

24. APPEAL POLICY

According to By-Law 3.7.1.1., appeals and complaints will be handled by an Appeals/Complaints Committee that will consist of at least a Chair and two additional Directors and/or individuals. The Committee members will be appointed by the Board. All appeals or complaints will be handled by a panel of 3 people.

Definitions

The following terms have these meanings in this Policy:

- a) “*Appellant*” – The Party appealing a decision
- b) “*Association*” – Ringette New Brunswick and/ or “Local Associations” – All Ringette New-Brunswick Regions
- c) “*Days*” – Days including weekend and holidays
- d) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- e) “*Parties*” – The Appellant, Respondent, and any other Members or persons affected by the appeal
- f) “*Respondent*” – The body whose decision is being appealed
- g) “*Committee*” – Appeals and Complaints Committee

Composition of the Committee

The Committee shall be composed of a minimum of 5 members including the Chair. Three members will review appeals or complaints. Members who would be in a potential conflict of interest will not be asked to review an appeal or complaint. The Chair can remove himself from a specific appeal or complaint should he/she be in conflict of interest.

Purpose

The Association provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Association and/or its Committees.

Scope and Application of this Policy

Any Individual who is directly affected by an Association and/or Committee decision will have the right to appeal that decision; provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.

This Policy **will not apply** to decisions relating to:

- a) Employment
- b) Infractions for doping offenses
- c) The rules of the sport
- d) Substance, content and establishment of team selection criteria
- e) Budgeting and budget implementation
- f) Operational structure and committee appointments
- g) Volunteer appointments and the withdrawal of termination of those appointments
- h) Decisions or discipline arising within the business, activities, or events organized by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)
- i) Commercial matters

- j) Decisions made under this Policy

Timing of Appeal

Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit, in writing to the Association, 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
- g) Detailed reasons for the appeal
- h) All evidence that supports these grounds
- i) Requested remedy or remedies
- j) An administration fee of two hundred fifty dollars (\$250) which will be refunded if the appeal is successful or forfeited if the appeal is denied

An Individual who wishes to initiate an appeal beyond the fourteen (14) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Case Manager and may not be appealed.

Grounds for Appeal

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

- a) Made a decision that 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)
- d) Made a decision that was grossly unreasonable

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.

Screening of Appeal

Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Committee may suggest the appeal to be heard under the Association's *Dispute Resolution Policy*.

Appeals resolved by mediation under the Association's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.

Should the appeal not be resolved by using the *Dispute Resolution Policy*, the Committee will then have to:

- 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

If the appeal is denied on the basis of insufficient ground, 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.

If the Committee is satisfied there are sufficient grounds for an appeal, the Chair will appoint three members who are not in conflict of interest, to hear the appeal. Should the Chair be in conflict of interest, he/she will appoint another member not in conflict of interest to handle the appeal.

Procedure for Appeal Hearing

The Chair shall then decide, in conjunction with the Panel, the format under which the appeal will be heard. This decision may not be appealed.

If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications 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 Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a) The hearing will be held within a timeline determined by the Chair
- b) The Parties will be given reasonable notice of the day, time and place of the hearing
- c) Copies of any written documents which the parties wish to have the Committee 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 Committee may request that any other individual participate and give evidence at the hearing
- f) The 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
- 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 a party to the appeal in question and will be bound by its outcome
- h) The decision to uphold or reject the appeal will be by a majority vote of Committee members

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

Appeal Decision

The Committee shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Committee will have no greater authority than that of the original decision-maker. The 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

The Committee's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association. In extraordinary circumstances, the Committee 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 Committee.



Confidentiality

The appeals process is confidential and involves only the Parties, the Chair, the 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.

Final and Binding

The decision of the Committee will be binding on the Parties and on all the Association's Individuals.

No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.