



APPEALS POLICY

This Policy applies to decisions made by the ASRCA, by committees of the ASRCA, and by individuals who are delegated authority to make decisions on behalf of the ASRCA. For further clarity, this policy will apply to all decisions of the ASRCA except decisions made by organizations external to the ASRCA; decisions relating to operational structure, staffing or employment; decisions about allocation of volunteer appointments; decisions on budgets or budget implementation; and decisions of a commercial nature.

1. Each Notice of Appeal must be accompanied by a \$50.00 deposit (certified cheque or money order payable to the ASRCA), refundable in the case of a successful appeal.

2. The Board will appoint an Administrator to oversee appeals under this policy. The Administrator 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:

- Receive appeals;
- Determine if appeals lie within the jurisdiction of this Policy;
- Determine if appeals are brought in a timely manner;
- Determine if appeals are brought on permissible grounds;
- Appoint the Tribunal to hear and decide appeals;
- Determine the format of the appeal hearing;
- Coordinate all administrative and procedural aspects of the appeal;
- Provide administrative assistance and logistical support to the Tribunal as required; and
- Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

3. Persons who wish to appeal under this policy will submit a written Notice of Appeal to the Administrator indicating their intention to appeal, their contact information, the reasons and grounds for the appeal, a summary of evidence to support the appeal, and the remedy requested. This Notice must be submitted within 10 calendar days of the person receiving formal notice of the ASRCA decision.

4. Decisions may only be appealed on procedural grounds, which are limited to the ASRCA:

- Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- Failing to follow procedures laid out in its approved policies;
- Making a decision that was influenced by bias;



- Failing to consider relevant information or taking into account irrelevant information in making the decision; or
- Making a decision that was grossly unreasonable.

5. The Administrator will review the Notice of Appeal and will determine if the appeal falls within the jurisdiction of this Policy, is brought in a timely manner, and satisfies procedural grounds. If the Administrator is satisfied that the appeal may not proceed as it is not under this Policy's jurisdiction, is not timely, or is without grounds, the parties will be notified in writing, stating reasons.

6. If the Administrator is satisfied that the appeal may proceed, then a Hearing before a Tribunal will take place. The Administrator will appoint a Tribunal, which will consist of a single Adjudicator, approved by all parties, to hear and decide the appeal.

7. The Hearing will be governed by the procedures that the Administrator and the Tribunal deem appropriate in the circumstances. The Tribunal will have authority to rule in the event of any dispute about procedure and timelines.

8. After the Hearing, the Tribunal will issue a written decision with reasons within seven calendar days of the close of the hearing. The Tribunal may decide:

- To reject the appeal and confirm the decision being appealed; or
- To uphold the appeal, identify the error and refer the matter back to the ASRCA; or
- To uphold the appeal and vary the decision but only where the Tribunal has determined that the error or errors cannot be corrected by the ASRCA due to lack of clear procedures, lack of time, or lack of neutrality.

9. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

10. The appeal process is confidential involving only the parties, the Administrator and the Tribunal. Once initiated and until a written decision is released, the parties will not disclose confidential information relating to the appeal to any person not involved in the proceedings.

11. The decision of the Administrator rendered under Section 5, and the decision of the Tribunal rendered under Section 8, will be final and binding upon the parties, subject only to any review that may be permitted under the rules of the Sport Dispute Resolution Centre of Canada.

This policy was adapted from "Appeals Policy - Sprint Racing Discipline" published by Canoe Kayak Canada ("CKC"), November, 2011.



FORM OF NOTICE OF APPEAL

1. My name is: _____

2. My address is: _____

3. My phone number is: _____

5. My email is: _____

6. At the time of the decision appealed from, I was:

An National Team member

A Provincial Team member

A Club Team member

7. I am appealing for the decision of (name & title): _____

8. Decision appealed from (describe in some detail):

9. Date of decision: _____

10. Date I was informed of decision: _____

11. I was informed of this decision by (whom): _____



12. The decision directly affects me because:

13. This is what I believe the decision should have been:

14. The grounds of my appeal are: (describe what you believe was wrong with the decision and why it was wrong and attach as many additional pages as you feel necessary to fully set forth your arguments)

Date: _____

Signature: _____