

2.0 BLACK GOLD RINGETTE CLUB APPEALS POLICY

2.1 Purpose The Black Gold Ringette Club (herein referred to as 'BGRC') will have a common process that players, team staff, or members may use to challenge an existing policy, suspension, or a ruling by BGRC.

2.2 Applicability

Any Individual who is affected by a decision of BGRC will have the right to appeal that decision, subject to any limits in this policy, to the next higher governing organization as set out below:

	ORGANIZATION THAT MADE THE INITIAL DECISION
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	Ringette Alberta	Black Gold Ringette Club	Rush
1 st level of appeal	Ringette Alberta	BGRC	Rush
2 nd level of appeal		Ringette Alberta	BGRC
3 rd level of appeal			Ringette Alberta

This policy will apply to decisions relating to conflict of interest, eligibility, selection, discipline, membership or any other matter deemed appropriate by BGRC.

This policy will not apply to decisions relating to:

- Decisions made external to BGRC, Ringette Alberta or its Members
- Matters of employment
- Matters of committee composition, staffing, and employment
- Commercial matters
- Matters of budgeting and budget implementation, including fees, dues and levies
- Infractions for doping offences which are dealt with pursuant to the Canadian Anti-Doping Program or any successor policy
- The rules of Ringette or disputes over competition rules
- Matters relating to the substance, content and establishment of policies, procedures or criteria
- Disputes arising within competitions which have their own appeal procedures
- Any decisions made under this policy.

2.3 Definitions The following terms have these meanings in this policy:

- Appeal: A formal request to change a decision made by Rush, BGRC or Ringette Alberta
- Appellant: The party appealing a decision.
- Days: Days irrespective of weekends or holidays.
- Respondent: The body whose decision is being appealed.
- Members: All categories of membership defined in the BGRC Bylaws.
- Participant Parents and/or Guardians: Legal representatives of participants where participants are under the age of 18.
- BGRC Volunteers and Employees: Players, Coaches, Managers, Trainers and Officials registered with BGRC and Ringette Alberta.

Collectively, Coaches, Managers and Trainers may be referred to as team staff. Also includes BGRC Executive Members, other volunteers and persons providing a services to BGRC.

2.4 Principles Minimize frivolous grievances or appeals that consume BGRC energy and prevent sport development. Everyone should have the right to challenge a ruling that may be detrimental to the sport or would unjustly penalize a player, team staff or BGRC member.

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 official appeals as outlined in this policy may result in changing of a current decision.

Appeals will be dealt with in a timely matter.

All appeals submitted to BGRC, must be in writing to the BGRC Executive.

2.5 Timelines Individuals who wish to appeal a suspension as mandated through Ringette Alberta rules and regulations must submit, in writing, as per Ringette Alberta 16.0 Appeals Policy.

<https://ringettealberta.com/wp-content/uploads/2018/02/16.0-Appeals-Policy-November-3-2017.pdf>

Individuals who wish to appeal a decision by BGRC will have fourteen (14) days from the date on which they learned of the decision, to submit, in writing BGRC the following:

- Notice of their intention to appeal;
- Contact information of the appellant;
- Name of the respondent;
- Reasons and grounds for an appeal;
- All evidence that supports the reasons and grounds for an appeal;
- The remedy or remedies requested, and The Appeal Fee (see FEE section of Appeals Policy)

2.6 Grounds for Appeal Decisions may only be appealed on procedural grounds which are limited to the Respondent:

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 BGRC

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; and/or

Failing to consider relevant information or taking into account irrelevant information in making the decision;

Makes a decision contrary to their own guidelines, policy, procedures and processes.

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.

2.7 Appeals Officer The BGRC Executive Member appointed to be the Appeals Officer will be the Vice President, or designate BGRC Executive Member if deemed to be in conflict. 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:

- Determine if the appeal lies within the jurisdiction of this policy;

- Determine if appeal is brought in a timely manner;
- Determine if the appeal is brought on permissible grounds;
- Appoint a Tribunal Member to hear the appeal;
- Determine the format of the appeal process;
- Coordinate all administrative and procedural aspects of the appeal;
- Provide administrative assistance and logistical support to a tribunal member as required; and
- Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

2.8. Screening of Appeal Upon receipt of the notice, grounds of an appeal, supporting evidence and the required fee (\$100), 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.

2.9. Mediation Upon determining that there exists jurisdiction and sufficient grounds for an appeal, the Appeals Officer may as a first step and with the consent of the parties, seek to resolve the appeal through mediation using the services of an independent mediator. Should mediation not be an option, a hearing before a Tribunal Member will take place.

2.10. Tribunal Member The Appeals Officer will appoint a single, experienced Tribunal Member, to hear and decide a case.

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 Member deem appropriate in the circumstances, provided that:

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

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

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

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

- 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;
- After the hearing, the Tribunal Member will issue the written decision, with reasons.
- The Tribunal Member may decide to:
 - Reject the appeal and confirm the decision being appealed;
 - Uphold the appeal, identify the error(s) and notify parties involved in the original decision; or
 - To uphold the appeal and vary the decision.

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

2.12. Confidentiality The appeal process is confidential involving only the parties, the Appeals Officer and the Tribunal Member. 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.

COMPLIANCE AND CONSEQUENCES The decision of the Tribunal Member will be binding on the parties and on all members.