



APPEALS POLICY

1.0 Definitions

The following terms have these meanings in this Policy:

- a) *"Appellant"* – The party appealing a decision.
- b) *"Respondent"* – The body whose decision is being appealed.
- c) *"Parties"* – The Appellant, Respondent, and any other members or persons affected by the appeal.
- d) *"Days"* – Days irrespective of weekend and holidays.
- e) *"Individuals"* – All categories of membership defined in Rope Skipping Alberta's Bylaws, as well as all individuals employed by, or engaged in activities with, Rope Skipping Alberta including, but not limited to, athletes, coaches, judges, officials, volunteers, team managers, administrators, committee members, Directors and Officers of Rope Skipping Alberta, spectators at events, and parents/guardians of athletes.

2.0 Purpose

Rope Skipping Alberta is committed to providing an environment in which all Individuals involved with Rope Skipping Alberta are treated with respect and fairness. Rope Skipping Alberta provides individuals with this Appeals Policy to enable fair, affordable, and expedient appeals of certain decisions made by Rope Skipping Alberta. Further, some decisions made by the process outlined in Rope Skipping Alberta's Discipline and Complaints Policy may be appealed under this Policy.

3.0 Scope and Application

1. This Policy applies to all Individuals. Any Individual who is directly affected by a Rope Skipping Alberta decision 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.
2. This Policy will apply to decisions relating to:
 - a) Team Selection (National team submission timelines must be adhered to if in conflict of this Policy)
 - b) Conflict of Interest
 - c) Discipline
 - d) Membership
3. This Policy will not apply to decisions relating to:
 - e) The rules of the sport including competition results
 - f) Infractions for doping offenses
 - g) Selection criteria, quotas, policies, and procedures established by entities other than Rope Skipping Alberta
 - h) Substance, content and establishment of team selection criteria

- i) Volunteer/coach appointments and the withdrawal or termination of those appointments
- j) Budgeting and budget implementation
- k) Rope Skipping Alberta's operational structure and committee appointments
- l) Decisions or discipline arising within the business, activities, or events organized by entities other than Rope Skipping Alberta (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Rope Skipping Alberta at its sole discretion)
- m) Commercial matters for which another appeals process exists under a contract or applicable law
- n) Employment or awarding of contracts
- o) Decisions made under this Policy

Timing of Appeal

4. Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to Rope Skipping Alberta, the following:
 - a) Notice of the intention to appeal
 - b) Contact information and status of the appellant
 - c) Name of the respondent and any affected parties, when known to the Appellant
 - d) Date the appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of decision if written document is not available
 - f) Grounds for the appeal
 - g) Detailed reasons for the appeal
 - h) All evidence that supports these grounds
 - i) Requested remedy or remedies
 - j) An administration fee of one hundred dollars (\$100)

5. An Individual 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 Chair of the Board Directors and that decision may not be appealed.

Grounds for Appeal

6. 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:
 - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make
 - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
 - c) 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)
 - d) Failed to consider relevant information or took into account irrelevant information in making the decision
 - e) Made a decision that was grossly unreasonable

7. 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.

Screening of Appeal

8. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), Rope Skipping Alberta and the Appellant may first determine if the appeal to be heard is under the jurisdiction of Rope Skipping Alberta's Discipline Policy.
9. Appeals resolved by mediation under Rope Skipping Alberta's Discipline Policy will cause the administration fee to be refunded to the Appellant.
10. Should the appeal not be resolved by using the Discipline Policy, Rope Skipping Alberta will forward the appeal to the Ethics Committee which has the following responsibilities:
 - a) Determine if the appeal falls under the scope of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
11. If the appeal is denied on the basis of insufficient ground, 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.

Procedure for Appeal Hearing

12. The Ethics Committee shall notify the Parties that the appeal will be heard. The Ethics Committee shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Ethics Committee and may not be appealed.
13. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
14. 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 Ethics Committee deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within a timeline determined by the Ethics Committee
 - b) The Parties will be given reasonable notice of the day, time and place of the hearing
 - c) Copies of any written documents which the parties wish to have the Ethics Committee consider will be provided to all Parties in advance of the hearing
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense, provided that notice is provided at least twenty-four hours in advance to the Ethics Committee
 - e) The Ethics Committee may request that any other individual participate and give evidence at the hearing
 - f) The Ethics Committee 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
 - 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) The decision to uphold or reject the appeal will be by a majority vote of the Ethics Committee
15. In fulfilling its duties, the Ethics Committee may obtain independent advice.

Appeal Decision

16. The Ethics Committee shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Ethics Committee will have no greater authority than that of the original decision-maker. The Ethics Committee may decide to:
 - a) Reject the appeal and confirm the decision being appealed
 - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
 - c) Uphold the appeal and vary the decision
 - d) 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 Ethics Committee will take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources

17. The Ethics Committee's written decision, with reasons, will be distributed to all Parties and Rope Skipping Alberta's Executive Committee. In extraordinary circumstances, the Ethics Committee 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 Ethics Committee.

Timelines

18. 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 Ethics Committee and/or Ethics Committee may direct that these timelines be revised.

Confidentiality

19. The appeals process is confidential and involves only the Parties, the Ethics Committee, and any independent advisors to the Ethics Committee. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

Final and Binding

20. The decision of the Ethics Committee will be binding on the Parties and on all Rope Skipping Alberta's Individuals.

21. No action or legal proceeding will be commenced against Rope Skipping Alberta or Individuals in respect of a dispute, unless Rope Skipping Alberta has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in Rope Skipping Alberta's governing documents.

Approved: January 28, 2018 for implementation on September 1, 2018