

Policy Section	Change	Policy Version #	Date Approved	Effective Date
All	New Policy	0	2002	2002
All	Policy Revisions	0.1 – 0.7	2003-2011	2003-2011
All	Split Policy into sections 1.0 – 23.0, Appendix A – G	1	2012	2012
All	Wording Changes, added new sections	2	2015	2015
16.1, 16.2, 16.2 Table 1, 16.4.1.1, 16.4.1.2, 16.4.3, 16.4.4	Wording Changes	3	08/06/2016	08/06/2016
All	Spelling, Punctuation	4	N/A	11/03/2017

16.0 APPEALS POLICY

16.0 Purpose

Ringette Alberta will have a common process that Ringette Alberta Members or registered Participants may use to challenge an existing policy, suspension, or a ruling by Ringette Alberta, Group Member or League Member.

16.2 Applicability

Any Individual who is affected by a decision of Ringette Alberta, League Member or Group Member will have the right to appeal that decision, subject to any limits in this Policy, to the next higher governing organization as set out in Table 1:

Table 1: Jurisdiction of Appeals

	Organization That Made Initial Decision		
	Ringette Alberta	League Member	Group Member
"1 st Level of Appeal"	Ringette Alberta	League	Group Member
"2 nd Level of Appeal"		Ringette Alberta	Ringette Alberta

16.2.1 This Policy will apply to decisions relating to conflict of interest, eligibility, selection, discipline, membership or any other matter deemed appropriate by Ringette Alberta.

16.2.2 This Policy will not apply to decisions relating to:

- 16.2.2.1 Decisions made external to Ringette Alberta or its Members;
- 16.2.2.2 Matters of employment;
- 16.2.2.3 Matters of committee composition, staffing, employment;
- 16.2.2.4 Commercial matters;

- 16.2.2.5 Matters of budgeting and budget implementation, including fees, dues and levies;
- 16.2.2.6 Infractions for doping offences which are dealt with pursuant to the Canadian Anti-Doping Program or any successor policy;
- 16.2.2.7 The rules of Ringette or disputes over competition rules;
- 16.2.2.8 Matters relating to the substance, content and establishment of policies, procedures or criteria;
- 16.2.2.9 Disputes arising within competitions which have their own appeal procedures; and
- 16.2.2.10 Any decisions made under this Policy.

16.3 Principles

- 16.3.1 Minimize frivolous grievances or appeals that consume Ringette Alberta energy and prevent sport development.
- 16.3.2 Everyone should have the right to challenge a ruling that may be detrimental to the sport or would unjustly penalize a player.
- 16.3.3 Grievances will not result in the changing of a current decision. The Board will consider the input when making future changes to policies and procedures. Only appeals may result in changing of a current decision.
- 16.3.4 Appeals will be dealt with in a timely matter.
- 16.3.5 All appeals submitted to Ringette Alberta, must be in writing to Ringette Alberta.

16.4 Requirements 16.4.1 Timelines

- 16.4.1.1. An appeal of a suspension must be submitted, in writing, in accordance with 16.4.1.2, unless the appeal is during the course of Ringette Alberta Provincials in which case the appeal must be submitted in writing, to the Ringette Alberta Representative at the Provincial Championship tournament within 1 hour of notification of suspension.
- 16.4.1.2. Where, according to Table 1, Ringette Alberta is the appropriate level of appeal, individuals who wish to appeal a decision, by Ringette Alberta, League Member or Group Member, will have fourteen (14) days from the date on which they learned of the decision, to submit, in writing to the head office of Ringette Alberta, the following:
 - 16.4.1.2.1 Notice of their intention to appeal;
 - 16.4.1.2.2 Contact information of the Appellant;
 - 16.4.1.2.3 Name of the Respondent;

- 16.4.1.2.4 Ground(s) for the appeal;
- 16.4.1.2.5 Detailed reason(s) for the appeal;
- 16.4.1.2.6 All evidence that supports the reasons; and grounds for an appeal;
- 16.4.1.2.7 The remedy or remedies requested;
- 16.4.1.2.8 Payment of the appeals fee (see 16.4.2).

