

# APPEAL POLICY

## AP.1 Definitions

For the purposes of this Appeals Policy, the following terms shall have the following meanings:

- a) "Appellant" shall mean the party appealing a decision.
- b) "Days" shall mean days irrespective of weekends and holidays.
- c) "Members" shall mean all members of RRA and all individuals employed by, or engaged in activities with RRA including, but not limited to, athletes, coaches, officials, volunteers, parents, team managers, administrators, committee members, directors and officers of RRA, coach developers and instructors.
- d) "Parties" shall collectively refer to the Appellant, Respondent, and any other Members or persons affected by the appeal;
- e) "Respondent" shall mean the body whose decision is being appeal.

## AP.2 Purpose

Ap.2.1 RRA provides Members with this Appeal Policy to enable appeals of certain decisions made by RRA.

## AP.3 Scope and Application of Policy

AP.3.1 Any Member who is directly affected by an RRA decision shall have the right to appeal that decision; provided there are enough grounds for the appeal under the 'Grounds for Appeal' section of this Policy.

AP.3.2 This Policy shall apply to decisions regarding:

- a) Eligibility;
- b) Conflict of Interest;
- c) Discipline;
- d) Membership;
- e) Substance, content and establishment of team selection criteria;
- f) Volunteer/coach appointments and the withdrawal or termination of those appointments;

AP.3.3 This Policy shall NOT apply to decisions regarding:

- a) Employment;
- b) Infractions for doping offenses;
- c) The rules of the sport;
- d) Selection criteria, quotas, policies, and procedures established by entities other than the RRA;
- e) Budgeting and budget implementation;
- f) RRA's operational structure and committee appointments;
- g) Decisions or discipline arising within the business, activities, or events organized by entities other than RRA (appeals of these decisions shall be dealt with pursuant to the

- policies of those other entities unless requested and accepted by the RRA at its sole discretion);
- h) Commercial matters for which another appeals process exists under a contract or applicable law; and
  - i) Decisions made under this Policy;

## AP.4 Timing and Notice of Appeal

AP.4.1 Members who wish to appeal a decision have fifteen (15) days from the date on which they received notice of the decision to submit, in writing to RRA's Vice-President, 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;
- 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) \$100 administration fee (which shall be refunded if the appeal is successful);

AP.4.2 A Member wishing to initiate an appeal beyond the fifteen (15) 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 fifteen (15) day period will be at the sole discretion of the Vice-President and may not be appealed.

## AP.5 Grounds for Appeal

10.5.1 A decision cannot be appealed on its merits alone. An appeal may only be heard if there are enough grounds for appeal. Enough grounds include the Respondent:

- a) Decided that it did not have authority or jurisdiction (as set out in the Respondent's governing documents);
- 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 is unable to consider other views);
- d) Failed to consider relevant information or considered irrelevant information in making the decision;
- e) Made a decision that was grossly unreasonable

AP.5.2 The Appellant bears the onus of proof and 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.

## AP.6 Screening of Appeal

- AP.6.1 Upon receiving notice of the appeal, the fee, and all other information (outlined in the 'Timing and Notice of Appeal' section of this Policy), RRA will appoints the Vice-President who has sole discretion to decide whether there are enough grounds for the appeal.
- AP.6.2 If the appeal is denied based on insufficient grounds, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- AP.6.3 If the Vice-President is satisfied there are enough grounds for an appeal, the Vice-President will appoint an Appeals Committee which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Vice-President, a Committee of three persons may be appointed to hear the appeal. In this event, the Vice-President will appoint one of the Committee's members to serve as the Chair.

## AP.7 Procedure for Appeal Hearing

- AP.7.1 The Vice-President shall notify the Parties that the appeal will be heard. The Vice-President shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Vice-President and may not be appealed.
- AP.7.2 If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
- AP.7.3 The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Vice-President and the Committee deem appropriate in the circumstances, provided that:
- a) The hearing will be held within the appropriate timeline determined by the Vice-President.
  - 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 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.
  - e) The Committee may request that any other individual participate and give evidence at the hearing.
  - f) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal under this Policy, that party will become a party to the appeal in question and will be bound by its outcome.
  - g) The decision to uphold or reject the appeal will be a majority vote of Committee Members.
- AP.7.4 In fulfilling its duties, the Committee may obtain independent advice.

## AP.8 Appeal Decision

AP.8.1 The Committee shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Committee will have no greater authority than that of the original decision maker. The 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.

AP.8.2 The Committee's written decision, with reasons, will be distributed to all Parties, the Vice-President, and RRA. The 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 Committee.

## AP.9 Confidentiality

AP.9.1 The appeals process is confidential and involves only the Parties, Vice-President, the Committee, and any independent advisors to the Committee. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved with the proceedings.

## AP.10 Final and Binding

AP.10.1 The decision of the Committee will be binding on the Parties, the RRA and on all Members.

AP.10.2 No action or legal proceeding will be commenced against RRA or its Members in respect of a dispute, unless RRA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in RRA's governing documents.