

Squash Nova Scotia Appeals Policy

1. Defined Terms

Appellant:	The party appealing a decision.
Days:	Days irrespective of weekends or holidays.
Respondent:	The body whose decision is being appealed.
Member:	All categories of membership defined in the Squash Nova Scotia Bylaws, as well as any person affiliated with Squash Nova Scotia via written agreement.

2. Scope and Application of this Policy

Any Member who is affected by a decision of Squash Nova Scotia will have the right to appeal a decision of the Squash Nova Scotia Board of Directors, of any Squash Nova Scotia Committee, or of any group or individual who has been delegated authority to make decisions on behalf of Squash Nova Scotia, subject to any limits in this Policy.

This Policy will apply to decisions relating to conflict of interest, eligibility, selection, discipline, membership or any other matter deemed appropriate by Squash Nova Scotia.

This Policy will **not** apply to decisions relating to:

- a. Decisions made external to Squash Nova Scotia;
- b. Matters of employment;
- c. Volunteer appointments and the withdrawal or termination of those appointments;
- d. Matter of operational structure, committees, staffing, employment or volunteer opportunities;
- e. Commercial matters;
- f. Matters of budgeting and budget implementation, including fees, dues and levies;
- g. Infractions for doping offences which are dealt with pursuant to the *Canada Anti-Doping Program* or any successor policy;
- h. The rules of squash or disputes over competition rules;
- i. Matters relating to the substance, content and establishment of policies, procedures; and
- j. Any decisions made under this Policy.

3. Timing of Appeal

Members who wish to appeal a decision will have fourteen (14) days from the date on which they learned of the decision, to submit in writing to the head office of Squash Nova Scotia the following:

- a. Notice of their intention to appeal;
- b. Contact information of the Appellant;
- c. Name of the Respondent;

- d. Ground(s) for the appeal;
- e. Detailed reason(s) for the appeal;
- f. All evidence that supports the reasons and grounds for an appeal;
- g. The remedy or remedies requested; and
- h. A payment of two hundred dollars (\$200), which may be refundable.

NOTE: If the Appellant is successful in his/her appeal, Squash Nova Scotia will reimburse the \$200.00 payment to the Appellant.

4. Grounds for Appeal

Decisions may only be appealed on procedural grounds which are limited to the Respondent:

- a. Making a decision for which it did not have authority or jurisdiction as set out in the Respondent's governing documents;
- b. Failing to follow procedures as laid out in the bylaws or approved policies of Squash Nova Scotia;
- c. 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
- d. Failing to consider relevant information or taking into account irrelevant information in making the decision.

5. Appeals Officer

Squash Nova Scotia will appoint an Appeals Officer to oversee this Policy. 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:

- a. Receive appeals;
- b. Determine if the appeal lies within the jurisdiction of this Policy;
- c. Determine if the appeal is brought in a timely manner;
- d. Determine if the appeal is brought on permissible grounds;
- e. Appoint the tribunal to hear the appeal;
- f. Determine the format of the appeal hearing;
- g. Coordinate all administrative and procedural aspects of the appeal;
- h. Provide administrative assistance and logistical support to the tribunal as required; and
- i. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

6. Screening of Appeal

Upon receipt of the notice, grounds of an appeal, supporting evidence and the required fee, 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.

7. Mediation

Upon determining that there exists jurisdiction and sufficient grounds for an appeal, the Appeals Officer will, with the consent of the parties, seek to resolve the appeal through mediation using the services of an independent mediator.

8. Tribunal

If the appeal cannot be resolved through mediation, then a hearing before a tribunal will take place. The Appeals Officer will appoint the Tribunal, which will consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeals Officer, a tribunal of three persons may be appointed to hear and decide a case. In this event, the Appeals Officer will appoint one of the tribunal's members to serve as the Chair.

9. Procedure for the Hearing

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, 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 deem appropriate in the circumstances, provided that:

- a. The parties will be given appropriate notice of the day, time, and place of the hearing.
- b. Copies of any written documents which parties wish to have the tribunal consider will be provided to all parties in advance of the hearing.
- c. The parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
- d. The tribunal may request that any other individual participate and/or give evidence at the hearing.
- e. 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.
- f. In a situation where the hearing is conducted by a tribunal consisting of three adjudicators, a quorum will be three adjudicators and decisions will be by majority vote.

10. Appeal Decision

After the Hearing, the tribunal will issue its written decision, with reasons. The tribunal may decide to:

- a. Reject the appeal and confirm the decision being appealed; or
- b. Uphold the appeal, identify the error(s) and refer that matter back to the original decision-maker for a new decision; or
- c. To uphold the appeal and vary the decision.

The tribunal's decision will be considered a matter of public record. A copy of this decision will be provided to the parties and to Squash Nova Scotia. Where time is of the essence, the tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

11. Confidentiality

The appeal process is confidential involving only the parties, the Appeals Officer, and the tribunal. Once initiated and until a written decision is released, none of the parties of the Panel will disclose confidential information relating to the appeal to any person not involved in the proceedings.

12. Final and Binding Decision

The decision of the tribunal will be binding on the parties and on all Members, subject only to a review of the matter as may be permitted under the rules of the Sport Dispute Resolution Centre of Canada.