



## POLICIES AND PROCEDURES MANUAL

### Section Eight | **Appeals Policy**

Effective 02 15

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# **1 Appeals Policy**

## **1.1 Definitions**

- 1.1.1 The following terms have these meanings in this policy:
- a) “*Appellant*” – The party appealing a decision
  - b) “*Days*” – Days including weekends and holidays
  - c) “*Governing Body*” – The organization that has the authority to manage a judicial process as per the policies of the governing body. Governing body may refer to Canada Soccer, SSA, or Member Organizations, clubs/zones or entities that are members of SSA.
  - d) “*Judicial Body*” – An individual adjudicator or panel of adjudicators organized to manage formal complaints resulting in dispute resolution, discipline and/or appeals
  - e) “*Members*” – All members defined by SSA by-laws and for the purposes of this policy shall also include parents, guardians and caregivers of individual members and spectators at SSA events and SSA sanctioned competitions.
  - f) “*Parties*” – The appellant, respondent, and any other members, persons, or organizations affected by the judicial process
  - g) “*Respondent*” – The body whose decision is being appealed
  - h) “*SSA*” – Saskatchewan Soccer Association

## **1.2 Purpose**

- 1.2.1 SSA is committed to providing an environment in which all members involved with SSA are treated with respect. SSA provides members with this *Appeals Policy* to enable fair and expedient appeals of certain decisions made by SSA or its Members Organizations, entities and members.
- 1.2.2 As stated in the SSA By-laws, SSA Member Organizations are responsible to have bylaws, policies and regulations in place that meet the standards set by this policy; in the absence of such written policies, SSA members shall be bound by the principles and standards set out herein.

## **1.3 Scope and Application of this Policy**

- 1.3.1 Any member who is affected by a decision that falls under this policy will have the right to appeal that decision, subject to any limits in this policy (and the rules, policies and procedures in the applicable organization’s appeals policy), to the next higher governing organization as set out in the table below:

**Table 1: Jurisdiction of Appeals**

Organization Decision	Saskatchewan Soccer	Member Organization	Entities/Members
<b>1<sup>st</sup> Level of Appeal</b>	Saskatchewan Soccer	Member Organization	Club/Zone
<b>2<sup>nd</sup> Level of Appeal</b>	Canada Soccer	Saskatchewan Soccer	Member Organization
<b>3<sup>rd</sup> Level of Appeal</b>		Canada Soccer	Saskatchewan Soccer
<b>4<sup>th</sup> Level of Appeal</b>			Canada Soccer

- 1.3.2 Actions that may circumvent or are seen as an attempt to circumvent the above noted jurisdiction or undermine the processes and policies outlined herein may result in supplementary discipline including but not limited to suspension, further suspension and/or fines in accordance with the *Formal Complaints Policy*.
- 1.3.3 This policy **will not apply** to decisions relating to:
- a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than SSA
  - e) Substance, content and establishment of team selection criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Budgeting and budget implementation
  - h) SSA's operational structure and committee appointments
  - i) Commercial matters for which another appeals process exists under a contract or applicable law
  - j) Decisions made under this policy
- 1.3.4 The decision being appealed will be upheld until decided otherwise in accordance with this policy.

## **1.4 Timing of Appeal**

- 1.4.1 Members 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 SSA, 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
  - 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 appeal fee of five hundred dollars (\$500)
- 1.4.2 A member 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 SSA and may not be appealed.

## **1.5 Grounds for Appeal**

- 1.5.1 A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the respondent:
  - a) Made a decision over which it did not have authority or jurisdiction (as set out in the respondent's governing documents)
  - 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 is unable to consider other views)
  - d) Made a decision that was grossly unreasonable
- 1.5.2 The appellant bears the onus of proof and 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.

## **1.6 Screening of Appeal**

- 1.6.1 Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'timing of appeal' section of this policy), SSA will appoint an independent third-party case manager who has the following responsibilities:
  - 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
- 1.6.2 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. The appeal fee, minus a \$50 admin fee, will be returned to the appellant if the appeal is denied by the case manager.

- 1.6.3 If the case manager is satisfied there are sufficient grounds for an appeal, the case manager will appoint a judicial body to hear the appeal. The judicial body will generally be managed by a single adjudicator; in extraordinary circumstances, and at the discretion of the case manager, three people may be appointed to the judicial body to hear the appeal. In this event, the case manager will appoint one of the members to serve as the chair.
- 1.6.4 If a decision may affect another party to the extent that the other party would have recourse to an appeal in their own right, that party will become a party to the appeal in question and will be bound by the decision.

## **1.7 Procedure for Appeal Hearing**

- 1.7.1 The case manager will determine the format of the hearing. The majority of appeals will be determined by document review. In extraordinary circumstances the matter will be determined by telecommunications or in-person hearing, or a combination of these methods. The decision on the format of the hearing is not appealable and the hearing will be governed by the procedures that the case manager deems 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 judicial body consider will be provided to all parties in advance of the hearing
  - c) The parties may be accompanied by a representative, advisor, translator, or legal counsel at their own expense
  - d) The judicial body may request that any other individual participate and give evidence at the hearing
  - e) The judicial body may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
  - f) The deliberations of the judicial body will not be attended by the parties
  - g) The decision to uphold or reject the appeal will be a majority vote of panel members
- 1.7.2 If a party chooses not to participate in the hearing, the hearing will proceed in any event.
- 1.7.3 In fulfilling its duties, the judicial body may obtain independent advice.

## **1.8 Appeal Decision**

- 1.8.1 The judicial body shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the judicial body will have no greater authority than that of the original decision-maker. The judicial body 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 alter the decision
  - d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any parties, will be assessed against any party. In assessing costs, the panel will take into account the outcome of the appeal, the conduct of the parties, and the parties' respective financial resources
- 1.8.2 The judicial body's written decision, with rationale, will be issued within twenty-four (24) days and distributed to all parties. In extraordinary circumstances, the judicial body 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 judicial body.

## **1.9 Confidentiality**

- 1.9.1 The appeals process is confidential and involves only the parties, the case manager, the judicial body, and any independent advisors to the judicial body. Once initiated and until a decision is released, none of the parties will disclose confidential information to any person not involved in the proceedings.
- 1.9.2 Decisions and appeals are matters of public interest and shall be publicly available with the names of the members redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The judicial body may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

## **1.10 Final and Binding**

- 1.10.1 The decision of the judicial body will be binding on the parties and on all SSA's members; subject to the right of any party to seek a review of the judicial body's decision pursuant to the procedures of the next level of authority (see Table 1: Jurisdiction of Appeals).
- 1.10.2 No action or legal proceeding will be commenced against SSA or members in respect of a dispute, unless SSA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in SSA's governing documents.

## **1.11 Legal Action**

- 1.11.1 Refer to SSA's By-laws for further information.