

Gloucester and Area Adult Ringette League (GAARA)

APPEALS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) "Appellant" - The Party appealing a decision
 - b) "Respondent" - The body whose decision is being appealed
 - c) "Parties" - The Appellant, Respondent, and any other Individuals affected by the appeal
 - d) "Days" - Days including weekends and holidays

Timing of Appeal

2. Individuals who wish to appeal a decision have forty-eight (48) hours from the date on which they received notice of the decision to submit, in writing to the President, or Vice President, and the Secretary, the following:
 - a) Notice of the intention to appeal
 - b) Contact information and status of the Appellant
 - c) Name 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 decision if written document is not available
 - f) Grounds for the appeal including all evidence that supports these grounds
 - g) Written detailed reasons for the appeal
 - h) All evidence that supports these grounds
 - i) Requested remedy or remedies
 - j) A non-refundable appeal administration fee of one hundred dollars (\$100).
3. An Individual who wishes to initiate an appeal beyond the forty-eight (48) hour period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the forty-eight (48) hour period will be at the sole discretion of the Appeals Committee Chair and may not be appealed.

Grounds for Appeal

4. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. ***Simply not agreeing with the decision being appealed is not grounds for appeal and will not be heard.*** Sufficient grounds include:
 - a) Exceeding Jurisdiction: Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
 - b) Failure of Due Process: Failed to follow its own procedures (as set out in the Respondent's governing documents)
 - c) Clear Bias: 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)
 - d) Misapprehension of Fact: Failed to consider relevant information or took into account irrelevant information in making the decision

- e) Made a decision that was grossly unreasonable (not supported by the facts or information provided)
5. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

Screening of Appeal

6. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the Timing of Appeal Section of this Policy), the Chair (who must not be in a conflict of interest) will:
- a) Determine if the appeal falls under the scope of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
7. If the appeal is denied because of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
8. If the Chair is satisfied there are sufficient grounds for an appeal, the Chair will appoint an Appeals Committee which shall consist of a panel of three (3) or five (5) members (as per Operational Procedures – Administration Section 6.3). In the case of an appeal of a Disciplinary/Grievance Committee decision, the panel will consist of three (3) members not part of League teams in the tier of those involved in the appeal.

Procedure for Appeal Hearing

9. The Chair shall notify the Parties that the appeal will be heard. The Chair shall then decide if the Appellant should attend. This will be based on the grounds for the appeal and whether or not the Appellant may need to provide clarification or additional information beyond what was included in the notice to appeal.
10. 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 Chair and the Appeal Committee deem appropriate in the circumstances, provided that:
- a) The hearing will be held within twenty-one (21) days unless compelling reasons has been shown by the Appellant, or the Respondent, as to why it needs to be heard sooner.
 - b) Copies of any written documents which the parties wish to have the Appeal Committee consider must be provided to the Chair 48 hours before the scheduled appeal date/time.
 - c) The chair shall provide a copy of all submitted written documents to all Parties 24-hours in advance of the hearing.
 - d) The Appeals Committee may request that any other individual participate and give evidence at the hearing.
 - e) The Appeals Committee 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.

- f) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
- g) The decision to uphold or reject the appeal will be by a majority vote of Appeals Committee members.

11. In fulfilling its duties, the Appeals Committee may obtain independent advice.

Appeal Decision

12. The Chair shall write up the Appeals Committee decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the Appeals Committee will have no greater authority than that of the original decision-maker. The Appeals Committee 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 for a new decision
 - c) Uphold the appeal and vary the decision
13. The Appeal Committee's written decision, with reasons, will be distributed to all Parties. In extraordinary circumstances, the Chair may first provide a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.

Timelines

14. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Chair may direct that these timelines be revised.

Confidentiality

15. The appeals process is confidential and involves only the Parties, the Chair, the Appeal Committee, and any independent advisors to the committee. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.