

3.7 APPEALS POLICY

A. Purpose

This policy creates a common process that players, team staff, or other Members may use to challenge a decision or a sanction imposed by Ringette BC or member leagues and club-Associations.

This Appeals Policy shall apply to all Member Leagues and Club-Associations where a same or similarly robust policy does not exist on a local level. However, each club-Association or League also has the option to refer any Appeal directly to the Ringette BC Board of Directors through Ringette BC staff. In such case, any legal costs would be the responsibility of the League or Club- Association.

B. Scope

- i. Any member who is affected by a decision of Ringette BC (or local organization) will have the right to appeal that decision subject to any limits in this policy. This policy applies to decisions relating to conflict of interest, eligibility, selection, discipline, membership, applications for exceptions to policy (including date deadlines), releases, or any other matter that is contestable under the Grounds for Appeal listed below.
- ii. This policy will not apply to decisions relating to:
 1. Matters of committee composition, staffing, and employment;
 2. Commercial matters;
 3. Matters of budgeting and budget implementation, including fees, dues and levies;
 4. Infractions for doping offences;
 5. The rules of Ringette or disputes over competition rules;
 6. Matters relating to the substance, content and establishment of policies, procedures or criteria; and
 7. Any decisions made under this policy.

C. Definitions

The following terms have these meanings in this policy:

1. **APPEAL**: A formal request to change a decision made by Ringette BC, league or club- Association, including but not limited to decisions made under the Discipline and Complaints Policy.
2. **APPELLANT**: The party appealing a decision.
3. **DAYS**: Days irrespective of weekends or holidays.

4. **RESPONDENT:** The body whose decision is being appealed (i.e. the Ringette BC or club- association).
5. **MEMBERS:** Members of Ringette BC, its leagues and local associations.
6. **PARTICIPANT PARENTS AND/OR GUARDIANS:** Legal representatives of participants where participants are under the age of 19.
7. **RINGETTE BC VOLUNTEERS:** Players, Coaches, Managers, Trainers and Officials registered with local associations. Also includes Board Members and other volunteers.
8. **PARTIES:** Collectively the Appellant and the Respondent.
9. **DIRECTOR:** A Director of Ringette BC (or league or club-Association).
10. **OFFICER:** An Officer of the Ringette BC Board (or of a league or club-Association).

D. Principles

- i. This policy is intended to minimize frivolous Appeals that consume energy and prevent sport development, while allowing persons to challenge a ruling that may be detrimental to the sport or would unjustly penalize a member.
- ii. In general, this policy intends that the Appeals Officer decides whether the Appeal is valid, and if so, appoints an Appeals Tribunal to re-hears the case. The Tribunal can either removes, upholds, or otherwise change the decision that has been appealed.
- iii. Appeals will be dealt with in a timely matter.
- iv. All appeals must be submitted in writing to the Ringette BC Board of Directors (or equivalent at the local level).
- v. The Appeals Officer must ensure the knowledge and / or participation of Parents / Guardians in any conversations or Tribunal hearings that involve Appellants under 19 years of age.
- vi. Grievances are distinct from Appeals.

E. Timelines

Individuals who wish to appeal a decision will have fourteen (14) days from the date on which they learned of the decision to submit in writing to the Ringette BC Office (or local President) the following (which collectively constitute a "Notice of Appeal"):

- i. Notice of their intention to appeal;
- ii. Proof of the date of knowledge of the decision;
- iii. Contact information of the Appellant;
- iv. Name of the respondent;

- v. Grounds for the appeal;
- vi. All evidence that supports the reasons and grounds for an appeal; and
- vii. The remedy or remedies requested.

F. Grounds for Appeal

- i. Decisions may only be appealed on procedural grounds, which are limited to the Respondent:
 - 1. Making a decision for which it did not have authority or jurisdiction as set out in the applicable body's governing documents;
 - 2. Failing to follow procedures as laid out in the bylaws or approved policies of the organization that made the decision such that the procedural error causes the decision to be in doubt;
 - 3. Making 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 or that the decision was influenced by factors unrelated to the substance or merits of the decision;
 - 4. Failing to consider relevant information or taking into account irrelevant information in making the decision; or
 - 5. Making a decision contrary to existing guidelines, policy, procedures and processes.
- ii. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made an error.

G. Appeals Officer

- 1. The Ringette BC (or local) Board Member responsible for the subject matter for which an appeal was made will be appointed by the President (or the person who is in the most senior position of the Board of Directors of the Society, League or club-Association) as the Appeals Officer to oversee this policy (for example: Liaison to the Officiating Committee if a Referee is Appealing a sanction, etc.).