16.4.1.3. The Executive Director is responsible for ensuring that appeals are heard in a timely manner.

16.4.2 Fees

- 16.4.2.1 An appeal fee in the form of cash, or online payment, in the amount specified in Appendix A- Rates and Fees.
- 16.4.2.2 If the Appellant is successful in their appeal, Ringette Alberta will reimburse the Appeals Fee to the Appellant.
- 16.4.2.3 If the Appellant is unsuccessful in their appeal, the Appeals Fee is non-refundable.

16.4.3 Grounds for Appeal – Decisions other than Disputed Releases

Decisions may only be appealed on ~~procedural~~ grounds which are limited to the Respondent:

- 16.4.3.1 Making a decision for which it did not have authority or jurisdiction as set out in the applicable body's governing documents; Failing to follow procedures as laid out in the bylaws or approved policies of Ringette Alberta;
- 16.4.3.2 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;
- 16.4.3.3 Failing to consider relevant information or taking into account irrelevant information in making the decision;
- 16.4.3.4 Makes a decision contrary to their own guidelines, policy, procedures processes; and/or
- 16.4.3.5 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 an error as described in Section 6.

16.4.4 Grounds for Appeal - Disputed Releases

- 16.4.4.1 No grounds for appeal are required other than the Appellant does not accept the rationale the Respondent provided for the denial of the requested release.

16.4.4.2 The Respondent bears the onus of proof in the appeal of a disputed release and thus must be able to provide, to the satisfaction of the appeal panel, justification for denying the release request.

16.4.5 Appeals Officer

16.4.5.1 Ringette Alberta will appoint an Appeals Officer to oversee this Policy. The Appeals Officer shall have had no prior involvement, either direct or by way of correspondence or conversations, with the matter being appealed. The Appeals Officer 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:

- 16.4.5.1.1 Receive appeals;
- 16.4.5.1.2 Determine if the appeal lies within the jurisdiction of this Policy;
- 16.4.5.1.3 Determine if appeal is brought in a timely manner;
- 16.4.5.1.4 Determine if appeal is brought on permissible grounds;
- 16.4.5.1.5 Appoint the Tribunal to hear the appeal;
- 16.4.5.1.6 Determine the format of the appeal hearing;
- 16.4.5.1.7 Coordinate all administrative and procedural aspects of the appeal;
- 16.4.5.1.8 Provide administrative assistance and logistical support to the tribunal as required; and,
- 16.4.5.1.9 Provide any other service or support that may be necessary to ensure a fair and timely appeal Proceeding.

16.4.6 Screening of Appeal

Upon 1) receipt of the notice, 2) grounds of an appeal, 3) supporting evidence, and 4) the required fee, the Appeals Officer will review the appeal and will decide if the appeal falls within the jurisdiction of this Policy, and if it satisfies procedural grounds. If the Appeals Officer is satisfied that the appeal is not under this Policy's jurisdiction, or that there are not sufficient grounds, the parties will be notified in writing, stating reasons. There is no further appeal of the Appeals Officer's decision on jurisdiction or grounds.

16.4.7 Mediation

Upon determining that there exists jurisdiction and sufficient grounds for an appeal, the Appeals Officer may, with the consent of the parties, seek to resolve the appeal through mediation using the services of an independent mediator.

16.4.8 Tribunal

16.4.8.1. Hearing before a Tribunal will take place. The Appeals Officer will appoint the Tribunal, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeals Officer, a Tribunal of three persons may be appointed to hear and decide a case. In this event, the Appeals Officer will appoint one of the Tribunal's members to serve as the Chair.

16.4.8.2. At Provincial Championships the Tribunal will include the Ringette Alberta Representative, the Officials Supervisor and member of the Ringette Alberta staff if available.

