

**CCSAM APPEALS POLICY**  
**REVISED BY THE BOARD FEBRUARY 9, 2009**  
**Original policy ratified by the Board on May 12, 2005**

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**1. PURPOSE**

- 1.1. The purpose of this policy is to enable disputes to be dealt with fairly, expeditiously and affordable, within CCSAM, without recourse to external legal procedures.

**2. DEFINITIONS**

- 2.1. These terms will have these meanings in this policy:
- 2.1.1. *Days* -- will mean total days, irrespective of weekends or holidays.
  - 2.1.2. *Member* -- refers to all categories of members of CCSAM and all employees of CCSAM.
  - 2.1.3. *Appellant* -- refers to the member appealing a decision.
  - 2.1.4. *Respondent* -- refers to the individual or committee of CCSAM whose decision is being appealed.

**3. SCOPE OF APPEAL**

- 3.1. Any Member of CCSAM who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Paragraph 4.0 of this policy.
- 3.2. This policy will not apply to decisions relating to:
- 3.3. Matters of employment;
- 3.4. Infractions for doping offences, which are dealt with pursuant to the *Canadian Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
- 3.5. The rules of cross country skiing, which may not be appealed;
- 3.6. Discipline matters arising during events organized by entities other than CCSAM, which are dealt with pursuant to the policies of these other entities, provided that they have an appeal policy in place;
- 3.7. Any decisions made under Sections 5 and 7 of this policy.

**4. GROUNDS FOR APPEAL**

- 4.1. Only decisions may be appealed. Not every decision may be appealed and appeals may only be heard on procedural grounds. Procedural grounds are strictly limited to the Respondent:
- 4.1.1. Making a decision for which it did not have authority or jurisdiction as set out in CCSAM governing documents;
  - 4.1.2. Failing to follow procedures as laid out in the bylaws or approved policies of CCSAM;
  - 4.1.3. Making a decision that was influenced by bias;

**5. TIMING OF APPEAL**

- 5.1. A decision of an authorized individual or committee of CCSAM may be appealed by filing a written notice of appeal (Appendix A) stating the grounds upon which the appeal is based, summary of evidence that supports these grounds, and the remedy sought, with the President of CCSAM within 3 days of receiving notification of the decision.
- 5.2. An Appeal fee of \$100 must accompany the appeal.
- 5.3. Any person wishing to file an appeal beyond the 3 day period must provide a written request stating the reasons for an exception to the requirement. The decision to allow, or not allow an appeal outside the 3 day period will be at the sole discretion of the CCSAM President, and may not be appealed.

## **6. APPEAL PANEL**

- 6.1. Within 7 days of receiving the notice of appeal, the CCSAM President shall:
  - 6.1.1. Ensure that the appellant and respondent have attempted to resolve the dispute by means of negotiation or facilitation as set out in the CCSAM Alternative Dispute Resolution Policy;
  - 6.1.2. Notify the respondent whose decision is under appeal and request a justification and the reason(s) for the decision;
  - 6.1.3. Name a three member Appeal Panel.
  - 6.1.4. The Panel will be comprised of 3 individuals who will have no significant relationship with the affected parties, will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
  - 6.1.5. The CCSAM President may designate one of the Panel members to serve as chairperson of the Panel. In the event the President does not designate a Chairperson, the members of the Panel will select from themselves a Chairperson.

## **7. SCREENING THE APPEAL**

- 7.1. Within 7 days of its appointment, the Appeal Panel shall review the notice of appeal and reasons for the appeal and shall decide whether or not there are sufficient grounds for an appeal. This decision is discretionary and may not be appealed.
- 7.2. If the Appeal Panel is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of this decision in writing, stating reasons.
- 7.3. If the Appeal Panel is satisfied that there are sufficient grounds for an appeal, it shall conduct a Hearing

## **8. PROCEDURE FOR THE HEARING**

- 8.1. If the Appeal Panel is to conduct a Hearing it shall govern the Hearing by such procedures as it deems appropriate in the circumstances, provided that:
  - 8.1.1. The Hearing shall be held within 14 days of the Panel's appointment;
  - 8.1.2. The appellant and respondent shall be given 7 days written notice of the day, time and place of the hearing.
  - 8.1.3. A quorum shall be all three Panel members;
  - 8.1.4. Decisions shall be made by majority vote;
  - 8.1.5. Copies of any written documents that either the appellant or the respondent wish to have the Panel consider shall be provided to all parties at least 2 days in advance of the Hearing;
  - 8.1.6. Both the appellant and respondent may be accompanied by a representative or adviser;
  - 8.1.7. The Panel may request that any other individual participate and give evidence at the Hearing.
  - 8.1.8. In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference.
  - 8.1.9. The appellant shall have the right to decline a Hearing in favour of a documentary review. Should this be the case, the Panel shall request both the appellant and the respondent to provide written submissions, upon which the Panel shall make its decision. The Panel may direct such timelimes as it deems appropriate in the circumstances to conclude the appeal in a timely manner.
  - 8.1.10. If the circumstances of the dispute are such that this policy will not allow a timely appeal, the CCSAM President may direct that these timelimes be shortened. Should this be the case the appellant, the respondent and the Panel will make every reasonable effort to comply with the revised timelimes in order to conclude the appeal in a timely manner.

