



CANADIAN NATIONAL BOXING AUTHORITY HEARING PROCEDURES

1. INDIVIDUAL OR CONTESTANT FILING A GRIEVANCE DEADLINE

Any individual or contestant wishing to file a complaint or grievance shall do so in writing Grievance and Disciplinary Chairman within ten (10) days of being aggrieved and specify:

- (a) The nature of their complaint or grievance; and
- (b) Identify all parties involved in the situation; and
- (c) Provide date, location and time under which issue or concerns occurred; however,
- (d) The failure of any individual or contestant to file a grievance by the deadline date specified in (1) shall constitute an automatic waiver by the individual or contestant of any rights and claims against the organization.

2. RIGHTS OF APPEAL BY INDIVIDUAL OR CONTESTANTS HAVING BEEN DISCIPLINED

Any individual or contestant having been disciplined shall also have the right of appeal with the Canadian National Boxing Authority through the Grievance and Disciplinary Committee within ten (10) days of being notified in writing of any decisions made against him or her upon receipt of the letter.

3. CANADIAN NATIONAL BOXING AUTHORITY GRIEVANCES FILING DEADLINES

All Letters of Appeal shall be directed to the Grievance and Disciplinary Chairman within ten (10) days of being notified in writing; and include the following:

- (a) The decision, complaint or grievance being appealed;
- (b) The grounds for their grievance or appeal; and
- (c) Whether the complainant or appellant wishes to make submissions to the committee in person, by solicitor or agent, or in writing.

4. CANADIAN NATIONAL BOXING AUTHORITY GRIEVANCES FILING FEES

- (a) Accompanying the filing of the Notice of Grievance or Appeal, the Secretary-Treasurer of the Canadian National Boxing Authority shall receive a fee in a non-refundable certified check, bank draft or money order payable to the organization in the sum of two thousand (\$2000.00) dollars to reasonably cover the costs of the hearing procedures or in adjudicating the grievance; however
- (b) Subsequent appeals on the same topic shall result in additional fees set at the discretion of the Canadian National Boxing Authority.

5. CANADIAN NATIONAL BOXING AUTHORITY GRIEVANCES COMMITTEE DECISIONS

The Canadian National Boxing Authority Grievances and Disciplinary Committee may confirm, vacate or vary the decision being complained of or appealed as it considers justified and fair at its sole discretion.

6. APPEALS AND NEGOTIATIONS WITH HOST COMMISSION

In the event that any disciplinary action originated by the host commission overseeing the contest all appeals and negotiations shall be commenced with the commission under such circumstances.

7. PRE-HEARING CONFERENCE TO MAKE ORDERS RELATING TO THE SCHEDULE OF THE PROCEEDINGS

The Canadian National Boxing Authority or the President may designate a representative to preside at a pre-hearing conference and to make orders relating to the scheduling of the proceedings. Such orders may include:

- i. Orders fixing the commencement date of the proceeding and estimated duration;
- ii. Orders fixing dates for providing all documents to the Committee;
- iii. Order fixing exchange of documents between the participants;
- iv. Order fixing expert report to the Committee (for specific areas of inquiry, debate or for factual clarity);
- v. Order fixing written statements, agreed statements of fact or proof of affidavit;
- vi. Order to rectify errors or omissions in reports or documentation;
- vii. Identification of issues or concerns that should be heard by the Committee when the hearing begins;
- viii. Directions regarding the order of adducing of evidence and witness examination.

8. NOTICE OF CANADIAN NATIONAL BOXING AUTHORITY HEARINGS SHALL CONTAIN PURPOSE OF HEARINGS AND:

- a. Inform all persons that may be impacted by hearing outcome the opportunity to provide evidence and arguments, and to hear and respond to evidence and arguments presented against him or her.
- b. Nature of the complaint, or noted offence under review
- c. Location and time where hearing shall take place
- d. Canadian National Boxing Authority Contact Information
- e. Potential outcomes of the hearing
- f. Copy of hearing rules

9. SPECIFIC RESPONSIBILITIES OF THE CANADIAN NATIONAL BOXING AUTHORITY AS IT PERTAINS TO ALL HEARINGS:

- a. Gather all statements and collect evidence as thoroughly as possible.
- b. Make a genuine effort to resolve complaint, conflict or offence informally where possible; or
- c. Move to formal procedures to resolve the aforementioned matters.
- d. The Canadian National Boxing Authority shall give any person whose interests could be directly affected by the outcome of a hearing the opportunity to adduce relevant evidence and arguments, and to hear and respond to such evidence and arguments adduced against him/her.