16.4.9 Procedure for the Hearing

The Appeals Officer will determine the timing and format of the Hearing, which may involve an oral Hearing in person, an oral Hearing by telephone, web conference or other appropriate electronic means, a Hearing based on written submissions or a combination of these methods. The Hearing will be governed by the procedures that the Appeals Officer and the Tribunal deem appropriate in the circumstances, provided that:

16.4.9.1 The parties will be given appropriate notice of the day, time and place of the hearing;

16.4.9.2 Copies of any written documents which the parties wish to have the Tribunal consider will be provided to all parties in advance of the Hearing;

16.4.9.3 The parties may be accompanied by a representative, advisor, or legal counsel at their own expense;

16.4.9.4 The Tribunal may request that any other individual participate and/or give evidence at the hearing;

16.4.9.5 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;

16.4.9.6 In a situation where the hearing is conducted by a Tribunal consisting of three Adjudicators, a quorum will be all three Adjudicators and decisions will be a majority vote.

16.4.10 Appeal of Suspension

16.4.10.1 Appeals will be heard for suspensions that resulted from a Misconduct Penalty or Match Penalty in all other sanctioned games including: Ringette Alberta Provincial Championships, league games, exhibition games, and/ or games out of Province.

16.4.10.2 Appeals will not be heard at sanctioned tournaments – suspensions will stand for the duration of a sanctioned tournament.

16.4.10.3 A Tribunal shall be convened for the following reasons:

16.4.10.3.1 A hearing is required as a result of a complaint as outlined in section 15.4.14 Suspension Policy, Complaints;

16.4.10.3.2 If a second Match Penalty has been assessed within two calendar years of the first Match Penalty;

16.4.10.3.3 If a suspension has been appealed by the participant;

16.4.10.3.4 For both the player and the head coach if a player participates in a Ringette game while suspended;

16.4.10.3.5 For team staff if they participate in a Ringette game while suspended;

16.4.10.3.6 Request to deal with a 14.0 Code of Conduct Policy Issue.

16.4.11 Appeal Decision

After the hearing, the Tribunal will issue its written decision, with reasons. The Tribunal may decide to:

a) Reject the appeal and confirm the decision being appealed; or

b) Uphold the appeal, identify the error(s) and refer the matter back to the original decision-maker for a new decision; or

c) Uphold the appeal and vary the decision.

16.4.12 Disclosure of Decision

The Tribunal's decision will be considered a matter of public record. A copy of this decision will be provided to the Parties and to Ringette Alberta. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

16.4.13 Confidentiality

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

16.4.14 Videos

Videos will only be entertained under section 15.4.14 Suspensions Policy, Complaints.

16.4.15 Compliance and Consequences

16.4.15.1 The Tribunal may not waive the mandatory Ringette Canada suspension but may reduce or increase the length of the Ringette Alberta suspension.

16.4.15.2 The decision of the Tribunal will be binding on the parties and on all Members.

16.5 References

14.0 Code of Conduct Policy

15.0 Suspensions Policy

Appendix A - Rates and Fees

16.6 Definitions

The following terms have these meanings in this Policy:

- a) *Appeal*: A formal request to change a decision made by an association or Ringette Alberta;
- b) *Appellant*: The party appealing a decision;
- c) *Days*: Days irrespective of weekends or holidays;
- d) *Respondent*: The body whose decision is being appealed;
- e) *Members*: All categories of membership defined in the Ringette Alberta Bylaws;
- f) *Participants*: Players, Coaches, Managers, Trainers and Officials registered with Ringette Alberta. Collectively, Coaches, Managers and Trainers may be referred to as team staff;
- g) *Parents / Guardians*: Legal representatives of Participants where Participants are under the age of 18;
- h) *Group member Volunteers and Employees*: any person performing paid or unpaid service to a Member of Ringette Alberta;
- i) *Ringette Alberta Volunteers and Employees*: Ringette Alberta Board Members, Committee Members, Other volunteers and Employees.