



APPENDIX A

Policy Title:	Appeals Policy	
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Definitions

1. In this policy,
 - a) "Appeals Administrator" refers to the person designated by CASSA to administer an appeal under this policy.
 - b) "Appellant" refers to the Party appealing a decision;
 - c) "Individual" refers to all categories of membership defined in the CASSA Bylaws, as well as any individual engaged in activities with CASSA including, but not limited to, directors and officers, coaches, athletes, referees, officials, managers, committee members or volunteers of CASSA;
 - d) "Respondent" refers to the body whose decision is being appealed

SCOPE OF APPEAL

2. Any individual who is affected by a decision of the Board, of any Committee of the Board, or of anybody or individual who has been delegated authority to make decisions on behalf of the Board, shall have the right to appeal that decision, provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal as set out in Section 5 of this policy. Prior to an appeal being officially started, the parties will address the possibility of resolving the dispute through the process outlined in the Complaint Resolution Policy.
3. Decisions which may be appealed under this appeal policy include, but are not limited to, carding, selection, discipline, conflict of interest, athlete agreements and harassment. This right to appeal shall not apply to:
 - a) Infractions for doping offences, which are dealt with under the Canadian Anti-Doping Program, or any successor policy;
 - b) The rules of the sport as set out in the CASSA Rule Book;
 - c) Disputes arising during competitions, which have their own appeal procedures;
 - d) Matters of budgeting, operational structure, staffing or employment;
 - e) Matters that are decided by the general membership of CASSA;



- f) Commercial matters for which another dispute resolution process exists under a contract or applicable law;
- g) Employment
- h) Substance, content and establishment of selection policies
- i) Volunteer/coach appointments and the withdrawal or termination of those appointments
- j) Decisions rendered by entities other than CASSA (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)
- k) Any decisions made under Sections 5 and 8 of this policy.

TIMING OF APPEAL

- 4. Individuals who wish to appeal a decision shall have 10 business days from the date on which they received notice of the decision, to submit written notice of their intention to appeal to the Chief Executive Officer of CASSA, including the following information:
 - 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 the appeal
 - i. Requested remedy or remedies
 - j. An administration fee of five hundred dollars (\$500) which will be refunded if the appeal is successful or forfeited if the appeal is denied
- 5. Any individual wishing to initiate an appeal beyond the 10 business day period must provide a written request stating reasons for an exemption to this requirement. The decision to allow, or not allow an appeal outside the 10 business day period shall be at the sole discretion of the Appeals Administrator and may not be appealed.

GROUNDINGS FOR APPEAL

- 6. A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds include the Respondent:
 - a) making a decision for which it did not have authority or jurisdiction as set out in governing documents;
 - b) failing to follow procedures as laid out in the bylaws or approved policies of CASSA;



- c) making a decision which 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) exercising its discretion for an improper purpose;
 - e) making a decision which was grossly unreasonable.
7. 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

8. Upon receiving the notice of appeal (and other information described in Section 4), the Appeals Administrator shall decide whether or not there are sufficient grounds for an appeal.
9. Appeals resolved by mediation under CASSA's *Complaint Resolution Policy* will cause the administration fee to be refunded to the Appellant.
10. Should the appeal not be resolved by using the *Complaint Resolution Policy*, the Association will appoint an independent Appeals Administrator 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
11. If the appeal is denied on the basis of insufficient grounds, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Appeals Administrator. This decision may not be appealed.

APPEALS COMMITTEE

12. If the Appeals Administrator is satisfied there are sufficient grounds for an appeal, the Appeals Administrator will appoint an Appeals Committee (the "Committee") which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeals Administrator, a Panel of three persons may be appointed to hear the appeal. In this event, the Appeals Administrator will appoint one of the Panel's members to serve as the Chair.

