



## APPEAL POLICY

### Definitions

1. The following terms have these meanings in this Policy:
  - a. Appellant – The Party appealing a decision
  - b. Individuals – Members of KWSSSC and all individuals engaged in activities with KWSSSC, including, but not limited to, athletes, coaches, officials, volunteers, committee members, and directors and officers of KWSSSC.
  - c. Parties – The Appellant, Respondent, and any other persons affected by the appeal
  - d. Respondent – The body whose decision is being appealed

### Purpose

2. KWSSSC provides individuals with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by KWSSSC.

### Scope and Application of this Policy

3. This Policy applies to all Individuals. Any Individual who is directly affected by a KWSSSC decision 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.
4. This Policy will apply to decisions relating to:
  - a. Conflict of Interest
  - b. Discipline
5. This Policy **will not apply** to decisions relating to:
  - a. Decisions relating to doping offenses
  - b. The rules of speed skating and its various disciplines
  - c. Selection criteria, quotas, policies, and procedures established by entities other than KWSSSC including but limited to:
    - I. Canada Speed Skating
    - II. Ontario Speed Skating Association
    - III. Ministry of Tourism, Culture and Sport
    - IV. Coaches Association of Ontario
    - V. Canadian Sport Institute
  - d. Substance, content and establishment of team selection criteria
  - e. Volunteer/coach appointments and the withdrawal or termination of those appointments
  - f. Allegations of harassment (Please refer to KWSSSC's Harassment Policy)
  - g. Budgeting and budget implementation
  - h. KWSSSC's operational structure and committee appointments
  - i. Commercial matters
  - j. Decisions made under this Policy

6. The Appeals process is available to individuals when other avenues for issue resolution have not resolved the relevant issue satisfactory. Prior to moving to an appeal, individuals are encouraged to discuss and attempt to resolve their issue with the KWSSSC President or the Board of Directors.

### **Timing of Appeal**

7. Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit their appeal, in writing to KWSSSC's President.
8. An Individual who wishes to initiate an appeal beyond the seven (7) 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 seven (7) day period will be at the sole discretion of the KWSSSC President.

### **Grounds for Appeal**

9. A decision cannot be appealed on its merits alone. An appeal may 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 over (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 took into account irrelevant information in making the decision
  - e. Made a decision that was grossly unreasonable
10. 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.

### **Screening of Appeal**

11. Upon receiving the notice of the appeal KWSSSC will review the appeal and attempt to resolve the appeal.
12. Should the review fail to resolve the appeal, the KWSSSC will engage the Ontario Speed Skating Association for resolution under its policies.

### **Appeal Decision**

13. KWSSSC shall issue its decision, in writing and with reasons, to all Parties after the review of the appeal. KWSSSC may decide to:
  - a. Reject the appeal and confirm the decision being appealed
  - b. Uphold the appeal and vary the decision
  - c. Refer the issue to the Ontario Speed Skating Association

### **Confidentiality**

14. The appeals process is confidential. The Parties shall not disclose confidential information to any person not involved in the proceedings.

### **Approval**

15. This policy was approved by the KWSSSC Board of Directors on February 12, 2019.