countersuits and charges of defamation of character. The

privacy and reputation of all parties must be protected.

Specific Responsibility / Accountability of Workers / Participants:

This may include the formation of a committee to address the educational and awareness program of the national sport organization relating to harassment. This committee might also maintain confidential records, make recommendations with respect to harassment policies, oversee the investigative or hearing process for the settlement or determination of complaints of harassment, and report its activities to the Board of Directors on a regular basis.

General Complaint Procedure:

Complaints:

C 1) The Board of Directors shall appoint a Harassment Officer(s) whose duties include:

initiation of regular review of the Harassment Policy basis to ensure the inclusion of the latest of the Alberta Individual Rights Protection Act; counselling and recommending on matters related to harassment as well as investigating;

- establish a central registry to log all incidents of harassment to be kept in a confidential state;

C2) Persons who experience harassment are encouraged to make it known to the harasser that the behavior is offensive and contrary to the policy. If confronting the harasser is not possible, or if after confronting the harasser. The harassment continues, report the incident to the Harassment Officer of Wheelchair Sports Alberta.

Complaints may also be made directly to:

- any chairperson of any Wheelchair Sports Alberta committee
- any member of the Wheelchair Sports Alberta Board of Directors
- any Wheelchair Sports Alberta staff person

Individuals are encouraged to report incident of harassment. Individuals who bring the incident(s) to the attention of Wheelchair Sports Alberta will receive the full support of the Association. Complaints will be addressed in a sensitive,

responsible and timely manner. Receiver will then forward or work with the harassment officer to resolve the complaint.

In the case of suspected or alleged harassment, the offended party may contact the harassment officer for advice, or to make a verbal or written complaint.

C3) Individuals who experience harassment because of race, ancestry, place of origin, color, religion, gender, age, marital status, or disability are specifically protected by the Alberta Individual Rights Protection Act and have the right to file their complaint with the Alberta Human Rights Commission. We encourage individuals who experience harassment to utilize the internal process with Wheelchair Sports Alberta prior to using external avenues.

C4) Unless exceptional circumstances exist, any complaint should be made as soon as possible but in any event, within six (6) months of the alleged incident(s).

C5) Any complaint may be made by either an individual who have been directly affected by the alleged harassment, or by any person who has actual knowledge that harassment has taken place.

C6) The Harassment Officer shall, within five (5) working days of the receipt of the complaint arrange to talk (in person, if at all possible) with the Complainant in order to obtain information to confirm and clarify the circumstances giving rise to the complaint, and determine whether there is a need to refer the matter to another appropriate body. In the case of a complaint made verbally, if the matter cannot be resolved informally, the Harassment Officer shall assist the Complainant to prepare a written complaint. No further official steps may be taken unless the complaint is in writing and signed by the Complainant.

C7) The Harassment Officer shall then forward to the person(s) against who the complaint is made (the Respondent) a copy of the written complaint filed, any additional information obtained from the Complainant, and a request that the Respondent reply to the complaint in writing within five (5) working days. The Harassment Officer may assist the Respondent in the preparation of a

response.

C8) If a response is received, the Harassment Officer shall forward a copy of such response to the Complainant and the Complainant shall be given five (5) working days to reply in writing. The Harassment Officer may assist the Complainant in formulating a reply.

C9) Except where the Harassment Officer is absolutely convinced that there is no possibility for settlement by agreement or withdrawal, the Harassment Officer will convene a meeting with the parties to attempt a settlement.

C 10) The Harassment Officer shall, as soon as possible, but in any event within thirty (30) days of receipt of the complaint, file a report to the appropriate Chairperson and to the Executive Director of Wheelchair Sports Alberta, setting out all of the information obtained as well as copies of all documentation filed by both parties and recommending that:

no further action be taken because the complaint is frivolous, vexatious or vindictive or because the conduct complained about cannot reasonably be said to fall within the definition of harassment set out in this document;

no further action be taken because a settlement has been reached; or the formal hearing process be initiated

A copy of the report shall be sent to the Complainant and the Respondent.

C 11) In the event that the recommendation is to begin the formal hearing process, the President of Wheelchair Sports Alberta and the Executive Director of Wheelchair Sports Alberta together within ten (10) working days appoint three members of the Board of Directors of Wheelchair Sports Alberta to serve as the Harassment Panel. The three members of the Harassment Panel shall select from amongst themselves, a Chairperson.

C12) The Harassment Panel shall invite the Complainant and the Respondent to appear before it to submit any additional pertinent documentation and make oral submissions. Such meeting shall be held on a mutually convenient date but in any event within twenty (20) working days of the appointment of the Harassment Panel. The Respondent/Complainant have seven (7) working

days to accept or reject. The Respondent/Complainant may bring an advocate and/or legal representation.

C13) The Harassment Panel shall determine whether the acts complained of constitute harassment and, if so,

recommend what appropriate disciplinary action, if any should be taken;

recommend any other measures it considers appropriate for remedying or mitigating any academic or employment harm or disadvantage suffered by any person(s) as a result of the harassment.

