

SMRA APPEALS POLICY

Purpose

1. St Marys Ringette Association (SMRA) is committed to providing an environment in which all Individuals involved with the organization are treated with respect and fairness. SMRA provides this Appeal Policy to enable fair, simple and quick appeals of certain decisions made by SMRA

Scope and Application of this Policy

2. This Policy applies to all SMRA members. Any Individual who is directly affected by a decision made by SMRA shall have the right to appeal that decision provided there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.
3. This policy may not be used by any member of the SMRA Board to appeal decisions taken at Board meetings which they have attended.
4. This policy may not be used by any member of the Association to appeal decisions taken by the membership at the AGM.
5. This Policy **will apply** to decisions taken by the SMRA Board, except for the specific exclusions set out at paragraph 7 below, subject to the appellant establishing sufficient grounds for appeal as defined below.

Grounds for Appeal

6. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include that the SMRA has:
 - a) **Exceeded its Jurisdiction:** Made a decision that it did not have the authority or jurisdiction (as set out in the SMRA, WRRRA or RO governing documents) to make
 - b) **Failed to follow Due Process:** Failed to follow its own policies and procedures (as set out in the Constitution By-Laws and Policies)
 - c) **Bias:** failed to manage conflict of interest in its decision-making
 - d) **Misapprehended Fact:** Failed to consider relevant information or has taken irrelevant information into account in making the decision
 - e) **Made a decision that was grossly unreasonable:** taken a decision that the wider ringette community would consider highly inappropriate and well outside the bounds of normal practice.

The Appellant must demonstrate, on a balance of probabilities, that the SMRA has made a procedural error or misjudgment 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.

7. This Policy **will not apply** to decisions relating to:
 - a) The rules of Ringette
 - b) Selection criteria, quotas, policies, and procedures established by entities other than SMRA
 - c) Budgeting and budget implementation
 - d) SMRA's operational structure and committee appointments

- e) Decisions or discipline arising within the business, activities, or events organized by entities other than SMRA
- f) Decisions made under this Policy
- g) Referee Decisions
- h) Decisions and recommendations of an Independent Evaluator in team evaluation and selection;
- i) Tie-Breaking Decisions

Timing of Appeal

8. Individuals who wish to appeal a decision have twenty-one (21) days from the date on which they received notice of a decision to submit, in writing to the President of SMRA, the following:
 - a) Contact information and status of the appellant
 - b) Grounds for the appeal
 - c) Detailed reasons for the appeal
 - d) Requested remedy or remedies

Screening of Appeal

9. Upon receiving the notice of the appeal the President 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
 - 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 because of insufficient grounds, it is out of time, or the decision is in the excluded list the Appellant will be notified, in writing, of the reasons for this decision. This decision may be appealed, to the WRRRA within the terms of the WRRRA Appeals Policy
11. If the Case Manager is satisfied there are sufficient grounds for an appeal, they will appoint a 3 member Appeals Panel from the SMRA Board. The Case Manager will appoint one of the Panel's members to serve as the Chair. Where possible the members appointed will not be in a conflict of interest. Where this is not possible the Case Manager may replace one or more panel members with individuals within the SMRA membership who are not in conflict of interest.

Procedure for Appeal Hearing

12. The Case Manager shall notify the Parties that the appeal will be heard, giving reasonable notice.
13. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
14. The hearing may be in person or electronic and will normally include:
 - a) a review of documentary evidence submitted in advance of the hearing
 - b) questions and answers between the panel and appellant, and any other people invited to attend to provide evidence.
15. The Appellant may be accompanied by a representative, advisor, or legal counsel at their own expense and no costs of representation may be recovered from SMRA.
16. The decision to uphold or reject the appeal will be by a majority vote of Panel members and will be binding on the Appellant and the SMRA.

17. The Panel may obtain independent advice from governing bodies.

Appeal Decision

18. The Panel will give a written decision to all parties with reasons, within three (3) days after the hearing's conclusion.. 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
- c) Uphold the appeal and vary the decision

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

20. The Appellant shall have the right of Appeal from a decision of the Appeals Panel to the governing body provided the Appeal falls within the scope of the WRRRA Appeals Policy, and it satisfies the WRRRA grounds for appeal and time limits, and the appeal fee is paid.

21. The SMRA Board and its members have no right of appeal from the decision of the Appeals panel.

Confidentiality

22. 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.

Legal Proceedings

23. No action or legal proceeding will be commenced against SMRA or Individuals in respect of a dispute, unless SMRA has refused or failed to abide appeal process as set out in SMRA's governing documents.