



Archers and Bowhunters Association of Manitoba **Appeals Policy**

Purpose

1. The purpose of this appeals policy is to enable disputes within The Archers and Bowhunters Association of Manitoba (ABAM) to be dealt with fairly and expeditiously within the ABAM.

Definitions

2. Terms will have these meaning in this policy:
 - a) *Days* – will mean total days, irrespective of weekends or holidays
 - b) *Member* – refers to all categories of member within the ABAM, as well as to all individuals employed by the ABAM, including but not limited to: athletes, coaches, officials, volunteers, directors, officers, team managers, and employees.
 - c) *Appellant* – refers to the Members appealing a decision.
 - d) *Respondent* – refers to the body whose decision is being appealed.

Scope of Appeal

3. Any Member of the ABAM 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 7 of this policy. Examples of decisions that may be appealed include but are not limited to those relating to eligibility, harassment, team selection, discipline and obligations under an athlete agreement.
4. This policy will not apply to decisions relating to:
 - a) Matters of employment.
 - b) Tournament Rules
 - c) Discipline matters arising during events organized by entities other than the ABAM, which are dealt with pursuant to the policies of these other entities
 - d) Infractions for doping offences, which are dealt with pursuant to the *Canadian Policy on Doping in Sport* and the *Canadian Doping Control Regulations*;
 - e) Any decisions made under Paragraphs 8 of this policy

Timing of Appeal

5. Members who wish to appeal a decision will have 10 days from the date on which they received notice of the decision, to submit in writing notice of their intention to appeal, grounds for the appeal, and a summary of the evidence that supports these grounds to the President of the ABAM (hereafter referred to as "Official").

Grounds for Appeal

6. Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:



- a) Making a decision for which it did not have authority or jurisdiction as set out in the ABAM's governing documents.
- b) Failing to follow procedures as laid out in the bylaws or approved policies of the ABAM.
- c) Making a decision that was influenced by a conflict of interest.

Screening of Appeal

7. Within 5 days of receiving the notice and grounds of an appeal, the Official will determine whether there are appropriate grounds for the appeal to proceed as set out in Paragraph 6. In the absence of the Official, a designate will perform this function.
8. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Official, or designate, and may not be appealed.

Appeals Panel

9. If the Official, or designate, is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal the Official will establish an Appeals Panel (hereafter referred to as the "Panel") as follows:
 - a) The Panel will be comprised of three individuals who will have no significant relationship with the affected parties, will have not have been involved with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
 - b) The Official may designate one of the Panel members to serve as chairperson of the Panel. In the event the Official does not designate a Chairperson, the members of the Panel will select from themselves a Chairperson.

Preliminary Conference

10. The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:
 - a) Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both).
 - b) Timelines for exchange of documents.
 - c) Clarification of issues in dispute.
 - d) Clarification of evidence to be presented to the Panel.
 - e) Location of hearing, where the hearing is an oral hearing.
 - f) Identification of witnesses.
 - g) Any other procedural matter that may assist in expediting the appeal proceedings.
11. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

Procedure for the Hearing

12. Where the Panel has determined that the appeal will be held by way of an oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
 - a) The hearing will be held within 21 days of the Panel's appointment.



- b) The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
 - c) A quorum will be all three Panel members. Decisions will be by majority vote, where the Chairperson carries a vote.
 - d) If the decision of the Panel 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.
 - e) A representative or advisor, including legal counsel, may accompany any of the parties.
 - f) The Panel may direct that any other person participate in the appeal.
13. The Panel may conduct the appeal by means of a telephone conference.

Procedure for Documentary Appeal

14. Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedure as it deems appropriate provided that:
- a) All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument.
 - b) The applicable principles and timelines set out in Paragraph 12 are respected.

Appeal Decision

15. Within 14 days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
- a) To reject the appeal and confirm the decision being appealed; or
 - b) To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - c) To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality; and
 - d) To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, will be allocated, if at all.
16. A copy of this decision will be provided to each of the parties and to the Official.
17. In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Paragraph 16.

Timelines

18. If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

Location



19. The appeal will take place in the location designated by the Official, unless the Panel decides the appeal is to be held by way of telephone conference.

Final and Binding Decision

20. The decision of the Panel will be final and binding on the parties and on all members of the ABAM, subject only to the provisions of the ABAM's policies relating to Depute Resolution.

Responsibility

22. The administration and review of this policy is the responsibility of the VP Operations.

Review and Approval

23. This policy was first approved by the Board of Directors of Sail Manitoba on March 10, 2003. It was reviewed, amended and re-approved by the Board of Directors on March 5, 2012. The next re-approval date is September 2014.