



AMERICAN CANOE ASSOCIATION (ACA)

POLICY TYPE: *Governance*
POLICY TITLE: *Grievance*
ORIGINAL:

POLICY NUMBER GOV-013
REVISION: 3
REVISED: 3/10/2020

Section 1. Designation of Complaints

The following kinds of complaints may be filed with the Grievance Committee of the ACA:

- a. Administrative Grievance. ACA or any member of ACA may file a complaint pertaining to any competitive matter within the cognizance of ACA, including but not limited to any alleged violation of or grievance concerning: (i) any ACA rule or regulation, (ii) any provision of ACA's or a committee, council, or other subordinate body's Bylaws, or (iii) any provision of the Sports Act relating to ACA's recognition as a NGB;
- b. Disciplinary Proceeding. ACA or any member of ACA may file a complaint against another member of ACA, or former member of ACA if the action occurred while the individual was a member, regarding any alleged violation of the ACA Code of Conduct, ACA SafeSport policy, or any other rule or regulation relating to conduct.
- c. Right to Compete. Any athlete, coach, trainer, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individuals opportunity to compete in an ACA sanctioned competition.

Section 2. Jurisdiction

Any member of ACA, by reason of membership, agrees to be subject to these complaint procedures and agrees to be bound by any decision rendered pursuant to these complaint procedures.

Section 3. Manner of Filing

The complainant shall file complaints with the Grievance Committee. The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation, grievance, denial or threat to deny, and (ii) the remedy requested. The complainant shall sign the complainant.

Section 4. Filing Fee

A complaint filed by an individual shall be accompanied with a \$250.00 filing fee payable to ACA. A complaint filed by an organization shall be accompanied with a \$500.00 filing fee payable to ACA, except that ACA is not required to pay a filing fee. The complainant may request that the filing fee be reduced or waived for reasons of significant financial hardship or in

the case of right to compete matters. If such request is made, the Grievance Committee shall determine whether to reduce or waive the filing fee.

Section 5. Statute of Limitations

A complaint filed under this Policy shall be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny; *provided* that there shall be no time bar for actions regarding SafeSport disciplinary proceedings.

Section 6. Doping Decisions.

A decision concerning a doping violation adjudicated by the independent anti-doping organization designated by the USOPC to serve as the U.S. National Anti-Doping Organization (currently the United States Anti-Doping Agency) shall not be reviewable through, or the subject of, these complaint procedures.

Section 7. SafeSport Decisions

A decision concerning a safe sport violation adjudicated by the independent safe-sport organization designated by the USOPC (currently the United States Center for Safe Sport) shall not be reviewable through, or the subject of, these complaint procedures.

Section 8. Field of Play Decisions

The final decision of an official during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the official) shall not be reviewable through the procedures for, or the subject of, these complaint procedures unless the decision is: (i) outside the authority of the official to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the official. For purposes of this Section, the term "official" shall include any individual with discretion to make field of play decisions.

Section 9. Administration

The Grievance Committee shall generally administer and oversee all matters subject to this policy. ACA will provide fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator, or official participating before declaring such person ineligible to participate. The Grievance Committee shall be responsible to ensure that all complaints are heard by a hearing panel in a timely manner and that all complaints are reviewed in a fair and impartial manner. Following any matter that comes before a hearing panel an order shall be issued pursuant to Section 14 (Decision) below. The Grievance Committee may promulgate procedures in addition to those set forth in this Policy for the effective administration of complaints.

Section 10. Hearing Panel

Upon the filing of a complaint, the chair of the Grievance Committee, after consultation with the other committee members, shall acknowledge receipt of the complaint within five (5) business days and appoint a hearing panel consisting of three (3) disinterested individuals to hear the complaint. The chair shall also appoint a chair of each hearing panel. Members of the Grievance Committee may be appointed to and serve on the hearing panel. Other disinterested individuals identified by the Grievance Committee may also be appointed to and serve on the hearing panel. At least one (1) member of the hearing panel shall be an Actively Engaged Athlete. Members of the panel need not be members of ACA or involved in the sport of canoe, kayak, rafting or stand up paddle boarding.

