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| CANADIAN BLIND SPORTS ASSOCIATIONAPPEAL POLICY |
| ***This Policy has been prepared by the Organization and is a Pan-Canadian Policy applicable to the Organization and its Participating Members. This document cannot be modified by a Participating Member without consultation and approval from the Organization.*** |

1. **Purpose**
2. This *Appeal Policy* provides Participants with a fair and expedient appeal process.
3. **Scope and Application of this Policy**
4. This Policy applies to all Participants.
5. Any Individual who is directly affected by a decision made by the Canadian Blind Sports Association (the ‘Organization’) or a Participating Member 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.
6. This Policy **will apply** to decisions relating to:
7. Eligibility
8. Selection
9. Conflict of Interest
10. Discipline
11. Membership
12. This Policy **will not** **apply** to decisions relating to:
13. Employment
14. Infractions for doping offenses
15. The rules of the sport
16. Selection criteria, quotas, policies, and procedures established by entities other than the Organization or a Participating Member (as applicable)
17. Substance, content and establishment of team selection or carding criteria
18. Volunteer/coach appointments and the withdrawal or termination of those appointments
19. Budgeting and budget implementation
20. The organization’s operational structure and committee appointments
21. Decisions or discipline arising within the business, activities, or events organized by entities other than the Organization or its Participating Members (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the organization at its sole discretion)
22. Commercial matters for which another appeals process exists under a contract or applicable law
23. Decisions made under this Policy
24. **Timing of Appeal**
25. Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit the following:
26. Notice of the intention to appeal
27. Their contact information
28. Name and contact information of the Respondent and any Affected Parties, when known to the Appellant
29. Date the Appellant was advised of the decision being appealed
30. A copy of the decision being appealed, or description of decision if written document is not available
31. Grounds for the appeal
32. Detailed reasons for the appeal
33. All evidence that supports these grounds
34. Requested remedy or remedies
35. An administration fee of two hundred dollars ($200), which will be refunded if the appeal is upheld
36. A Participant who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an 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 Appeal Manager and may not be appealed.

**Submitting an Appeal**

1. **Discipline Chair Decision – Clubs**
2. A decision made by a Club’s Discipline Chair following a request for reconsideration by one of the parties pursuant to the *Discipline and Complaints Policy* may be appealed to the Club’s Provincial/Territorial Organization in accordance with the terms of this *Appeal Policy*.
3. The Provincial/Territorial Organization shall appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.
4. **Discipline Chair Decision – Provincial/Territorial Organizations**
5. A decision made by a Provincial/Territorial Organization’s Discipline Chair following a request for reconsideration by one of the parties pursuant to the *Discipline and Complaints Policy* may be appealed to the Organization in accordance with the terms of this *Appeal Policy*.
6. The Organization shall appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.
7. **Discipline Panel Decision – Provincial/Territorial Organizations**
8. A decision made by a Provincial/Territorial Organization’s Discipline Panel pursuant to the *Discipline and Complaints Policy* may be appealed to the Organization in accordance with the terms of this Appeal Policy.
9. The Organization shall appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.
10. **Discipline Chair or Discipline Panel Decision – the Organization**
11. A decision made by the Organization’s Discipline Chair following a request for reconsideration by one of the parties pursuant to the *Discipline and Complaints Policy,* and a decision made by the Organization’s Discipline Panel, may be appealed to the Organization in accordance with the terms of this *Appeal Policy*.
12. Alternatively, by agreement between the parties, the internal appeal process may be bypassed, and the appeal may be heard directly before the Sport Dispute Resolution Centre of Canada (SDRCC).
13. Except where an appeal proceeds before the SDRCC, the Organization shall appoint an Appeal Manager and shall follow the process outlined in this *Appeal Policy*.
14. **Grounds for Appeal**
15. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
16. Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent’s governing documents) to make
17. Failed to follow its own procedures (as set out in the Respondent’s governing documents)
18. 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 appears not to have considered other views)
19. Made a decision that was patently unreasonable
20. **Screening of Appeal**
21. The parties may first attempt to resolve the appeal through the *Dispute Resolution Policy*.
22. Appeals resolved under the *Dispute Resolution Policy* will result in the administration fee being refunded to the Appellant.
23. Should the appeal not be resolved by using the *Dispute Resolution Policy*, the Organization or the Provincial/Territorial Organization will appoint an independent Appeal Manager (who must not be in a conflict of interest or have any direct relationship with the parties) who has the following responsibilities:
24. To determine if the appeal falls under the scope of this Policy
25. To determine if the appeal was submitted in a timely manner
26. To decide whether there are sufficient grounds for the appeal
27. If the Appeal Manager denies the appeal on the basis of insufficient grounds, 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.
28. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeal Panel which shall consist of a single Arbitrator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel’s members to serve as the Chair.
29. **Determination of Affected Parties**
30. In order to confirm the identification of any Affected Parties, the Appeal Manager will engage the Organization or the Participating Member (as applicable). The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.
31. **Procedure for Appeal Hearing**
32. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
33. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
34. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, 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 Appeal Manager and the Panel deem appropriate in the circumstances, provided that:
35. The hearing will be held within a timeline determined by the Appeal Manager
36. The Parties will be given reasonable notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications.
37. 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
38. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
39. The Panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
40. 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
41. 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 an Affected Party to the appeal in question and will be bound by its outcome
42. The decision to uphold or reject the appeal will be by a majority vote of Panel members
43. In fulfilling its duties, the Panel may obtain independent advice.
44. **Appeal Decision**
45. 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 and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.
46. The Panel shall issue its decision, in writing and with reasons, within seven (7) days 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:
47. Reject the appeal and confirm the decision being appealed;
48. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
49. Uphold the appeal and vary the decision.
50. The Panel will 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 take into account the outcome of the appeal, the conduct of the parties, and the parties’ respective financial resources
51. The Panel's written decision, with reasons, will be distributed to all parties, the Appeal Manager, and the Organization or the Participating Member (as applicable). 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. The decision will be considered a matter of public record unless decided otherwise by the Panel.
52. **Timelines**
53. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or Panel may direct that these timelines be revised.
54. **Confidentiality**
55. The appeals process is confidential and involves only the parties, the Appeal Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
56. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Discipline Chair or Discipline Panel (as applicable).
57. **Final and Binding**
58. No action or legal proceeding will be commenced against the Organization, Participating Members, or Participants in respect of a dispute, unless the Organization or the Participating Member (as applicable) has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.
59. The decision of the Appeal Panel shall be final and binding, and not open to any further appeal or intervention by any court. Any appellant who is dissatisfied with the resolution of their appeal under this policy may initiate proceedings under the Sport Dispute Resolution Centre of Canada (SDRCC). All proceedings before the Sport Dispute Resolution Centre of Canada shall be conducted under the Canadian Sport Dispute Resolution Code or such successor policies as Sport Canada may create from time to time. The SDRCC policy is found at: <http://www.crdsc-sdrcc.ca/eng/appeal-policies.jsp>

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| **Policy History** |
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