10. FORMAL HEARING CONSIDERATIONS OF GRIEVANCE AND DISCIPLINARY COMMITTEE

- a. Will consider the seriousness of all issues, complaint, offence or conflict;
- b. Will undertake to enhance the situation with fair decision-making and outcomes;
- c. Will inform all relevant persons in writing – detailing the reasons behind the hearing and providing a reasonable timetable for the process to occur;
- d. Will provide a minimum of ten business days to all persons for hearing preparation. (An extension maybe permissible at the absolute discretion of the CNBA;
- e. Will work diligently to arrange for witness or evidence the complainant wants to present at the hearing to be available during hearing process;
- f. Will advise the complainant that he/she has the right to have a representative present at hearing;
- g. Will advise each individual that they have the right to waive notice of a hearing.

11. GRIEVANCE AND DISCIPLINARY COMMITTEE INQUIRIES AND RETAINING PERSONS WITH EXPERTISE

- a. The Canadian National Boxing Authority may inquire into any issue or matter within its jurisdiction by way of a general hearing.
- b. The Canadian National Boxing Authority may direct a representative to carry out an informal inquiry or investigation or otherwise gather information relating to a matter, in order to determine whether to conduct a hearing, or for consideration at a hearing.
- c. The Canadian National Boxing Authority may retain persons with technical or special knowledge or expertise to assist it in its review or the hearing process., including
- d. Having the expert witness hear the testimony of another witness in order to obtain facts on which the expert's evidence will be based or provided expert testimony in areas of inquiry.
- e. Under no circumstances will the Canadian National Boxing Authority exclude anyone whose interests are directly affected by the outcome of the hearing knowingly.

12. QUORUM FOR HEARING PROCEDURES

The quorum for a hearing shall be the majority of the Canadian National Boxing Authority Grievance and Disciplinary Committee.

13. RIGHT TO DEVIATE FROM HEARING PROCEDURES

The Canadian National Boxing Authority may, at its sole discretion, supplement, deviate from, or amend these Hearing Rules.

14. GRIEVANCE AND DISCIPLINARY COMMITTEE HEARING PREPARATION

- a. Shall prepare an agenda to establish and maintain control of the hearing;
- b. Shall review meeting procedures with all those present at the hearing;
- c. Shall provide an explanation of what may occur during the hearing, and potential findings and outcomes based on the witness statements and evidence, and
- d. Shall present the case according to the facts derived from available evidence, witness accounts and other available sources in an effort to comprehend the facts and reach a fair conclusion; and
- e. Shall remain open-minded throughout the hearing process;
- f. Shall allow sufficient time for responses from those giving statements;
- g. Shall work to clarify mitigating circumstances, or misunderstandings;
- h. Shall summarize the hearing discussions and evidence, and adjourn for further investigations to clarify statements, obtain or review additional material, such as video, audio or still pictures in conjunction with the investigation, testimony or evidence provided;

- i. Shall retain a detailed written record of proceedings; chart any recommendations, potential solutions, action plan, and cover potential consequences if appropriate, and so forth.

15. GRIEVANCE AND DISCIPLINARY COMMITTEE CONDUCTING INVESTIGATIONS

When necessary, the Canadian National Boxing Authority shall act promptly to resolve the aforementioned situations. The Canadian National Boxing Authority will consider an informal resolution on all issues as an option at any stage of the process where it is deemed advisable.

16. PROVISIONAL TIME-FRAME TO COMMENCE AN INVESTIGATION

The Canadian National Boxing Authority shall provide a provisional time-frame to commence an investigation for hearing purposes; however, the investigator shall not be restricted by a set completion date.

- a. The time-frame may be modified to empower the investigator to further investigate what he/she deem necessary.
- b. The Canadian National Boxing Authority may retain persons with technical or special knowledge or expertise to assist it in its review or the hearing process., including
- c. The emphasis of all investigations is to be as complete, transparent and as fair as possible to all involved in the process.
- d. This is particularly important should the investigation result in disciplinary action or legal proceedings.
- e. All delays pertaining to the investigation's conclusion should be explained to those involved and included in the report.

17. PURPOSE AND SCOPE OF INVESTIGATIONS OF DISCIPLINARY AND ENFORCEMENT COMMITTEE

The Canadian National Boxing Authority shall decide upon the precise purpose and scope of the investigation it instigates, clearly defining what the investigator's role and responsibilities are for this investigation.

The terms of reference should spell out:

- a. What the investigation is required to examine; and
- b. Whether a recommendation is required, including
- c. How their findings shall be presented, such as in the form of an investigation report; and
- d. To whom the finding shall be reported to and whom to contact should further direction be necessary to acquire additional information if unexpected issues arise or advice is necessary.

18. RATIONALE FOR CHOOSING INVESTIGATOR FOR GRIEVANCE AND DISCIPLINARY COMMITTEE

Choosing an investigator will often take into account the seriousness or complexity of the situation:

- a. Where facts are not in dispute, the investigation may be carried out by a designated member of the Canadian National Boxing Authority; and

- b. When matters are more complex, such as gross misconduct, discrimination or bullying then appointing a more senior investigator shall be advisable; and
- c. Under certain situations it may be advisable to have an investigator that is detached from the circumstances as possible.
- d. All investigations should strive for absolute fairness.