Section 11. Conduct of the Proceeding

The hearing panel shall rule on all motions and other matters raised in the proceeding. If the hearing panel recommends dismissal of the complaint, it shall issue a corresponding order pursuant to Section 14 (Decision) below. If the complaint is not dismissed, the hearing panel shall hold a hearing on the complaint. The hearing panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The hearing shall be informal, except that testimony shall be taken under oath.

The hearing may be conducted by teleconference, videoconference or any other technological means where all parties can hear one another, if necessary or convenient to the parties. Each party shall have the right to appear personally or through a legal representative or both. All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument. Members of the hearing panel shall have the right to question witnesses or the parties to the proceeding at any time. Documents which will be used at the hearing and the names of any witnesses must be disclosed to opposing parties at least five (5) business days prior to the hearing.

Any party may have a record made of the hearing. A court reporter may be present at the hearing at the request of a party. The court reporter shall be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript shall be paid for by the party requesting the transcript.

Section 12. Expedited Procedures

Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Grievance Committee is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the hearing panel is authorized to hear and decide the complaint and subsequent review by the the ACA Board of Directors shall not be available. The expedited procedures shall be such procedures as are necessary, but fair to the parties involved in the determination of the hearing panel.

Section 13. Complaints and Fair Notice

Where a complaint is filed, the complainant shall include with the complaint a list of all other individuals, together with their contact information, that may be adversely affected by a decision rendered on the complaint. The hearing panel shall determine which additional individuals must receive notice of the complaint. The complainant shall then be responsible for providing appropriate notice to these individuals. Any individual so notified then shall have the option to participate in the proceeding as a party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the hearing panel even though the individual chose not to participate as a party.

Section 14. Decision

A decision shall be determined by a majority of the hearing panel. The decision shall be included in a written order distributed to the parties. The order issued by the hearing panel will set forth the ruling body's understanding of the facts, its analysis of the issues presented and its ruling on each issue presented. Any order issued by the hearing panel shall be final subject to the appeal pursuant to Section 15 (Appeal to Board) and Section 16 (Arbitration) below.

Section 15. Appeal to Board

A party may appeal the decision of the hearing panel by making a request in writing to the ACA Board of Directors within fifteen (15) calendar days of the issuance of the decision. The ACA Board of Directors will within sixty (60) days of the request, review such decision and either affirm it or, if it is clearly erroneous, remand it to the hearing panel for additional appropriate action, by majority vote at a meeting of the ACA Board of Directors where a quorum is present. If the Board of Directors elects to remand a decision to a hearing panel, it will provide a written decision identifying any applicable errors to the hearing panel and the hearing panel will, if necessary, conduct additional hearings and issue a subsequent decision taking into account the Board's decision.

Section 16. Arbitration

Any party may appeal a decision of any hearing panel to the American Arbitration Association. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the hearing panel to the arbitrator for the arbitrator's consideration. The arbitrator may give whatever weight or authority to the hearing panel's decision as the arbitrator deems appropriate. A decision rendered by the arbitrator will be considered binding.

Revisions:

Revisions to this policy shall be executed and be approved by the Board of Directors. All revisions must be consistent with the prevailing ACA Bylaws. The ACA Secretary shall maintain historical versions of this document. Revision History		
Rev	Description of Changes	Date
0	Original document – waiting USOC and ACA approval	7/30/2017
1	Changed “Athlete Member” to “Actively Engaged Athlete” per USOPC	7/18/19
2	Revised Section 13 to remove the reference to complaints “involving selection to participate in a competition” which makes this section apply to all types of complaints made to the Grievance Committee	2/1/2020
3	Revised Section 9 to add language regarding “Fair Notice and Opportunity for Hearing; revised Section 16 to add language regarding bind arbitration.	3/10/2020

References:

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