



APPEAL POLICY

Definitions

1. The following capitalized terms will have the following meanings in this policy:
 - a) “*Appellant*”- The party appealing a decision.
 - b) “*Respondent*” - The party whose decision is being appealed.
 - c) “*Member(s)*”- All categories of membership defined in the AthletesCAN Bylaws.
 - d) “*Days*” – Calendar days irrespective of weekends or holidays.
 - e) “*Party*” or “*Parties*” – the Appellant and Respondent collectively, and any other party to an appeal.
 - f) “*Policy*” – this Appeal Policy unless otherwise stated.

Purpose

2. The purpose of this Policy is to enable disputes among Members to be dealt with fairly, expeditiously and affordably, within AthletesCAN and without recourse to external legal procedures.

Scope and Application of this Policy

3. Any Member will have the right to appeal a decision of the AthletesCAN Board of Directors, any committee of AthletesCAN, or any body or individual who has been delegated authority to make decisions on behalf of AthletesCAN, subject to any limits in this Policy.
4. This Policy will not apply to:
 - a. Decisions relating to operational structure, staffing or employment;
 - b. Decisions about allocation of volunteer appointments;
 - c. Decisions on budgets or budget implementation;
 - d. Decisions of a commercial nature;
 - e. Decisions made by organizations external to AthletesCAN.

Timing of Appeal

5. Members who wish to appeal a decision will have seven (7) days from the date on which they received notice of the decision, to submit in writing to the head office of AthletesCAN the following:
 - a. Notice of their intention to appeal;
 - b. Contact information of the Appellant;
 - c. Name of the Respondent;
 - d. Grounds for the appeal;
 - e. Detailed reason(s) for the appeal;
 - f. All evidence that supports the reasons and grounds for an appeal;
 - g. The remedy or remedies requested, and
 - h. A payment of two hundred fifty dollars (\$250), which is non-refundable.
6. Any Party wishing to initiate an appeal beyond the seven (7) day period must provide a written request stating reasons for an exemption to this requirement stated in Section 5. The decision to allow, or not to allow an appeal outside the seven (7) day period will be at the sole discretion of the Case Manager appointed by AthletesCAN and may not be appealed.

Grounds for Appeal

7. Not every decision may be appealed. Decisions may only be appealed on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 - a) Making a decision for which it did not have authority or jurisdiction as set out in the Respondent's governing documents;
 - b) Failing to follow procedures as laid out in the bylaws or approved policies of AthletesCAN;
 - c) Making a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views or that the decision was influenced by factors unrelated to the substance or merits of the decision ("Bias"); and/or
 - d) Making a decision that was grossly unreasonable.
8. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 7 of this Policy.

Case Manager

9. AthletesCAN will appoint a Case Manager to oversee the management and administration of appeals submitted in accordance with this Policy. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times during the process outlined in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - a. Receive appeals;
 - b. Determine if appeals lie within the jurisdiction of this Policy;
 - c. Determine if appeals are brought within the timeline dictated by this Policy;
 - d. Determine if appeals are admissible if they are outside the timeline dictated by this Policy;
 - e. Determine if appeals are brought on permissible grounds;
 - f. Appoint the Panel to hear appeals;
 - g. Determine the format of the appeal hearing;
 - h. Coordinate all administrative and procedural aspects of the appeal;
 - i. Provide administrative assistance and logistical support to the Panel as required; and
 - j. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

Screening of Appeal

10. Upon receipt of all documents outlined in Section 5, the Case Manager will review the Notice of Appeal and will decide if the appeal falls within the jurisdiction of this Policy, and if it satisfies procedural grounds. If the Case Manager is satisfied that the appeal is not under this Policy's jurisdiction, or that there are not sufficient grounds, the Parties will be notified in writing, stating reasons. There is no further appeal of the Case Manager's decision on jurisdiction or grounds.
11. If the Case Manager is satisfied that there are sufficient grounds for an appeal, then a hearing before a Panel will take place. The Case Manager will appoint the Panel, which will consist of a single (1) Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three (3) persons may be appointed to hear and decide a case. In this event, the Case Manager will appoint one (1) of the Panel's members to serve as the Chair.
12. The Case Manager will determine the timing and format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the

procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a. The Parties will be given appropriate notice of the day, time and place of the hearing;
- b. 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;
- c. The Parties may be accompanied by a representative, advisor or legal counsel at their own expense;
- d. If a decision in the appeal may affect another to the extent that the other Party would have recourse to an appeal in their own right under this Policy, that Party will become a to the appeal in question and will be bound by its outcome;
- e. In a situation where the hearing is conducted by a Panel consisting of three (3) Adjudicators, a quorum will be all three Adjudicators and decisions will be by majority vote.

Appeal Decision

13. After the Hearing, the Panel will issue a written decision with reasons. The Panel may decide:
 - a. To reject the appeal and confirm the decision being appealed; or
 - b. To uphold the appeal, identify the error and refer the matter back to the original decision maker; or
 - c. To uphold the appeal and vary the decision.
14. A copy of the Panel's decision will be provided to the Parties and to the President of AthletesCAN. Where time is of the essence, the Panel may issue a verbal decision or a summary written decision, with reasons to follow.
15. The appeal process is confidential involving only the Parties, the Case Manager and the Panel. Once initiated and until a written decision is released, the Parties will not disclose confidential information relating to the appeal to any person not involved in the proceedings.
16. The decision of the Panel will be final and binding upon the Parties and upon all members of AthletesCAN. Any Party to an appeal may refer the matter for arbitration pursuant to the Sport Dispute Resolution Centre of Canada.