

ABC - APPEAL POLICY

1. This Policy applies to decisions made by ABC, by committees of ABC, and by individuals who are delegated authority to make decisions on behalf of ABC. For further clarity, this policy will apply to all decisions of ABC except decisions made by organizations external to ABC; decisions relating to operational structure, staffing or employment; decisions about allocation of volunteer appointments; decisions on budgets or budget implementation; and decisions of a commercial nature.

2. ABC will appoint an Administrator to oversee appeals under this policy. The Administrator has an overall responsibility to ensure procedural fairness and timeliness are respected at all times in the appeals process and more particularly, has a responsibility to:

- Receive appeals;
- Determine if appeals lie within the jurisdiction of this Policy;
- Determine if appeals are brought in a timely manner;
- Determine if appeals are brought on permissible grounds;
- Appoint the Tribunal to hear and decide appeals;
- Determine the format of the appeal hearing;
- Coordinate all administrative and procedural aspects of the appeal;
- Provide administrative assistance and logistical support to the Tribunal as required; and
- Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

3. Persons who wish to appeal under this policy will submit a written Notice of Appeal to the Administrator indicating their intention to appeal, their contact information, the reasons and grounds for the appeal, a summary of evidence to support the appeal, and the remedy requested. This Notice must be submitted within 7 days of ABC issuing its decision.

4. Decisions may only be appealed on procedural grounds, which are limited to ABC:

- Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- Failing to follow procedures laid out in its approved policies;
- Making a decision that was influenced by bias;
- Failing to consider relevant information or taking into account irrelevant information in making the decision; or
- Making a decision that was grossly unreasonable.

5. The Administrator will review the Notice of Appeal and will decide if the appeal falls within the jurisdiction of this Policy, is brought in a timely manner, and satisfies procedural grounds. If the Administrator is satisfied that the appeal may not proceed as it is not under this Policy's jurisdiction, is not timely, or is without grounds, the parties will be notified in writing, stating reasons.

6. If the Administrator is satisfied that the appeal may proceed, then a Hearing before a Tribunal will take place. The Administrator will appoint a Tribunal, which will consist of a single Adjudicator, to hear and decide the appeal.

7. The Hearing will be governed by the procedures that the Administrator and the Tribunal deem appropriate in the circumstances. The Tribunal will have authority to rule in the event of any dispute about procedure.

8. After the Hearing, the Tribunal will issue a written decision with reasons. The Tribunal may decide:

- To reject the appeal and confirm the decision being appealed; or
- To uphold the appeal, identify the error and refer the matter back to ABC; or
- To uphold the appeal and vary the decision but only where the Tribunal has determined that the error or errors cannot be corrected by ABC due to lack of clear procedures, lack of time, or lack of neutrality.

9. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

10. The appeal process is confidential and 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. The Tribunal may suspend or terminate the appeal process in the event of a breach of confidentiality by a party.

11. The decision of the Administrator rendered under Section 5, the decision of the Tribunal rendered under Section 8, and any decision rendered by the Tribunal under Section 10 will be final and binding upon the parties, subject only to any review that may be permitted under the rules of the Sport Dispute Resolution Centre of Canada.