



Hamilton Croatia S.C. (since 1957)

Appealing a Hearing Decision Policy

<u>Policy Type</u>	<u>Author</u>	<u>Approved By</u>	<u>Approval Date</u>
Administrative	F. Ljubanovich	HCSC Board of Directors	March 1, 2022



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Appealing a Hearing Decision Policy

Rights of Appeal-Appealing a Hearing Decision from the Hamilton Croatia SC

Complete O.S.A. Policy and Leave to Appeal Application Form available at:

<http://www.ontariosoccer.net/governing-documents> Operational Procedures - Section 13.0

A copy of the Leave to Appeal Application MUST be sent to:

Hamilton & District Soccer Association (H&DSA)

Attn: Discipline and Appeals Panel

Hamilton Soccer

The Dome at Redeemer

777 Garner Road East,

Ancaster, ON, L9K 1J4

(Relevant excerpts from the Ontario Soccer Operational Procedure 13.0 Appeals)

Procedure 1.0 – Purpose

1.1 - The purpose of this appeals procedure is to enable disputes with registrants and Registered Organizations to be dealt with fairly, expeditiously and affordably, within Ontario Soccer.

Procedure 2.0 - Scope and Application

2.1 - Any Registrant and/or Registered Organization, the Accused or Victim of the accused who is directly affected by a decision of a Governing Organization (H&DSA) or of anybody or individual who has been delegated authority to make decisions on behalf of the Governing Organization (H&DSA), will have the right to seek to Leave to Appeal of that decision to the next higher Governing Organization (OS), provided there are sufficient grounds for the appeal as set out in Procedure 4.2.

2.3 - If there is an outstanding fine, fee, bond or penalty related to the decision being appealed that has not been paid before the submission of an appeal, the appeal will not proceed except under Operational Procedure 2.4 (refer to OS website).



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Procedure 4.0 - Submission and Timing of Appeal

4.1 - Registrants and/or Registered Organizations who wish to seek to Leave to Appeal a decision will have fourteen (14) days from the date on which they received notice of the decision together with their rights of appeal, to submit in writing the following: (Note: this is for appeals to the OS only)

- a) A completed OS Leave to Appeal Application Form inclusive of their intention to appeal and grounds for the appeal,
- b) All evidence that supports these grounds, including all documents.
- c) The remedy or remedies requested,
- d) A copy of the written decision being appealed, or the Appellant's understanding of the decision (if the decision has not been received, in writing, by the Appellant);
- e) A signature of the Appellant or authorized representative of the Appellant.
- f) Evidence that any outstanding fine, fee or bond has been paid.
- g) Include the Appeal Fee following Operational Procedure Section 13.0 Procedure 11.0 in the form of a recorded payment for appeals to OS or as per the Governing Organization's published schedule of fees, fines bonds and penalties.

4.2 - Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, upon the following grounds:

- a) Making a decision for which the Respondent did not have authority as set out in applicable governing documents;
- b) New facts (within a time limit) that were not available when the decision was made;
- c) Failing to properly interpret the relevant Published Rules;
- d) Failing to follow procedures as laid out in the relevant Published Rules; or
- e) Making a decision that was influenced by bias,
- f) Alleged excessive fine, fee, penalty or bond,



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Procedure 4.0 - Submission and Timing of Appeal

4.3 - If the requirements of Procedure 4.1 are not met within 14 days, the request will be ruled out of order and will not be heard.

4.4 - Any party wishing to initiate Leave to Appeal beyond the 14 days must provide a written request stating reasons for an exemption to the requirement of Procedure 4.1. The decision to allow, or not allow Leave to Appeal outside the 14 days will be at the sole discretion of the (OS) Governing Organization's Appeals Committee's Administrator or Disposition Manager and may not be appealed.

4.5 - The Governing Organization (OS) receiving the request for Leave to Appeal is required to advise all affected parties about the requests which are to be considered and to provide them with a copy of all relevant documents.

4.6 - The appeal fee will be refunded to the Appellant if the appeal is successful. Administrative fees as outlined in the OS's Schedule of Fees and Financial Penalties will be applied to the appropriate party based on the outcome of the appeal.

Note: Current Appeal to OS fee Individual or Organization appealing a decision is \$500.00.

Revision History

Rev. #	Date	Revisor	Comments
.001	March 1, 2022	F. Ljubanovich	New Document