



Policy Title:	Appeal Policy	Policy No: SSO 5-15
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Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Appellant*” – The Party appealing a decision
 - b) “*Days*” – Days including weekends and holidays
 - c) “*Individuals*” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, any director, officer, committee member, volunteer, coach, athlete, official, referee, manager and member within the Organization or its Members.
 - d) “*Members*” – The Regional Training Centre – Ontario and any Competitive, Recreational, Scholastic, University synchronized swimming club or Trillium awards program provider
 - e) “*Organization*” – Synchro Swim Ontario
 - f) “*Parties*” – The Appellant, Respondent, and any other Members or persons affected by the appeal
 - g) “*Respondent*” – The body or individual whose decision is being appealed

Purpose

2. The Organization provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Organization.

Scope and Application of this Policy

3. Any Individual who is directly affected by an Organization decision will have the right to appeal that decision; provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.
4. This Policy **will not apply** to decisions relating to:
 - a) Employment
 - b) Infractions for doping offenses
 - c) The rules of the sport of synchronized swimming
 - d) Substance, content and establishment of team selection criteria
 - e) Budgeting and budget implementation
 - f) Organization’s operational structure and committee appointments
 - g) Volunteer appointments and the withdrawal of termination of those appointments
 - h) Decisions or discipline arising within the business, activities, or events organized by entities other than Organization (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Organization at its sole discretion)
 - i) Commercial matters
 - j) Decisions made under this Policy

Timing of Appeal

5. Individuals who wish to appeal a decision have **fourteen (14)** days from the date on which they received notice of the decision to submit, in writing to Organization, the following:
 - a) Notice of appeal and contact information of the Appellant
 - b) Name of the Respondent and any affected parties
 - c) Date the Appellant was advised of the decision being appealed
 - d) A copy of the decision being appealed, or description of decision if written document is not available
 - e) Grounds for the appeal and detailed reasons for the appeal
 - f) All evidence that supports the grounds for appeal
 - g) Requested remedy or remedies
 - h) An administration fee of **five hundred dollars (\$500)**, which will be refunded if the appeal is successful
6. An Individual who wishes to initiate an appeal beyond the fourteen (14) 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 fourteen (14) day period will be at the sole discretion of the Case Manager and will not be appealed.

Grounds for Appeal

7. An appeal will only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:
 - a) Made a decision that it did not have authority or jurisdiction
 - b) Failed to follow its own procedures
 - 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)
8. 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.

Screening of Appeal

9. Upon receiving the notice of the appeal, the Organization will appoint an independent Case Manager who has the following responsibilities:
 - a) Determine if the appeal falls under the jurisdiction of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
10. If the appeal is denied on the basis of insufficient grounds for appeal, because it was not submitted in a timely manner, or because it did not fall under the jurisdiction of this Policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision will not be appealed.
11. If the Case Manager is satisfied there are sufficient grounds for an appeal, the appeal was submitted in a timely manner and falls under the jurisdiction of this Policy, the Case Manager will appoint an Appeals Panel which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, an

Appeals Panel of three persons (one being appointed Chair) may be appointed by the Case Manager to hear the appeal.

Procedure for Appeal Hearing

12. The Case Manager, in cooperation with the Appeals Panel, will then decide the format under which the appeal will be heard. This decision will not be appealed.
13. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/electronic communications, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Appeals Panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within the appropriate timeline determined by the Case Manager
 - b) The Parties will be given reasonable notice of the day, time and place of the hearing for an oral hearing or in-person hearing
 - c) Copies of any written documents which the parties wish to have the Appeals Panel consider will be provided to all Parties in advance of the hearing in accordance with the timelines determined by the Case Manager
 - d) If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
 - e) A Party may choose to engage a representative, advisor, or legal counsel at their own expense
 - f) The Appeals Panel may request that any other individual participate and give evidence at the hearing
 - g) The Appeals Panel may accept any oral evidence and 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
 - h) 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 under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
 - i) The decision to uphold or reject the appeal will be by a majority vote of the Appeals Panel
14. In fulfilling its duties, the Appeals Panel may obtain independent advice.

Appeal Decision

15. The Appeals Panel will issue its decision, in writing and with reasons. In making its decision, the Appeals Panel will have no greater authority than that of the original decision-maker. The Appeals Panel may decide to:
 - a) Reject the appeal
 - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision with instructions
 - c) Uphold the appeal and vary the decision
16. The Appeals Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Organization. In extraordinary circumstances, the Appeals Panel may first issue a verbal or summary decision, with the full written decision to be issued

thereafter. The decision will be considered a matter of public record unless decided otherwise by the Appeals Panel.

Confidentiality

17. The appeals process is confidential and involves only the Parties, the Case Manager, the Appeals Panel, and any independent advisors to the Appeals 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.

Final and Binding

18. The decision of the Appeals Panel will be binding on the Parties, the Organization, all Member Clubs and all Individuals.

19. No action or legal proceeding will be commenced against the Organization or Individuals, unless the Organization has refused or failed to provide or abide by this appeal process.