**Red River Lacrosse Association**

**Appeals Policy**

1.0 Definitions

1.1 Appellant – the person(s) who initiated the appeal;

1.2 Respondent – the person(s) who made the decision being appealed. If made by a committee, the chairperson of that committee.

2.0 **General Policy**

2.1 The Executive Board of the R.R.L.A. shall appoint on an annual basis at the AGM an Appeals Chairperson.

2.2 Upon receiving a notice of appeal from the President of the R.R.L.A., two additional members will be selected from the Executive Board at the discretion of the Chairperson based on the nature of the appeal. This group of three will be the Appeals Committee and it will be a Tribunal, in accordance with the following:

2.2.1 The Tribunal shall be comprised of Executive Board members in good standing of the R.R.L.A. who shall have no significant relationship with the appellant, shall have had not involvement with the decision being appealed, and shall be free from actual or perceived bias or conflict.

2.2.2 In appointing the Tribunal, consideration shall be given to the geographic location of the appellant, respondent and Tribunal members, in order to minimize the inconvenience and expense to all parties.

2.3 Any member of the R.R.L.A. may appeal to the R.R.L.A. Appeals Committee, a decision on any matter made by the Executive Board or any Committee of the Board affecting the rights of the member.

2.4 The Tribunal is the final authority on actions or recommendations being appealed. The decision of the Tribunal shall be final and binding and not open to any further appeal or intervention by any court, with the exception of a further appeal to the Manitoba Lacrosse Association.

3.0 **Procedure for Appeals**

3.1. Any individuals who wish to appeal a decision shall have 7 days from the date on which they received notice of the decision, to submit a written notice of appeal along with a $100.00 fee which will be forfeited should the original decision be upheld, to the President of the R.R.L.A. Each notice of appeal must include the following:

3.1.1. the person, committee or body whose decision is being appealed;

3.1.2. the capacity in which that person was acting when he or she made the decision, or the title of the Committee or Body making the decision;

3.1.3. the date the decision was made, and;

3.1.4. the particulars of his/her grounds for appeal, including all detailed submissions and arguments in support of the appeal.

3.2 An appeal may only be heard, if there are sufficient grounds for the appeal. Sufficient grounds include the respondent:

3.2.1 making a decision for which it did not have the authority or jurisdiction as set out in governing documents;

3.2.2 failing to follow procedures as laid out in the by-laws or approved policies of the R.R.L.A.;

3.2.3 making a decision which was influenced by bias;

3.2.4 failing to consider relevant information or taking into account irrelevant information in making the decision;

3.2.5 exercising its discretion for an improper purpose; and/or

3.2.6 making a decision that was unreasonable.

3.3 Within 7 days of receiving notice of an appeal, the President of the R.R.L.A. will forward the notice of appeal to the Chairperson of the Tribunal.

3.4 Within 7 days of its appointment, the Tribunal shall review the notice of appeal, the grounds, submissions and arguments for the appeal and shall decide whether or not there are sufficient grounds for an appeal. This decision is discretionary and may not be appealed.

3.5. If the Tribunal is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of this decision in writing, stating reasons. If the Tribunal is satisfied that there are sufficient grounds for an appeal, it shall conduct a hearing.

3.6. If the Tribunal conducts a hearing, it shall govern the hearing by such procedures as deems appropriate in the circumstances, provided that:

3.6.1 the Hearing shall be held within 14 days of the Tribunal’s appointment;

3.6.2 the appellant and respondent shall be given 10 day written notice of the day, time and place of the hearing;

3.6.3 a quorum shall be all three Tribunal members;

3.6.4 decisions shall be by majority vote;

3.6.5 copies of any written documents which either the appellant or respondent wish to have the Tribunal consider shall be provided to all parties at least 7 days in advance of the hearing;

3.6.6. both the appellant and respondent may be accompanied by a representative or adviser, including legal counsel;

3.6.7 the Tribunal may request that any other individual participate and give evidence at the hearing.

