

Speed Skate PEI Inc. Appeals Policy

OBJECTIVE

The purpose of this Policy is to enable disputes with members to be dealt with fairly, expeditiously and affordably, within Speed Skate PEI, prior to parties seeking recourse to external procedures.

FIELD OF APPLICATION

Any individual who is a member in good standing with Speed Skate PEI will have the right to appeal a decision of the Speed Skate PEI Board of Directors, of any Committee of the Board, or of any body or individual who has been delegated authority to make decisions on behalf of the Board.

POLICY STATEMENT

This Policy will apply to decisions made by Speed Skate PEI in relation to approved bylaws, policies, procedures and regulations, and in particular decisions relating to eligibility, selection, harassment or discipline, subject to the following exclusions:

- a) Selection criteria, quotas, policies and procedures established by any other agency, association or organization external to Speed Skate PEI;
- b) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program or any successor policy;
- c) Issues of operational structure, staffing, employment or allocation of volunteer opportunities;
- d) Issues of budgeting or budget implementation;
- e) Disputes over competition rules; or
- f) Commercial matters for which another dispute resolution process exists under a contract or applicable law.

APPEALS COMMITTEE

The Appeals Committee is composed of the President of Speed Skate PEI or the President's designate and two persons appointed by Speed Skate PEI who have not been and are not involved in the decision being appealed. No member of the Appeals Committee shall be related to the appellant or to another member of Speed Skate PEI who may be affected by the decision of the Appeals Committee.

TIMELINES

The following timelines govern this policy. Note that 'days' refers to total days, irrespective of weekends or holidays.

- a) Notice of intent to appeal: Written or verbal notice of intent to appeal must be received by the President of Speed Skate PEI within 3 days of the announcement of the decision being appealed.
- b) Notice of Appeal: The notice of intent to appeal must be followed within two (2) days by a formal written appeal (sent by email or hand delivered to the President), clearly stating the reasons for the appeal. A cash deposit of \$100 must accompany the formal written appeal, and will be refunded only if the appeal is successful.
- c) Screening of appeal by the President: 3 days from receipt of the Notice of Appeal.
- d) Appointment of the Appeals Committee: 3 days from decision that the appeal may proceed to a hearing.
- e) Scheduling of hearing: 7 days from the appointment of the Appeals Committee.
- f) Release of decision: 3 days from the conclusion of the hearing.

NOTICE OF APPEAL

Members who wish to appeal a decision must submit a written Notice of Appeal to the President within the appropriate timeline indicating:

- a) Their intention to appeal;
- b) Their coordinates;
- c) Identity of the Respondent;

- d) Detailed reason(s) and grounds for the appeal;
- e) Summary of the evidence to support these reason(s) and grounds for the appeal;
- f) The identity of any other party or parties who may be affected by the appeal; and
- g) The suggested remedy or remedies.

PROCEDURAL GROUNDS

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 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 approved policies or bylaws of Speed Skate PEI;
- c) 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;
- d) Failing to consider relevant information or taking into account irrelevant information in making the decision;
- e) Exercising its discretion for an improper purpose; and/or
- f) Making a decision that was grossly unreasonable.

ONUS OF PROOF

The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described above.

REVIEW OF APPEAL

Within the above-stated timeline, the President will review the Notice of Appeal and will decide whether:

- a) The appeal falls within the jurisdiction of this Policy,
- b) The appeal has been made in a timely manner, and
- c) The appeal has been brought on a permitted ground.

If the President is not satisfied that the appeal lies within the jurisdiction of this Policy, is timely, or is brought on a permitted ground, the parties will be notified of this decision in writing, stating reasons, and the appeal will be considered concluded. If the President is satisfied that the appeal may proceed, then an Appeals Committee shall be appointed and an appeal hearing will be scheduled and take place. This decision by the President may not be appealed under the policies of Speed Skate PEI.

HEARING GUIDELINES

The Appeals Committee will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone, a hearing based on written submissions or a combination of these methods. The hearing will be governed by the procedures that the Appeals Committee deems appropriate in the circumstances, provided that:

- a) The hearing will be held within the appropriate timeline.
- b) The parties will be given appropriate notice of the day, time and place of the hearing.
- c) Copies of any written documents which the parties wish to have the Appeals Committee consider will be provided to all parties in advance of the hearing in accordance with the appropriate timeline.
- d) Either party may be accompanied by a representative or adviser.
- e) The Appeals Committee may request information disclosure from the parties.
- f) The tribunal may request that any other individual participate and give evidence at the hearing.
- g) 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.
- h) In the situation where the hearing is conducted by an Appeals Committee of three persons, a quorum will be all three persons and decisions will be by majority vote.

WRITTEN DECISIONS

At the conclusion of the hearing, the Appeals Committee will, within the appropriate timeline, issue a written decision with reasons. The Appeals Committee may decide:

- a) To reject the appeal and confirm the decision being appealed; or
- b) To uphold the appeal and refer the matter back to the initial decision maker for a new decision; or
- c) To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedures, lack of time, or lack of neutrality.

The decision will be provided to the parties and to the Board of Speed Skate PEI. Where time is of the essence, the Appeals Committee may issue a verbal decision or a summary written decision, with reasons to follow provided the written decision with reasons is rendered within the appropriate timeline.

CONFIDENTIALITY

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

The decision of the Appeals Committee will be final and binding upon the parties and upon all members of Speed Skate PEI subject to the right of any party to seek a review of the Appeals Committee's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC), as amended from time to time.