

Salto Gymnastics Club Appeal Policy

1) Definitions

- a) These terms will have these meanings in this policy:
 - i) *Appellant* - The party appealing a decision.
 - ii) *Appeals Panel* – a single person, or in extraordinary circumstances and at the discretion of the Case Manager, three persons, who will hear and decide the appeal.
 - iii) *Case Manager* – a person appointed by the Society, who need not be a member or affiliated with Salto Gymnastics Club, to administer this *Appeal Policy*. The Case Manager will comply with the position description described in Appendix A.
 - iv) *Days* - Days irrespective of weekends or holidays.
 - v) *In writing* – a letter or email sent directly to Salto Gymnastics Club.
 - vi) *Member* - All categories of membership defined in the Society’s Bylaws.
 - vii) *Respondent* - The Party whose decision is being appealed.
 - viii) *Society* – Salto Gymnastics Club.

2) Purpose

- a) The purpose of this Policy is to give Members the right to appeal certain decisions made by the Disciplinary Panel.

3) Scope and Application of this Policy

- a) Any Member who is directly affected by a Disciplinary Panel decision will 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 under the *Ground for Appeal* section of this Policy.
- b) This Policy will apply to decisions relating to conflict of interest, eligibility, selection, discipline, membership or any other matter deemed appropriate by the Society.
- c) This Policy **will not** apply to decisions relating to:
 - i) Matters of employment;
 - ii) Volunteer appointments and the withdrawal or termination of those appointments;
 - iii) Matters of operational structure, committees, staffing, employment or volunteer opportunities;
 - iv) Commercial matters;
 - v) Matters of budgeting and budget implementation;
 - vi) Infractions for doping offences which are dealt with pursuant to the *Canadian Anti-Doping Program or any successor policy*;
 - vii) The rules of gymnastics or disputes over competition rules;

- viii) Matters relating to the substance, content and establishment of team selection criteria;
- ix) Discipline matters and decisions arising during events organized by entities other than those within Society, which are dealt with pursuant to the policies of these other entities;
- x) Disputes arising within competitions which have their own appeal procedures; and
- xi) Decisions made under this *Appeals Policy*.

4) **Timing of Appeal**

- a) Members who wish to appeal a decision will have fourteen (14) days from the date on which they received notice of the decision, to submit in writing to the head office of the Salto Gymnastics Club the following:
 - i) Notice of their intention to appeal;
 - ii) Contact information of the Appellant;
 - iii) Name of the Respondent and any affected parties, when known to the Appellant;
 - iv) Date the Appellant was advised of the decision being appealed;
 - v) A copy of the decision being appealed, or description of decision if written document is not available;
 - vi) Grounds for the appeal;
 - vii) Detailed reason(s) for the appeal;
 - viii) All evidence that supports the reasons and grounds for an appeal;
 - ix) Requested remedy or remedies, and
 - x) An appeal fee of two hundred and fifty dollars (\$250) which will be refunded if the appeal is successful or forfeited if the appeal is denied.
- b) Any party wishing to initiate an appeal beyond the fourteen (14) day period must provide a written request stating reasons for an exemption. The decision to allow, or not to allow an appeal outside the 14-day period will be at the sole discretion of the Case Manager appointed by the Society and may not be appealed.
- c) Appeals must be submitted to:
 - President, Board of Directors, Salto Gymnastics Club
 - president@saltogymnastics.ca

5) **Grounds for Appeal**

- a) Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to following:
 - i) If the Panel made a decision for which it did not have authority or jurisdiction as set out in the Respondent's governing documents;
 - ii) If the Panel failed to follow procedures as laid out in the bylaws or approved policies of the Society; and/or

- iii) If the Panel 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) or that the decision was influenced by factors unrelated to the substance or merits of the decision.
- iv) If the Panel made a decision that was grossly unreasonable.

6) Case Manager

- a) Upon receipt of an appeal, the Society will appoint a different independent Case Manager than who managed the original complaint. The Case Manager will oversee the management and administration of appeals submitted in accordance with this Policy. Such an appointment is not appealable.
- b) The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
 - i) Determine if the appeal lies within the jurisdiction of this Policy;
 - ii) Determine if appeal is brought in a timely manner;
 - iii) Determine if the appeal is brought on permissible grounds;
 - iv) Appoint the Appeals Panel to hear the appeal;
 - v) Determine the format of the appeal hearing;
 - vi) Coordinate all administrative and procedural aspects of the appeal;
 - vii) Provide administrative assistance and logistical support to the tribunal as required; and
 - viii) Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

7) Screening of Appeal

- a) Upon receipt of the notice, grounds of an appeal, supporting evidence and the required fee, the Case Manager will review the appeal and will decide whether or not there are sufficient grounds for an appeal. If the Case Manager is satisfied that there are not sufficient grounds for an appeal, the parties will be notified in writing, stating reasons. If the Case Manager is satisfied that there are sufficient grounds for an appeal, then a hearing will take place. This decision is at the sole discretion of the Case Manager and may not be appealed.

8) Appeals Panel

- a) If the Case Manager is satisfied that there are sufficient grounds for an appeal, the Case Manager will establish an Appeals Panel (the "Panel") consisting of up to three (3) persons to hear the appeal. The Case Manager will appoint one of the Panel's members to serve as the Chair.

9) Procedure for Appeal Hearing

- a) The Case Manager will determine the format of the hearing, which may involve an oral hearing in person, by teleconference or virtually, a hearing based on written

submissions 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:

- i) The hearing will be held within the appropriate timeline determined by the Case Manager.
 - ii) The Parties will be given reasonable notice of the day, time and place of the hearing.
 - iii) 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 in accordance with the appropriate timeline.
 - iv) Both Parties may be accompanied by a representative or adviser, including legal counsel at their own expense.
 - v) The Panel may request that any other individual participate and give evidence at the hearing.
 - vi) 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.
 - vii) Decisions of the Panel will be by majority vote if the Panel is greater than two.
- b) The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
 - c) In fulfilling its duties, the Panel may obtain independent advice.

10) Appeal Decision

- a) Within fourteen (14) days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
 - i) Reject the appeal and confirm the decision being appealed; or
 - ii) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - iii) To uphold the appeal and vary the decision.
- b) The decision will be considered a matter of public record unless decided otherwise by the Panel. A copy of this decision will be provided to the Parties and to the Society. Where time is of the essence, the Panel may issue a verbal decision or a summary of the written decision, with reasons to follow, provided the written decision with reasons is rendered with the appropriate timelines.

11) Confidentiality

- a) The appeal process is confidential involving only the parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a written decision is released, none of the parties nor the Panel will disclose confidential information relating to the appeal to any person not involved in the proceedings.

12) Final and Binding Decision

- a) The decision of the Panel will be binding on the parties and on all Society Members.
- b) No action or legal proceeding will be commenced against the Society or its members in respect of a dispute, unless the Society has refused or failed to provide or abide by the provisions for appeal.
- c) In the event where Salto Gymnastics Club is the Respondent, and subject to an appeal decision, the Society shall comply with the decision. In default of complying with the decisions of the Appeals Panel, the Appellant may forward their complaint to the Alberta Gymnastics Federation.

13) Review of Policy

- a) This Policy will be reviewed annually and may be amended as necessary to maintain a safe and healthy environment for the Salto Gymnastics Club community. All members of the Society are expected to remain informed and adhere to the most current version of the policy.