

APPEAL POLICY

Appeal Policy

Definitions

1. Terms in this Policy that carry specific meaning will be capitalized; any term not defined in this Policy is defined in the *Code of Conduct and Ethics*:
 - a) **Affected Party** – Any Participant or entity, as determined by the Case Manager, who may be affected by a decision rendered under this Policy and who may have recourse to an appeal in their own right under this Policy.
 - b) **Appellant** – The Party appealing a decision.
 - c) **Case Manager** – An individual appointed by the Organization who may be any Ringette Canada staff member, committee member, volunteer, Director, or an independent third party, to oversee this Appeal Policy. The Case Manager will have responsibilities that include, but are not limited to:
 - i. Ensuring procedural fairness;
 - ii. Respecting the applicable timelines; and
 - iii. Using decision making authority empowered by this Policy
 - d) **Days** – Calendar Days, thus including weekends and holidays.¹
 - e) **Participant** – Refers to all categories of individual members and/or registrants defined in the By-laws of Ringette Canada who are subject to the policies of Ringette Canada, as well as all people employed by, contracted by, or engaged in activities with, Ringette Canada including, but not limited to, employees, contractors, Athletes, coaches, facilitators, evaluators, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, committee members, and Directors and Officers.
 - f) **Parties** – The Appellant, Respondent, and any Affected Party (or Parties).
 - g) **Respondent** – The body whose decision is being appealed.

Purpose

2. The purpose of this Policy is to enable a fair, affordable, and expedient appeal process for certain decisions made by Ringette Canada, including some decisions made through the administration of Ringette Canada's *Discipline and Complaints Policy*.

Scope and Application of this Policy

3. This Policy applies to Participants. Any Participant who is directly affected by a Ringette Canada decision shall have the right to appeal that decision; provided there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.
4. This Policy **will apply** to decisions relating to:
 - a) Eligibility
 - b) Selection

¹ For the purposes of calculating deadlines, the date of the trigger event is excluded. Count the days, including intermediate Saturdays, Sundays, and legal holidays. Thus, if you are counting forward from today, then today is day zero, tomorrow is day one, and so forth. When a deadline/due date falls on a weekend or legal holiday, skip those days until you reach the next business day.

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- c) Conflict of Interest
- d) Discipline
- e) Membership

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

- a) Employment
- b) Infractions for doping offenses
- c) The rules of ringette
- d) Decisions rendered at any Ringette Canada Competition, as defined in the Ringette Canada Competitions Policy
- e) Selection criteria, quotas, policies, and procedures established by entities other than Ringette Canada
- f) Substance, content and establishment of team selection criteria
- g) Volunteer/coach appointments and the withdrawal or termination of those appointments
- h) Budgeting and budget implementation
- i) Ringette Canada's operational structure and committee or workgroup appointments
- j) Decisions or discipline arising within the business, activities, or events organized by entities other than Ringette Canada (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Ringette Canada at its sole discretion)
- k) Commercial matters for which another appeals process exists under a contract or applicable law
- l) Decisions made under this Policy

Timing of Appeal

6. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to Ringette Canada's office, 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 and detailed reasons for the appeal
- g) All evidence that supports these grounds
- h) Requested remedy or remedies
- i) An administration fee of one thousand dollars (\$1000), which will be refunded if the appeal is successful.

7. Upon receipt of an appeal in accordance with Section 6, Ringette Canada will appoint a Case Manager.

8. A Participant who wishes to initiate an appeal beyond the seven (7) day period must request in writing an exemption from the deadline and stating the reasons for the exemption. The decision to allow, or not allow, an appeal outside of the seven (7) day period will be at the sole discretion of the Case Manager and may not be appealed.

Grounds for Appeal

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9. A decision cannot be appealed on its merits alone. An appeal will only be heard if there are sufficient grounds for appeal. Sufficient grounds will only exist where the Respondent made one (or more) of the following procedural errors:
- a) Made a decision that it did not have authority or jurisdiction to make (as set out in the Respondent's governing documents)
 - b) Failed to follow its own procedures when making its decision (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
10. 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.

Dispute Resolution

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Case Manager may, at their sole discretion, direct the appeal to be heard first under Ringette Canada's *Dispute Resolution Policy*.
12. Appeals resolved under Ringette Canada's *Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.

Screening of Appeal

13. Should the appeal not be resolved under the *Dispute Resolution Policy*, the Case Manager 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
14. 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.
15. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

Determination of Affected Parties

16. To identify any Affected Parties, the Case Manager will engage with Ringette Canada. The Case Manager will determine at their sole discretion whether a Participant is an Affected Party.

Procedure for Appeal Hearing

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17. The Case Manager will notify the Parties that the appeal will be heard. The Case Manager will then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.
18. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
19. The format of the hearing may involve an oral in-person or virtual hearing, an oral hearing by telephone, 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 the appropriate timeline determined by the Case Manager
 - 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 Panel 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 Panel may request that any other Participant participate and give evidence at the hearing
 - f) The Panel 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 Panel members, where applicable
20. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

21. The Panel will issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel 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 (or a substitute decision-maker where necessary) for a new decision; or
 - c) Uphold the appeal and vary the decision.
22. The Panel may also 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 consider the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.
23. The Panel's written decision, with reasons, will be distributed to the Parties, the Case Manager, and Ringette Canada. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.

Confidentiality

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24. The appeal process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, the Parties must not disclose confidential information to any person not involved in the proceedings.

Final and Binding

25. The decision of the Panel will be binding on the Parties and on all Ringette Canada Participants; subject to the right of a Party to seek a review of the Panel's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC).

26. No action or legal proceeding will be commenced against Ringette Canada or Participants in respect of a dispute, unless Ringette Canada has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in Ringette Canada's governing documents.

This Policy is subject to review at least once every three years

Date of last review: February 15 2023

Previous date of last review: September 2019

The publication of Ringette Canada policies will be in the English and French languages. In the case of conflicting interpretations, the English version will prevail.