C 14) The Harassment Panel Chairperson shall report in writing and delivered to the President of Wheelchair Sports Alberta and the Executive Director of Wheelchair Sports Alberta within ten (10) working days of the meeting referred to in paragraph 1. The report shall set out:

a summary of the relevant facts;

a determination as to whether the acts complained of constitute harassment as defined in this policy;

recommendations as to appropriate disciplinary action and other measures which in its opinion are necessary in the circumstances.

C15) If the report of the Harassment Panel contains any recommendations, the President of Wheelchair Sports Alberta and the Executive Director of Wheelchair Sports Alberta shall forward a copy of the report to:

the Board of Directors of Wheelchair Sports Alberta for appropriate action;

the (name of organization which would be the next step in the arbitration, mediation process, e.g. CCDS) to be held on file.

C 16) Nothing in this policy shall be construed as preventing any complainant from seeking redress in any court or through the Alberta Human Rights Commission, or both, in addition to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or

to be conducted by any outside agency.

Appeals:

- A1) In the event that the Harassment Officer recommends that no further action be taken pursuant to C 10, the Complainant shall have the right to appeal such a decision by forwarding to the Chairperson of the Harassment Panel, a notice to that effect within ten (10) working days of the receipt of the committee's report. The Chairperson of the Harassment Panel then notifies the President of Wheelchair Sports Alberta and the Executive Director of Wheelchair Sports Alberta.
- A2) The notice of appeal shall clearly set out all factors relied on by the Complainant in disputing the recommendation made.
- A3) In the event that a notice of appeal is filed, the President of Wheelchair Sports Alberta and the Executive Director of Wheelchair Sports Alberta shall appoint three (3) members of the Board of Directors and/or Wheelchair Sports Alberta committees to an Appeals Panel. These persons must be different from the Harassment Panel. The three (3) members of the Appeals Panel shall select from amongst themselves, a Chairperson. The appeal must also be sent out to the Respondent who is allowed ten (10) working days to accept or reject.
- A4) The Appeals Panel shall, after the expiry of time granted to the Respondent to reply to the notice of the appeal, review all the material considered by the Harassment Officer as well as all other material filed and determine whether the grounds to appeal reasonable establish that the Harassment Officer was in error in making recommendations and that the appointment of the Complaint Panel should have been recommended.
- A5) The Appeals Panel shall notify the parties in writing of its decision within five (5) working days and if the panel agrees with the Complainant that the Harassment Officer should have recommended the appointment of a Complaint Panel, then the matter shall proceed in accordance with C 11- 15.
- A6) If the Appeals Panel confirms the Harassment Officer's recommendation, the complaint file shall be closed and no further action may be taken by the

Complainant pursuant to this policy.

A7) Nothing in this policy shall be construed as preventing any Complainant from seeking redress in any court through the Alberta Human Rights Commission, or both, in addition to or instead of the procedures outlined above. The procedures outlined above for dealing with complaints of harassment shall be carried out independently of any investigations being or be conducted by any outside agency.

Disciplinary Action:

D1) For the purposes of this policy, disciplinary action includes but is not limited to an apology, reprimand, transfer, suspension, expulsion, or dismissal, depending on the seriousness and/or frequency of the conduct, the respondent's connection to Wheelchair Sports Alberta, the Respondent's prior record and any mitigating factors, nature of harassment, degree of aggressiveness and physical contact, whether or not coercion occurred, it being understood that any disciplinary action shall be undertaken in conformity with procedures set out in employment agreements or Wheelchair Sports Alberta policy.

D2) Any disciplinary action taken against an individual may be the subject matter of grievance or appeal in accordance with the procedures set out in any employment agreements or policies and procedures of Wheelchair Sports Alberta.

Confidentiality of Records:

CRI) Any complaint received pursuant to this policy shall be considered to be strictly confidential and all committee members shall be under a duty to take all necessary steps to maintain such confidentiality. In particular, but without violating the generality of the foregoing, Wheelchair Sports Alberta shall ensure that:

any reports of the Harassment Officer or reports of the complaint and/or appeals panel required to be considered shall be amended so as to protect the identity of the complainant and the respondent, should the complainant/respondent request that their identity be protected.

all procedures and deliberations of the complaint panel and the appeals panel be in camera

Rights of the Complainant and Respondent:

RCR1) The filing of a complaint of harassment is the right of each person involved in Wheelchair Sports Alberta activities and may be exercised without fear of reprisal or threat thereof. It is further understood that the filing of a complaint shall not in itself constitute sufficient grounds for disciplinary action. In addition, the mere fact that a complaint has been filed against an individual shall not, in and of itself, constitute grounds for disciplinary action against that individual.

Exception:

E 1) No exception may be made to this policy without written consent of the Board of Directors of Wheelchair Sports Alberta.