PRELIMINARY CONFERENCE

13. The Committee may determine that the circumstances of the dispute warrant a preliminary conference:



- a) The matters which may be considered at a preliminary conference include date and location of hearing, timelines for exchange of documents, format for the appeal, clarification of issues in dispute, any procedural matter, order and procedure of hearing, remedies being sought, identification of witnesses, whether two or more appeals relating to the same or similar matters may be heard in one hearing, and any other matter which may assist in expediting the appeal proceedings.
- b) The Committee may delegate to its Chairperson the authority to deal with these preliminary matters.

PROCEDURE FOR THE APPEAL

14. The Committee shall govern the appeal by such procedures as it deems appropriate, provided that:
 - a) The parties shall be given written notice of the date, time and place of the appeal hearing.
 - b) Decisions shall be by majority vote; the Chairperson being a voting member.
 - c) Copies of any written documents which any of the parties would like the Committee to consider shall be provided to the Committee, and to all other parties, in advance of the hearing.
 - d) Any of the parties may be accompanied by a representative or advisor, including legal counsel.
 - e) If the matter under appeal relates to team selection, any person potentially affected by the decision of the Committee shall become a party to the appeal.
 - f) The Committee may direct that any other individual participate in the appeal.
 - g) In the event that one of the Committee's members is unable or unwilling to continue with the appeal, the matter will be concluded by the remaining two Committee members.
 - h) Unless otherwise agreed by the parties, there shall be no communication between Committee members and the parties except in the presence of, or by copy to, the other parties.
15. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
16. In fulfilling its duties, the Panel may obtain independent advice.
17. In order to keep costs to a reasonable level the Committee may conduct the appeal by means of a conference call or video conference.

APPEAL DECISION



18. Within 5 business days of concluding the appeal, the Committee shall issue its written decision, with reasons. In making its decision, the Committee shall have no greater authority than that of the original decision-maker. The Committee may decide:
 - a) To void or confirm the decision being appealed;
 - b) To vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons which include, but are not limited to, lack of clear procedure, lack of time, or lack of neutrality;
 - c) To refer the matter back to the initial decision-maker for a new decision;
19. A copy of this decision shall be provided to each of the parties and to the Appeals Administrator. The decision shall be considered a matter of public record unless otherwise decided by the Committee.
20. In extraordinary circumstances, the Committee may issue a verbal decision or a summary written decision, with written reasons to follow, provided the written decision is rendered within the timelines specified in Section 14.

TIMELINES

21. If the circumstances of the dispute are such that this policy will not allow a timely appeal, the Appeals Administrator may direct that these timelines be shortened. If the circumstances of the disputes are such that the appeal cannot be concluded within the timelines dictated in this policy, the Appeals Administrator may extend the timelines.

DOCUMENTARY APPEAL

22. Any party to the appeal may request that the Appeals Administrator manage the appeal by way of documentary evidence. The Appeals Administrator may seek agreement from the other parties to proceed in this fashion. If agreement is not forthcoming, the Appeals Administrator shall decide whether the appeal shall proceed by way of documentary evidence or in-person hearing.

CONFIDENTIALITY

23. The appeal process is confidential involving only the parties, the Appeal Administrator and the Committee. Once initiated and until a written decision is released, none of the parties or the Committee will disclose confidential information relating to the appeal to any person not involved in the proceedings.

FINAL AND BINDING DECISION

24. The decision of the Committee will be final and binding upon the parties and on all individuals of CASSA subject to the right of any party to seek a review of the



decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC), as amended from time to time.

25. Where a decision of the Committee relates to a carding matter governed by the policies and procedures of the Athlete Assistance Program, any review pursuant to the rules of the SDRCC will be preceded by a consultation with Sport Canada to determine the most appropriate procedure for reviewing the decision.

LOCATION AND JURISDICTION

26. Any appeal shall take place in the location determined by the Appeals Administrator, unless held by way of telephone conference call or held elsewhere as may be decided by the Committee as a preliminary matter.
27. This policy shall be governed and construed in accordance with the laws of the Province of Ontario.
28. No action or legal proceeding shall be commenced against CASSA in respect of a dispute, unless CASSA has refused or failed to abide by the provisions for appeal and/or arbitration of the dispute, as set out in this policy.

CONFIDENTIAL