8.1.11. If the circumstances of the dispute are such that an appeal cannot be concluded within the timelines of this policy, the President may seek agreement from the appellant and respondent to extend the timelines.

## **9. APPEAL DECISION**

9.1. Within 7 days of concluding the Hearing the Panel shall issue its written decision, with reasons. The Panel will have no greater authority than that of the original decision-maker. The Panel may decide:

9.1.1. To void, vary or confirm the decision being appealed;

9.1.2. To make any decision it feels the respondent should have made;

9.1.3. To refer the matter back to the respondent for a new decision, correcting any errors that were made.

9.2. The Panel may determine how costs of the appeal shall be allocated.

9.3. A copy of the appeal decision shall be provided to the appellant, the respondent and the CCSAM President.

## **10. COSTS AND EXPENSES**

10.1. An Appeal fee of \$100 must accompany the appeal. The fee may be in any form of payment accepted by CCSAM and must be received before the appeal will be considered.

10.2. If the panel determines sufficient grounds for the appeal exists, the appellant may request from the Panel the return of the appeal-filing fee.

10.3. The Panel shall have the discretion to impose against the appellant up to a maximum of \$250.00 if the appellant is unsuccessful. Costs could include: long distance phone charges, fax costs, staff time or other reasonable expenses upon application by CCSAM or the representative of CCSAM. CCSAM shall ensure that the appellant is made aware of these costs as they are incurred. Receipts may be requested.

10.4. The Appeals Panel shall have the discretion to impose costs against CCSAM up to a maximum of \$250.00 to the appellant if successful. Costs could include: long distance charges, fax costs or other reasonable expenses upon application by the appellant or the representative of the appellant. Receipts may be requested.

## **11. CONFIDENTIALITY**

11.1. Unless otherwise provided by the parties, all information received by the panel and disclosed by or on behalf of the parties during the appeal, shall be deemed to be confidential information and shall not be disclosed.

## **12. LOCATION**

12.1. The appeal will take place in the location designated by the President unless the Panel decides the appeal is to be held by way of telephone conference, or unless, at the specific request of a party, a different location is mandated by the Panel.

## **13. FINAL AND BINDING DECISION**

13.1. The decision of the Panel will be final and binding on the parties and on all members of CCSAM, subject only to the provisions of CCSAM's policy relating to Alternative Dispute Resolution.

## **14. APPROVAL OF POLICY**

14.1. This policy was first approved by the CCSAM Board of Directors on May 12, 2005. It will be reviewed on an annual basis by the Board and may be amended, deleted or replaced by a resolution of the Board.

**APPENDIX A – CCSAM FORMAL APPEAL FORM**

Date: \_\_\_\_\_

**APPELLANT INFO**

Name: \_\_\_\_\_ Appellant YOB: \_\_\_\_\_

Address of appellant: \_\_\_\_\_  
\_\_\_\_\_

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_ Other phone: \_\_\_\_\_

Fax number of appellant: \_\_\_\_\_

Email of appellant: \_\_\_\_\_

Representative's name (if applicable): \_\_\_\_\_

Home phone: \_\_\_\_\_ Work phone: \_\_\_\_\_ Other phone: \_\_\_\_\_

Fax number: \_\_\_\_\_

Email: \_\_\_\_\_

**GROUNDINGS:**

Please list the grounds for the appeal and provide a summary of the evidence that supports these grounds (attach additional pages as required). \_\_\_\_\_  
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**Costs and Expenses (excerpt from CCSAM's appeals policy)**

- An Appeal fee of \$100 must accompany the appeal. The fee may be in any form accepted by CCSAM but in any event it must be received before the appeal will be considered.
- If the panel determines sufficient grounds that an appeal exists, the appellant may request from the Appeal Panel the return of the appeal-filing fee.
- The Appeals Panel shall have the discretion to impose costs up to a maximum of \$250.00 if the appellant is unsuccessful. Costs could include: long distance phone charges, fax costs, staff time or other reasonable expenses upon application by CCSAM or the representative of CCSAM. CCSAM shall ensure that the appellant is made aware of these costs as they are incurred. Receipts may be requested.