

Swift Current Soccer Association



APPEALS POLICY

Effective: Sept 10, 2018

Part 1 INTRODUCTION

Section A AUTHORITY

SCSA staff and/or other Volunteers, act as agents of the Board, and shall be responsible for all appeals referred to it under the jurisdiction of the SCSA.

The following situations may be heard through the Appeals Policy. In all cases the appeal must be accompanied by sufficient documentation to support a case.

- Appeal of a Discipline Committee decision
- Appeal of Tournament Discipline decision
- Appeal of a Formal Complaint decision
- Appeal of Match Protest

If the appeal is successful, the reviewer/panel may reduce or eliminate any sanctions from within the original decision.

The SCSA Appeals Policy operates independently of the Board and its Directors.

Section B JURISDICTION

The Policy shall have jurisdiction over all appeals submitted within the SCSA and SCSA sanctioned events.

Part 2 LAUNCHING AN APPEAL

Any member may launch an appeal for items already listed under Section B. Such an appeal must be in writing and signed, and must be filed two days of receiving the decision.

A \$200.00 fee must also be submitted within the two day time frame.

Section C SUBMISSION PROCESS

All appeals are to be submitted to the SCSA President who will review the appeal and determine whether or not it can move forward.

The appeal must include:

- The decision being appealed
- The exact rule, regulation or process that has been contravened.
- A clear and concise statement of the facts in defense thereof; and
- A concise submission stating the By-Law, Rule or Regulation or Process that has been contravened and a clear explanation as to why the decision is alleged to be wrong.

Not providing all 4 items will render the appeal inadmissible and nullify the appeal from being heard.

The previous decision will stand until the appeal is concluded.

Section D UNAPPEALABLE TERMS

The following situations are **NOT** appealable:

- Sanctions directed through discipline by review or discipline by hearing.
 - Any mitigating factors should have been submitted in either a statement of defense or during hearing.
- The role of SCSA Staff or membership of the Discipline Panel
 - Concerns regarding conflict of interest etc. should be forwarded to the SCSA President who can direct you to the appropriate process.
- Decisions of the match official (referee)
 - Complaints regarding officiating/match decisions should be sent to scsatechnicaldirector@gmail.com

Section E APPEALABLE TERMS:

- Process and timeline concerns
- Misapplication of the *Discipline Policy and Process*
- Administrative errors
- Mistaken identity

Section F CONDITIONS ON ACCEPTING AN APPEAL

It is the role of the Executive Director to determine whether the appeal has fulfilled the following:

- Has been submitted within the proper time frame with the appropriate fee
- Is an appealable decision as listed under Section A
- Is an appealable decision under Section D and E.

Should all these conditions exist, the SCSA President will have his/her designate convene an Appeal Panel. Should the conditions not exist, the Executive Director will respond to the appellant with his decision and reasoning. His/her decision is not appealable.

Part 3 APPEALS PROCESS

The Executive Director will appoint a Case Manager to oversee management and administration of appeal submitted in accordance with this Policy; this appointment is not appealable.

The Case Manager should be an SCSA member. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner.

Should an offender be granted an appeal, the Case Manager shall review all documentation and determine the proper procedure under Section G of this Policy in consultation with the Executive Director and identify and appoint an independent reviewer or panel.

Due to expediency, an independent reviewer will be the preferred method of resolution. Offenders can request a panel or a hearing but timelines could be up to three weeks so should only be considered for significant suspensions or fines.

The Case Manager must provide the following information to the appeal reviewer

or panel: All documents used in reaching the original decision, which shall include:

- copy of the misconduct report
- copy of the game report, if submitted by the game official
- recorded minutes or notes from the hearing, if any
- copy of the discipline ruling
- copies of all correspondence
- other documentation requested by the committee

The above noted documentation must be on file within seven days of the date of the appeal panel.

Section G METHODS OF RESOLUTION

An appeal can be resolved in the following ways:

1. Independent Hearing

With the exception of timelines, this process is to be conducted in accordance with Section K of the SCSA Discipline Policies and Procedures.

Any and all timelines will be at the discretion of the Case Manager.

2. Independent Review / Panel Review

The Case Manager shall notify the Parties that the complaint that the matter shall be dealt with through Independent Review/Panel.

The Case Manager will identify and appoint an individual or panel, to hear the appeal. If a panel is appointed, it shall consist of no less than three members. All documentation gathered in accordance with Part 5 shall be forwarded to the individual/panel.

The panel shall review the documentation in advance, and discuss at an in-person meeting. The decision of the panel shall be delivered in writing within seven days of the decision.

Section H DECISION DOCUMENT

The decision of any method of resolution must be delivered within four days of the proceedings and include:

- Summary of each party's position and relevant documentation
- Discussion of supporting factors
- Discussion of mitigating factors Discussion
- Conclusions, Sanctions, Recommendations
- Any Relevant Timelines

Part 4 CONCLUDING TERMS

Section I MINORS

In the event that the offender is less than 18 years of age, he/she must be accompanied by a parent or legal guardian or their authorized representative. The parent or legal guardian or authorized representative of the parent or legal guardian may speak on behalf of the offender during a hearing.

Section J CONFIDENTIALITY

Appeals are confidential and involves only the offender, SCSA staff and panel members, and any independent advisors. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the appeal that is not involved in the proceedings.

Section K APPEALS PROCEDURE

Any appeals resulting from a decision made by the SCSA go to the Saskatchewan Soccer Association (SSA) in accordance with their Appeals Process

