

## **National Industry Standards Appeals Tribunal**

*(Approved by CDN Board of Directors on November 17, 2003, Revised May 2010)*

Canadian DHI agencies and the National Disciplinary Committee have the responsibility of applying the National Disciplinary Guidelines for determining appropriate disciplinary sanctions imposed on herd owners pertaining to the enforcement of industry "Dairy Herd Recording Service Standards for Supervised Herds and Herds Qualifying for Genetic Evaluations in Canada". At the herd owner's discretion, the following outlines the procedures associated with their right to appeal such disciplinary decisions.

### **1. Right of Appeal to the Industry Standards Appeals Tribunal**

- 1.1 The Industry Standards Appeals Tribunal shall consider appeals filed by the herd owners against decisions taken by the National Disciplinary Committee of CDN or Canadian DHI agencies pertaining to the enforcement of industry service standards for supervised herds and herds qualifying for genetic evaluation in Canada.
- 1.2 Within 30 days after receiving the decision of the National Disciplinary Committee or the DHI agency, the herd owner, hereinafter referred to as the appellant, may forward a notice of appeal in writing to:

*Industry Standards Appeals Tribunal  
c/o Canadian Dairy Network  
660 Speedvale Avenue West, Suite 102  
Guelph, Ontario N1K 1E5*

Such notice of appeal must include a summary of the grounds for appeal and a statement of intent to proceed by written submission of documentation versus an in-person hearing, and in the case of the latter, an indication of whether legal counsel will attend the said hearing.

- 1.3 A deposit of \$4,000, payable to Canadian Dairy Network, must accompany each notice of appeal, as outlined in 1.2, to initiate the review process by the Industry Standards Appeals Tribunal. In the case where the Industry Standards Appeals Tribunal decision is to uphold the appellant's request, as defined in 2.3(b), 100% of the deposit is returned, otherwise it is retained by CDN in its entirety.
- 1.4 If a notice of appeal, as outlined in 1.2 and 1.3, is not received within the 30-day time period, all decisions taken by the National Disciplinary Committee or the DHI agency shall be deemed as final.

- 1.5 The Canadian Dairy Network Board of Directors shall appoint three (3) dairy producers to the Industry Standards Appeals Tribunal, as needed, giving due consideration to the appellant's official language of preference.
- 1.6 Within 60 days of the receipt of the appellant's notice of appeal, the Industry Standards Appeals Tribunal shall determine the date, format and location of the hearing and both the appellant and the DHI agency involved shall be informed of this information at least 30 days in advance of the established hearing date.
- 1.7 Where a party fails or refuses to appear at the hearing or to provide written submissions, the Industry Standards Appeals Tribunal may proceed with the hearing and make a decision based on the evidence available.
- 1.8 The Industry Standards Appeals Tribunal may, in its reasonable discretion, grant adjournments or extensions to the DHI agency or the appellant, following receipt of a written request.

## **2. Industry Standards Appeals Tribunal Appeal Process**

- 2.1 The members of the Industry Standards Appeals Tribunal shall appoint a Chair from amongst themselves.
- 2.2 The appellant shall have the option of an in-person hearing or a process whereby the Industry Standards Appeals Tribunal will consider written documentation submitted by the appellant, the National Disciplinary Committee and/or the DHI agency.
  - a. Where an in-person hearing is held, the DHI agency's representative and/or legal counsel and the appellant and/or legal counsel shall be present throughout the entire proceedings. Witnesses may be called into the hearing to present their evidence and then be dismissed following any questioning. Witnesses may be recalled to clarify their comments.
  - b. Alternatively, where no hearing is to be held, the Industry Standards Appeals Tribunal shall review written submissions as provided by the parties and have the option of requesting additional information as deemed necessary.
- 2.3 The Industry Standards Appeals Tribunal shall review all evidence and thereupon take appropriate decisions and actions which, without restricting the generality of the foregoing, may include:
  - a. Upholding the decision of the National Disciplinary Committee or the DHI agency (whichever body imposed the disciplinary sanction) with regard to (a) the herd owner's intent to act inappropriately and/or misrepresent information and (b) a thorough review of any Data Quality and Retest results;
  - b. Reject the decision of the National Disciplinary Committee or the DHI agency (whichever body imposed the disciplinary sanction) with regard to (a) the herd owner's intent to act inappropriately and/or misrepresent information and (b) a thorough review of any Data Quality and Retest results.
- 2.4 The Industry Standards Appeals Tribunal shall, as soon as available but in no event later than 30 days following the completion of the hearing, provide its final decision in writing to the appellant, the National Disciplinary Committee and the DHI agency.
- 2.5 All decisions of the Industry Standards Appeals Tribunal shall be final and binding on all parties.