3.7 In order to keep costs to a reasonable level, the Tribunal may conduct the hearing by means of a conference call.

3.8 Within 7 days of concluding the hearing, the Tribunal shall issue its written Decision, with reasons. The Tribunal may decide to:

3.8.1 void, vary or confirm the decision being appealed;

3.8.2 make any decision it feels the respondent should have made;

3.8.3 refer the matter back to the respondent for a new decision, correcting any errors that were made; and/or

3.8.4 determine how costs of the appeal should be allocated.

3.9 A copy of this decision shall be provided to the appellant; the respondent and the R.R.L.A President.

4.0 If the circumstances of the dispute are such that this policy will not allow a timely, Appeal, Chairperson of the Appeals Committee may direct that these timelines be shortened. Should this be the case, the appellant, respondent and members of the Tribunal will make every reasonable effort to comply with the revised timelines in order to conclude the appeal in a timely manner.

4.1 If the circumstances of the dispute are such that an appeal cannot be concluded within the timelines of this policy, the Chairperson of the Appeals Committee may seek agreement from the appellant and respondent to extend the timelines.

4.2 The appellant shall have the right to decline a hearing in favour of a documentary review. Should this be the case, the Tribunal shall request both the appellant and the respondent to provide written submissions (if not already provided), upon which the Tribunal shall make its decision. The Tribunal may direct such timelines, as it deems appropriate in the circumstances in order to conclude the appeal in a timely manner.

4.0 **Procedure for the Hearing**

4.1 Step 1: Introductions – The Chairperson welcomes the appellant and respondent and asks them to introduce themselves.

4.2 Step 2: Declaration of Conflict – The Chairperson introduces the members of the Tribunal and asks either party if they have any objection to the Tribunal members hearing and deciding upon the appeal. If there is no objection, the hearing can proceed.

4.2.1 Should there be an objection, the Chairperson will ask for the grounds of the objection, and the Tribunal will recess to determine whether, in its view, there is bias or a conflict of interest. If the Tribunal determines there is no bias or conflict of interest, the hearing may proceed. If the Tribunal determines there is bias, or a conflict on interest, the member involved must disqualify him or herself. The Tribunal would then adjourn until such time as the disqualified member could be replaced.

4.3 Step 3: Explanation of Protocol – The Chairperson of the Tribunal shall explain that all comments must be directed to the Chairman of the Tribunal and that participants are not to address each other directly when making submissions.

4.4 Step 4: Oath/Affirmation – Participants affirm or swear that they will speak only the truth during the hearing.

4.5 Step 5: Appellant’s Argument – the appellant explains their reason for the appeal. If the appellant is presenting any written materials at this stage, copies must be given to the Tribunal and to the respondent. The basic principle is that any evidence (whether verbal or written), which the Tribunal is asked to consider, must be shared openly with the other party.

4.6 Step 6: Respondent’s Rebuttal – When the appellant’s submission is concluded, the Tribunal must ask if he or she has any questions of the appellant or anyone having presented evidence or arguments on behalf of the appellant. This is not an invitation to the respondent to present his or her case or to make a speech – it is only an opportunity to highlight or clarify points arising from the appellant’s submission. The Tribunal members may also ask questions of the appellant or anyone having presented evidence or arguments on behalf of the appellant at this point.

4.7 Step 7: Respondent’s Argument – When the Tribunal is satisfied that the appellant has presented all his or her evidence, and that all questions have been answered, the respondent presents his or her submission and argument.

4.8 Step 8: Appellant’s Rebuttal – When the respondent has concluded, the appellant is given an opportunity for rebuttal, as with Step 6. The Tribunal members may also ask questions of the respondent.

4.9 Step 9: Other Information – Once everyone has had an opportunity to seek answers and questions, the Tribunal then asks both the appellant and the respondent if they have any further comments. This is to ensure that all of the relevant information has been brought forward for consideration before asking each party of closing statements.

4.10 Step 10: Closing Statements – Both parties make a closing statement before the hearing is adjourned. The respondent goes first leaving the appellant to have the last word.

4.11 Step 11: Deliberation and Decision – The Tribunal deliberates in private. Every decision must be accompanied by reasons.