

3.7 APPEALS POLICY (NON-DISCIPLINE)

A. Purpose

This policy creates a common process that Organizational Participants may use to challenge a decision or a sanction imposed by Ringette BC, Leagues or Club Associations.

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

B. Scope

- i. Any member 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, membership, applications for exceptions to policy (including submission deadlines), player 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. Decisions made under the Ringette BC Discipline and Complaints Policy – appeals related to this policy are described within the Discipline and Complaints Policy;
 3. Commercial matters;
 4. Matters of budgeting and budget implementation, including fees, fines, dues and levies;
 5. Infractions for doping offences;
 6. The rules of Ringette or disputes over competition rules; including grievances;
 7. Matters relating to the substance, content and establishment of policies, procedures or criteria; and
 8. 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, excluding decisions made under the Ringette BC Discipline and Complaints Policy.
2. **APPEALS OFFICER:** an individual, who may be a Director, Committee member, volunteer, or an Independent Third Party, appointed to oversee the Ringette BC Appeal Policy. The Appeals Officer will have responsibilities that include using decision making authority empowered by the Ringette BC Appeal Policy.
3. **APPEALS PANEL:** a group of three (3) individuals either from within the Ringette community, from outside but have sport administration knowledge or a combination of the two who are appointed by the Appeals Officer to re-examine the details of the original decision and decide how best to proceed. One panel member must be appointed as Panel Chair. Individuals should have relevant knowledge/experience of Appeals.
4. **APPELLANT:** The party appealing a decision.
5. **DAYS:** Days irrespective of weekends or holidays.
6. **RESPONDENT:** The body whose decision is being appealed (i.e. Ringette BC, League or Club Association).
7. **MEMBERS:** Members of Ringette BC as defined in the Ringette BC Constitution & Bylaws.
8. **ORGANIZATIONAL PARTICIPANT:** refers to all categories of individual registrants as defined in the bylaws of Ringette BC who are subject to the policies, rules and regulations of Ringette BC, as well as all persons employed by, contracted by, or engaged in activities for RBC including, but not limited to , employees, contractors, athletes, coaches, instructors, officials, volunteers, judges, Athlete Support Personnel, managers, administrators, committee members, parents or guardians, spectators or directors and officers.
9. **PARTIES:** Collectively the Appellant and the Respondent.
10. **DIRECTOR:** A Director of Ringette BC (or 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 Panel of three (3) to review the submitted information. The Appeals Panel can either remove, uphold, or otherwise change the decision that has been appealed.
- iii. Appeals will be dealt with in a timely manner.
- iv. All appeals must be submitted in writing to the Chair of the Ringette BC Board of Directors (or equivalent at the League or Club Association level).
- v. The Appeals Officer must ensure the knowledge of and participation of parents/guardians in any conversations or Panel 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 League or Club Association 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.

In addition, the applicable \$200 fee required for appeals as outlined in the Ringette BC Fines and Fees policy must accompany the Notice of Appeal. The appeal fee is non-refundable.

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 must demonstrate, on a balance of probabilities, that the Respondent has made an error.

G. Appeals Officer

1. The Ringette BC (or League or Club Association, where applicable) Board Member responsible for the subject matter for which an appeal was made will be appointed by the Board Chair/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, the Chair (or President) shall appoint the Past-President or an Officer (normally Vice-President, Secretary, Treasurer or Registrar) to be the Appeals Officer.

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 Panel to re-examine the details of the submitted relevant information;

- e. Determine the format of the review (written submission, in-person, virtual, etc.);
- f. Coordinate all administrative and procedural aspects of the appeal; and
- g. Provide administrative assistance and logistical support to the Panel, as required.

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 for appeal, 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 Panel created to re-examine the decision.

I. Appeals Panel

- i. The Appeals Officer will appoint an Appeals Panel, which will consist of three (3) persons, to re-examine the decision and either remove, uphold or otherwise change the decision appealed. In the event a Panel is created, the Appeals Officer will also appoint one of the Panel members to serve as the Chair.
- ii. Each Panel shall consist of three (3) individuals who may be from the Ringette Community, from outside but who have sport administration knowledge or a combination of the two. Panel members will not have participated in the original decision under appeal.
- iii. All Panel 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 written submissions, an oral in-person or virtual hearing or a combination of these methods. The Hearing will be governed by the procedures that the Appeals Officer and the Panel 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 Panel consider are 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 Panel may request that any other individual participate and/or give evidence at the hearing; and
 5. Panel 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 Panel will issue its written decision, with reasons.
 - iv. The Panel 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 Panel's decision will be provided to the Parties and to the relevant Board of Directors. A copy will also be provided to Ringette BC staff under all circumstances. However, where time is of the essence, the Panel may issue a verbal decision or a summary written decision, with written reasons to follow.
- ii. The Panel's decision will be made public. The written documents related to the Appeal shall remain confidential to the parties, and the relevant Board of Directors.

L. Confidentiality

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

M. Compliance and Consequences

The decision of the Panel will be binding on the parties. Appeal Panel 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.