



SANCTIONS AND APPEALS PROCESS

2023

**Canadian Pole and Aerial
Championship**

FORMAL SANCTION PROCESS

The CPAC Sanctions Process is based upon the sanctions outlined in the CPAC Regulations and the recommendations for Disciplinary Measures outlined by the Canadian Centre for Ethics in Sport and Sport Dispute Resolution Centre of Canada.

GROUNDINGS FOR A SANCTION

CPAC reserves the right to impose a sanction, as outlined in the CPAC Regulations, if an individual breaches the rules and regulations of the competition.

SANCTIONS

- Fines
 - There will be a fine of \$250 plus disqualification if a competitor is found to be sandbagging (choosing a division that is below their skill level, in order to win a title).
 - There may be a fine amounting to the necessary replacement costs should significant damage occur to aerial fabrics due to a competitor's costume or performance.
- Disqualifications
 - Immediate: Immediate removal from an event.
 - Subsequent: Removal of any given titles/placement.
 - Suspension: Barring from a specific event, or championship, for a specific term.
 - Expulsion: Permanent barring from all future CPAC events.

NOTICE OF DECISION

Upon imposing a sanction on an affected party, the CPAC Director shall issue a Notice of Decision within ten (10) business days. The Notice of Decision shall include, at a minimum:

- The name of the affected party
- The name of the issuer of the Notice of Decision
- The date of the Notice of Decision
- A brief summary of the violation(s) of the CPAC regulations.
- A description of the sanction(s) imposed
- A link to the CPAC Appeal Form and Formal Appeals Process

FORMAL APPEAL PROCESS

The CPAC Appeals Process is based upon the Guide to the Development of an Appeal Policy created by the Canadian Centre for Ethics in Sport and Sport Dispute Resolution Centre of Canada.

DEFINED ROLES

Appeal Officer: Refers to the person who receives and distributes documents to/from the appellant and respondent; and issues the decisions regarding the appeal.

Appellant: Refers to the person who appeals a decision made by the CPAC.

Respondent: Refers to the CPAC, person or persons whose decision is being appealed.

SCOPE OF APPEALS PROCESS

Any participant in CPAC events will have the right to appeal the decision of the CPAC Director, provided there are sufficient grounds to appeal.

Decisions that may be appealed include, but are not limited to, matters relating to the following: eligibility, code of conduct, sanctions.

This appeal policy will not apply to scoring decisions which fall under the scope of the Audit of Judging Procedure, which includes marks awarded/deducted, missed tricks, disqualification due to acts during the athlete's performance.

This appeal policy will not apply to decisions related to disciplinary measures, criminal offences, or disputes for which another policy, process or applicable law exists or is under jurisdiction of another entity and/or government body.

GROUNDINGS FOR AN APPEAL

Grounds for a decision to be appealed include, but are not limited to:

- A decision for which there was not authority as per the CPAC Regulations.
- A decision that was influenced by bias, where bias is defined as a lack of neutrality.
- Imposing a sanction which was considered unreasonable or unfair in severity.

Grounds for a decision to be appealed do not include:

- A decision was unfavourable to the affected person(s)/appellant

APPEAL PROCESS

1. Formally submit your appeal using the form accessible on our website within ten (10) business days from the date of receipt of the Notice of Decision.

2. A CPAC designated independent Appeals Officer will decide if the appeal presented is deemed suitable to appeal a Notice of Decision (as per the Scope of and Grounds for Appeal). This decision will be provided to the CPAC Director/Respondent and Appellant within five (5) business days from the date of receipt of the Appeal submission.

3. If the appeal is deemed suitable, the CPAC Director/Respondent will provide a written statement outlining the justification for the decision, practice, or regulation being appealed to the Appeals Officer within five (5) business days from the date of receipt of the Appeal submission.

4. The written statement of the CPAC Director/Respondent will be forward to the Appellant by the Appeals Officer within two (2) business days from the date of receipt of the Respondent statement.

5. The Appeals Officer shall review both the Appellant's appeal and the Respondent's written statement. The burden of proof shall rest with the Appellant. In making their decision, the Appeals Officer shall have no greater authority than rejecting or upholding the appeal/original decision. The Appeals Officer shall issue a written decision within five (5) business days to either

- Reject the appeal, or;
- Uphold the appeal and refer the matter back to the initial decision-maker for a new decision.

DISCLAIMER OF LIABILITY

The CPAC designated independent Appeals Officer shall be a single person, possessing the qualifications and experience to fulfill this role in a professional manner, free from bias. They must have no significant relationship with either party nor any involvement with the initial Decision being appealed. Being a "peer" of the Appellant or Respondent shall not, in itself, constitute a bias.

The Appeals Officer will bear no liability in respect of either party, for any act or omission in connection with resolution of a dispute in accordance with the regulations of the CPAC.

No action may be brought against the CPAC or its participants in respect of a dispute.