19. ROLES AND DUTIES OF INVESTIGATOR

- a. The role of an investigator is to be fair and objective so they can establish the essential facts of the matter and reach a conclusion on what did or did not occur.
- b. An investigator should do this by looking for evidence that supports the allegation or evidence that contradicts it.
- c. In potential disciplinary matters, it is not an investigator's role to prove the guilt of any party but to investigate whether there is a case to answer to.

20. WHEN ADDITIONAL INFORMATION IS PRESENTED DURING INVESTIGATION OR HEARING PROCEDURES

- a. Should additional information present itself, or be discovered during the investigative process, the information shall be considered, as long as it isn't outside the scope of the immediate investigation taking place.

21. IMPORTANCE OF INVESTIGATOR ACTING FAIRLY AND OBJECTIVELY

- a. Whether or not the investigation becomes public knowledge the investigator shall demonstrate professionalism and keep details confidential, which may:
- b. Reduce or diminish any negative impact to a party or persons involved in the investigation;
- c. Reduce the potential of witnesses discussing or varying their statement or deciding on what the evidence shall entail tainting the case.

22. MOTION TO HAVE PROCEEDING PRIVATE

The decision to hold a hearing in private may be made on the Canadian National Boxing Authority's own motion or on the motion of a participant for the following reasons shall apply:

- a. Preference for confidentiality, and
- b. When the safety and security of any person may be jeopardized.

23. PROCEEDING WITH HEARING PROCEEDINGS

- a. The Canadian National Boxing Authority Grievance and Disciplinary Committee may proceed with its hearing once it is satisfied that all interested individuals have received notification of the proceedings, whether or not they decide to attend the hearing or not.

- b. The Canadian National Boxing Authority President or designate may act as an advocate and lead evidence for or against a position or designate a member or investigator to perform such duties during a hearing.

24. RESPONSIBILITY FOR HEARINGS AND DECISION-MAKING PROCESS

- a. The Chairman of the Grievance and Disciplinary Committee shall be responsible for reviewing meeting procedures with all those present at the hearing;
- b. Have an agenda and maintain control of the hearing;
- c. Shall ensure to the best of his/her ability that the case is presented according to the facts derived from available evidence, witness accounts and other available sources in an effort to comprehend the facts and reach a fair conclusion; and
- d. Ensure prepared questions exist for all witnesses;
- e. Clarify points and/or misunderstandings;
- f. The authority to exclude individuals that fail to comply with the chairman orders or directions;
- g. The authority shall set conditions for continued participation or disruptive participants and witnesses.

25. COMMENCEMENT OF LEGAL PROCEEDINGS

- a. Should criminal proceeding commence, the Canadian National Boxing Authority shall put its investigation on hold until the criminal proceedings have concluded, or
- b. Should the Canadian National Boxing Authority decide to move forward with its investigation, its investigator shall be cognitive and adhere strictly to the points of contention, as to not prejudice the criminal proceedings.
- c. The investigator and Canadian National Boxing Authority shall be mindful of the fact that individuals maybe uncooperative if he/she feels it will impact their defence in a criminal case.
- d. The Canadian National Boxing Authority may ask the investigator to make a recommendation based on the available information gathered up-to- the- date a criminal investigation commenced or became knowledge.

26. THE GRIEVANCE AND DISCIPLINARY COMMITTEE DISCLOSING DECISIONS AND RIGHTS OF APPEAL

- a. Will inform the individual of its official ruling as soon as possible in writing explaining warnings, suspensions or fines that may result and applicable time frames, including termination of proceedings due to insufficient or tainted evidence;
- b. Will advise all individuals of his/her right to appeal; if possible any appeal should be heard by someone senior who has not been involved in the initial hearing.

27. CONSENSUS OF GRIEVANCE AND DISCIPLINARY COMMITTEE ON RENDERING FINAL DECISIONS

- a. All final decisions of the consensus of the Grievance and Disciplinary Committee shall stand as the final decision of the Canadian National Boxing Authority, unless it is appealed and overturned.
- b. The decision goes into effect on the date specified by the Canadian National Boxing Authority, or if none is specified, when the decision is officially rendered.
- c. Any time that the Grievance and Disciplinary Committee is equally divided, the matter may be reconsidered at the discretion of the committee, or should a secondary appeal be made.
- d. The Canadian National Boxing Authority reserves the absolute right to disclose its decisions to the public in whatever form it deems appropriate at its sole discretion.
- e. The decision of the majority of the Grievance and Disciplinary Committee shall stand as the final decision of the Canadian National Boxing Authority and be given in writing to participants of the hearing process. No further action on the matter shall be pursued by the individual or contestant against the Canadian National Boxing Authority by a court of law.