



APPEAL POLICY STATEMENT (the "Appeals Policy")

Alberta Snowboarding is committed to providing an environment in which all Individuals involved with Alberta Snowboarding are treated with respect and fairness.

Policy Category: Governance
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Preamble

Appeals are not for re-deciding matters, they are for correcting errors in decision making. An appeal policy exists to make sure that decision-makers make only those decisions they have the power to make, that decision-makers are un-biased, and that decisions are made fairly and according to the organization's policies and procedures. An Appellant cannot challenge a decision simply because he or she disagrees with it; allowing an Appellant to appeal a decision on its merits simply because he/she does not like the outcome does a great disservice to those who made the decision in the first place. If any and all decisions may be appealed, then decision-makers might as well not take the time and effort to make decisions diligently, thoughtfully and fairly in the first place.

The Appeals Policy also outlines the internal process approved by the Board and membership to deal with some issues arising from decisions made by the Board or any of its committees. While the Board and committees of the Board have the authority to make decisions according to the power invested in them from the governing documents of the association, there is also a requirement to ensure that members of the association have a process to appeal decisions within a formal framework of operation.

Purpose

Alberta Snowboarding is committed to providing an environment in which all Individuals involved with Alberta Snowboarding are treated with respect and fairness. Alberta Snowboarding provides Individuals with this Appeals Policy to enable fair, affordable, and expedient appeals of certain decisions made by Alberta Snowboarding.

Definitions

1. The following terms have these meanings in this Policy:
 - a) "Appellant" – The Party appealing a decision;
 - b) "Case Manager" – An independent individual appointed by the Executive Director who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee the implementation of this Appeals Policy. The Case Manager will have responsibilities that include, but are not limited to:
 - i. Ensuring procedural fairness;
 - ii. Respecting the applicable timelines; and



- iii. Using decision making authority empowered by this Policy;
- c) "Days" – Days including weekends and holidays;
- d) "Individuals" – All categories of membership defined in Alberta Snowboarding's Bylaws, as well as all individuals employed by, or engaged in activities with Alberta Snowboarding including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Directors and Officers of Alberta Snowboarding, spectators at events, parents/guardians of athletes, and includes directors, officer and/or shareholders of corporations involved in any way with Alberta Snowboarding;
- e) "Parties" – The Appellant, Respondent, and any other Individual affected by the appeal; and
- f) Respondent" – The body whose decision is being appealed.

Scope and Application

- 2. This Policy applies to all Individuals. Any Individual who is directly affected by a decision by Alberta Snowboarding that is appealable under Section 7 below shall have the right to appeal that decision provided there are sufficient grounds for the appeal as described in Section 7 of this Policy.
- 3. This Policy will apply to decisions relating to:
 - a) Eligibility;
 - b) Selections;
 - c) Conflict of Interest;
 - d) Discipline; and
 - e) Membership.
- 4. This Policy will not apply to decisions relating to:
 - a) Employment;
 - b) Infractions for doping offenses;
 - c) The rules of the sport of snowboard;
 - d) Selection criteria, quotas, policies, and procedures established by entities other than Alberta Snowboarding;
 - e) Substance, content and establishment of team selection and criteria;
 - f) Volunteer/coach appointments and the withdrawal or termination of those appointments;
 - g) Budgeting and budget implementation;
 - h) Alberta Snowboarding's operational structure and committee appointments;
 - i) Decisions or discipline arising within the business, activities, or events organized by entities other than Alberta Snowboarding (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Alberta Snowboarding at its sole discretion); and
 - j) Commercial matters for which another appeals process exists under a contract or applicable law.



Timing of Appeal

5. 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 Alberta Snowboarding, 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 the decision if written document is not available;
 - f) Grounds for the appeal;
 - g) Detailed reasons for the appeal;
 - h) All evidence that supports the grounds of the appeal;
 - i) Requested remedy (or remedies); and
 - j) An administration fee of one hundred dollars (\$100), which will be refunded if the appeal is upheld.

6. 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 Case Manager and may not be appealed. In making their decision, the Case Manager shall consider whether there were exceptional circumstances that prevented the Appellant from filing their appeal within the otherwise stipulated seven (7) day appeal deadline.

Grounds for Appeal

7. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds to appeal a decision are limited to when 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; or
 - e) Made a decision that was grossly unreasonable, unfair, or, blatantly incorrect.

8. Upon receiving the notice of the appeal, the fee, and all other information (outlined in Section 5), Appellant and the Respondent may first attempt to resolve the dispute



through a mediation or through the Early Resolution Facilitation services offered by the Sport Dispute Resolution Centre of Canada ("SDRCC").

Screening of Appeal

9. Should the appeal not be resolved by using the Dispute Resolution Policy or through resolution facilitation at the SDRCC, Alberta Snowboarding will appoint an independent Case Manager (who must not be in a conflict of interest) who has the following responsibilities:
 - a) Determine if the appeal falls under the scope of this Policy as described in Section 4 above;
 - b) Determine if the appeal was submitted in a timely manner as described in Section 5 above;
 - c) Decide whether there are sufficient grounds for the appeal as described in Section 7 above; and
 - d) If the appeal is denied 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.
10. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeal Panel (the "Panel") which shall consist of a single Arbitrator, to hear the appeal. Should the Appellant object to the appointment of said Arbitrator, the parties shall mutually appoint an Arbitrator.

Procedure for Appeal Hearing

11. The Case Manager shall notify the Parties that the appeal will be heard.
12. Alberta Snowboarding will cover expenses for the Panel for the tenure of their activities.
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 Case Manager and the Panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within a timeline determined by the Panel;
 - 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 Panel 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;



- e) The Panel may request that any other individual participate and give evidence at the hearing;
- f) The Panel may allow as evidence at the hearing any oral evidence, 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; and
- 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, will have an opportunity to participate in the appeal, and will be bound by its outcome.

15. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

16. When rendering its decision, the Panel shall consider whether the Appellant has demonstrated, on a balance of probabilities, that the Respondent made a procedural error as described in Section 8 of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

17. The Panel shall issue its decision, in writing and with reasons, within fourteen (14) 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:

- 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; or
- c) Uphold the appeal and vary the decision

18. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Alberta Snowboarding. 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.

19. The Panel's decision may be appealed by any of the Parties to the SDRCC in accordance with the Canadian Sport Dispute Resolution Code.

Timelines

20. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution of the appeal, the Case Manager and/or Panel may direct that these timelines be revised.

Confidentiality

21. The appeals process is confidential and involves only the Parties, the Case 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.

Sport Dispute Resolution Centre of Canada

22. By agreement between the Parties, the internal appeal process may be bypassed and the appeal may be heard directly by the ("SDRCC").