If the Board Member served as the Case Manager or a Panel member for the original decision under the Discipline and Complaints Policy, the Chair (or President) shall appoint the Past-President or an Officer (normally Vice-President, Secretary, Treasurer or Registrar) to be the Appeals Officer. Association's may refer an Appeal to Ringette BC if desired.

- 2. The Appeals Officer must ensure that procedural fairness and timeliness are respected at all times in the Appeal process and must:
 - a. Determine if the Appeal lies within the jurisdiction of this policy;
 - b. Ensure the Appeal is handled in a timely manner;

- c. Determine if the Appeal is brought on permissible grounds;
- d. Appoint a Tribunal to re-hear the case;
- e. Determine the format of this re-hearing (written submission, in-person, via telephone, etc.);
- f. Coordinate all administrative and procedural aspects of the appeal; and
- g. Provide administrative assistance and logistical support to the Tribunal as required.
- h. Collect the \$200 appeal fee required for appeals as outlined in the Ringette BC Fines and Fees policy.

H. Screening of Appeal

- i. Upon receipt of the Notice of Appeal the Appeals Officer will review the notice and will decide if the Appeal falls within the jurisdiction of this policy. The Appeals Officer may seek independent, expert advice.
- ii. If the Appeals Officer determines that the Appeal is not under this Policy's jurisdiction, or that there are not sufficient grounds, the parties will be notified in writing, stating reasons. There is no further appeal of the Appeals Officer's decision on jurisdiction or grounds.
- iii. If the Appeals Officer determines that the Appeal is under this Policy's jurisdiction, and that there are sufficient grounds for an appeal, the parties will be notified and a Tribunal created to re-examine the case or decision.

I. Tribunal

- i. The Appeals Officer will appoint a Tribunal, which will consist of three (3) persons, to re-hear and either to come to a new decision or confirm the decision appealed. In the event a Tribunal is created, the Appeals Officer will also appoint one of the Tribunal's members to serve as the Chair.
- ii. Each Tribunal shall consist of three (3) persons who are not current Members of the association. The independent parties selected to serve on the Tribunal will have suitable experience in local organized sport, as well as, discipline and complaints processes. No Tribunal members will have participated in the original decision or sanction that is under appeal.
- iii. All Tribunal Members must declare any conflicts they may have regarding the Appeal.

J. Procedure for the Hearing

The Appeals Officer will determine the timing and format of the Hearing, which may involve an oral Hearing in person, an oral Hearing by telephone, web conference or other appropriate electronic means, a Hearing based solely on written submissions, or a combination of these methods. The Hearing will be governed by the procedures that the Appeals Officer and the Tribunal Chair deem appropriate in the circumstances, provided that:

1. The Parties are given appropriate notice of the date, time and place of the hearing;
 2. Copies of any written documents which the parties wish to have the Tribunal consider will be provided to all parties in advance of the Hearing;
 3. The parties may be accompanied by a representative, adviser, or legal counsel at their own expense;
 4. The Tribunal may request that any other individual participate and/or give evidence at the hearing; and
 5. Tribunal decisions will be by majority vote.
- ii. The Appeals Officer does not participate in the Hearing other than as administrative support, and does not have a vote on the final decision.
 - iii. After the Hearing, the Tribunal will issue its written decision, with reasons.
 - iv. The Tribunal may decide to:
 1. Overturn the original decision under appeal, identify the error(s), and notify Parties involved in the original decision;
 2. Maintain the original decision under appeal; or
 3. Revise the original decision under appeal (i.e. change the length of sanction, etc.).

K. Disclosure of Decision

- i. A written copy of the Tribunal's decision will be provided to the Parties and to the relevant Board. A copy will also be provided to Ringette BC staff under all circumstances. However, where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.
- ii. The Tribunal's decision will be made public. The written documents related to the Appeal shall remain confidential to the parties, and the relevant Board.

L. Confidentiality

The appeal process is confidential involving only the Parties, the Appeals Officer and the Tribunal. Once initiated and until a written decision is released, none of the Parties or the Tribunal will disclose confidential information relating to the appeal to any person not involved in the proceedings.

M. Compliance and Consequences

The decision of the Tribunal will be binding on the parties. Appeal Tribunal decisions may not be appealed by either the Respondent or the Appellant, but may be appealed by others affected by the decision on valid grounds according to this policy.