[Insert Name of sport organization] (the 'Organization')
APPEAL POLICY

Definitions

1. Terms in this Policy that carry specific meaning will be capitalized. All other definitions not listed below are provided in Appendix A of the *Code of Conduct and Ethics.*
   a) ***Affected Party*** – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered by the Organization under the *Discipline and Complaints Policy* and who may have recourse to an appeal in their own right.
   b) ***Appeal Manager*** – An individual, who may be any Organization staff member, committee member, volunteer, Director, or an independent third party, who is appointed to oversee this Policy. The Appeal Manager will have responsibilities that include using decision making authority empowered by this Policy. The Appeal Manager must not have been involved in deciding the original decision and must not be in a conflict of interest.
   c) ***Appellant*** – The Party appealing a decision.
   d) ***Parties*** – The Parties are the Appellant, Respondent, and any Affected Party.
   e) ***Respondent*** – The body whose decision is being appealed.

Purpose

2. This *Appeal Policy* provides Participants with a fair and expedient appeal process.

Scope and Application of this Policy

3. This Policy applies to Participants.

4. Any Participant who is directly affected by a decision made by the Organization shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this Policy.

5. This Policy **will apply** to decisions relating to:
   a) Eligibility
   b) Conflict of Interest
   c) Discipline
   d) Membership

6. This Policy **will not apply** to decisions relating to:
   a) Employment
   b) Infractions for doping offenses
   c) The rules of the sport
   d) Selection, selection criteria, quotas, policies, and procedures established by entities other than the Organization
   e) Substance, content and establishment of team selection or carding criteria
   f) Volunteer/coach appointments and the withdrawal or termination of those appointments
   g) Budgeting and budget implementation
   h) The Organization's operational structure and committee appointments
   i) Decisions or discipline arising within the business, activities, or events organized by entities other than the Organization (appeals of these decisions shall be dealt with pursuant to the

policies of those other entities unless requested and accepted by the organization at its sole discretion)

j) Commercial matters for which another appeal process exists under a contract or applicable law

k) Decisions made under this Policy

Timing of Appeal

7. A Participant who wishes to appeal a decision (the Appellant) has seven (7) days from the date on which they receive notice of the decision to submit the following:
   a. Written notice of their intention to appeal
   b. Their contact information
   c. Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
   d. Date the Appellant was advised of the decision being appealed
   e. A copy of the decision being appealed, or description of the decision if the written document is not available
   f. Grounds for the appeal
   g. Detailed reasons for the appeal
   h. All relevant evidence (supporting documentation) to support their grounds for appeal
   i. Requested remedy or remedies
   j. An administration fee of two hundred dollars ($200), which will be refunded if the appeal is upheld

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8. A Participant who wishes to initiate an appeal after the seven (7) day period has elapsed must submit a written request to submit an appeal and must provide the reasons for why an exception should be granted. The decision to allow, or not allow an appeal outside of the seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Appealing a decision of the Organization

9. A decision made by the Organization may be appealed to the Organization in accordance with the terms of this *Appeal Policy*. The Organization must appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.

Grounds for Appeal

10. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
    a) Made a decision it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
    b) Failed to follow its own procedures (as set out in the Respondent's governing documents);
    c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); and/or,
    d) Made a decision that was patently unreasonable.

Screening of Appeal

11. The parties may first attempt to resolve the appeal through the *Dispute Resolution Policy*. Appeals resolved under the *Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.

12. If the appeal is not resolved under the *Dispute Resolution Policy*, the Organization will appoint an Appeal Manager (free from a conflict of interest and having no direct relationship with the Parties).

13. The Appeal will proceed if the Appeal Manager is satisfied that:
    a) the appeal falls under the scope of this Policy;
    b) the appeal was submitted in a timely manner; and,
    c) there are sufficient grounds for the appeal.

14. If the Appeal Manager denies the appeal, the Appellant will be notified in writing of the reasons for this decision. This decision may not be appealed.

15. If the Appeal Manager is satisfied that the Appeal is admissible and that there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator (who is not in a conflict of interest and was not involved in the decision being appealed), to hear the appeal. In extraordinary circumstances, the Appeal Manager may compose a three-person Appeal Panel to hear the appeal and will appoint one of the Appeal Panel members to serve as the Chair.

Determination of Affected Parties

16. To confirm the identification of any Affected Parties, the Appeal Manager will engage the Organization. The Appeal Manager may, in their sole discretion, determine whether a party is an Affected Party.

Procedure for Appeal Hearing

16. The Appeal Manager must notify the Parties that the appeal will be heard and must then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.

17. If a party chooses not to participate in the hearing, the hearing will still proceed.

18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Panel deem appropriate in the circumstances, provided that:
    a) The hearing will be held within a timeline determined by the Appeal Manager;
    b) The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications;
    c) Copies of any written documents which the Parties wish to have the Panel consider will be provided to all Parties in advance of the hearing;
    d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
    e) The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications;
    f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate;
    g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become an

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Affected Party to the appeal in question and will be bound by its outcome; and

h) The decision to uphold or reject the appeal will be by a majority vote of Panel members.

19. In fulfilling its duties, the Panel may obtain independent advice.

Deciding the Appeal

20. To be successful on appeal, the Appellant must demonstrate, on a balance of probabilities, that the Respondent had made a procedural error (as described in the **Grounds for Appeal** section of this Policy) when rendering the appealed decision and that this error had, or may reasonably have had, materially impacted the decision or decision-maker.

21. The Appeal Panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
    a) Reject the appeal and confirm the decision being appealed;
    b) Uphold the appeal and refer the matter back to the initial decision-maker to reconsider the matter and render a decision; or
    c) Uphold the appeal and vary the decision.

22. The Panel will also determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources.

23. The Panel's written decision, with reasons, will be distributed to the Parties, the Appeal Manager, and the Organization. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Timelines

24. To allow for a timely resolution of the appeal and where the circumstances warrant, the Appeal Manager and/or Panel may direct that the timelines established for the appeal process be revised, provided that procedural fairness is respected.

Confidentiality

25. The appeals process is confidential and involves only the parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated, the Parties are prohibited from disclosing confidential information relating to the complaint to any person not involved in the proceedings, unless required to do so by law.

Final and Binding

26. No action or legal proceeding will be commenced against the Organization or Participants in respect of a dispute, unless the Organization has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

Policy History	
Approved	
Next Review Date	