



## Alberta Snowboarding Association Appeals Protocol

### 1. BACKGROUND

The Alberta Snowboarding Association (ASA) appeals protocol has been developed from the CSF model. This document pertains to all selections made by the ASA Board of Directors.

### 2. POLICY

The ASA attempts to be fair and equitable in all manors of business. Disputes arising from the selections made are referred to an ASA Appeals Officer.

### 3. DEFINITIONS

3.1. **ASA:** The Alberta Snowboarding Association recognized by the Canadian Snowboarding Federation as an accredited sports body.

3.2. **Member:** Any current member of the ASA affected by decisions made.

3.3. **Club:** A Snowboarding Club which is a sanctioned member of the ASA in good standing for the current season.

3.4. **Appellant:** Refers to the member appealing a decision.

3.5. **Respondent:** Refers to the body whose decision is being appealed.

3.6. **ASA Appeals Officer:** An individual involved in short who is independent of the ASA

Appeals Officer

To Be Determined



## **4. PROTOCOL**

### **4.1. General**

4.1.1. Any member of the Alberta Snowboarding Association who is affected by a decision made by the ASA Board of Directors or Office Manager or any member who has been delegated to make decisions on behalf of the Board shall have the right to appeal that decision.

4.1.2. The Protocol shall not apply to criteria and quotas from other governing sport bodies such as the CSF, CWSAA, FIS or IOC. Protocol shall not apply to matters relating to allegations of harassment or to disciplinary matters, nor matters relating to competition.

4.1.3. Members who wish to appeal a decision must do so within the specified Appeals Timeline set out by the decision made. The member must submit written notice of their intention to appeal, along with a detailed reason for the appeal to the ASA office. All appeals must be accompanied by a \$50 appeals fee payable to the ASA. This fee is non-refundable.

4.1.4. An appeal may only be heard if it is based on sufficient and appropriate grounds. These grounds include the respondent:

- 4.1.4.1. Making a decision for which it did not have authority or jurisdiction as set out in governing documents
- 4.1.4.2. Failing to follow procedures as laid out in the bylaws or approved policies of the ASA
- 4.1.4.3. Making a decision which was influenced by bias or a reasonable apprehension of bias
- 4.1.4.4. Failing to consider relevant information or taking into account irrelevant information in making the decision
- 4.1.4.5. Exercising its discretion for an improper purpose
- 4.1.4.6. Making a decision which was unreasonable

### **4.2. Appeal Decisions**

4.2.1. An Appeals Officer shall review appeals within an appropriate timeline. The Officer shall review the notice of appeal and reasons for the appeal and determine whether there are sufficient grounds for the appeal. This decision is discretionary and may not be appealed.

Note: For this reason, the Appeals Officer must not make this decision lightly. If anything, the Appeals Officer should err on the side of caution by allowing the appeal unless it can be clearly established that the appeal is without grounds.



4.2.2. If the Appeals Officer determines that there are not sufficient grounds for an appeal, he or she shall notify the appellant of this decision in writing, stating reasons. If the Appeals Officer is satisfied that there are sufficient grounds for an appeal, he or she shall conduct a Hearing.

4.2.3. If the Appeals Officer conducts a Hearing, he or she shall govern the Hearing by such procedures as he or she deems appropriate in the circumstances, provided that:

- 4.2.3.1. The Hearing shall be held within the appropriate timeline
- 4.2.3.2. The appellant and respondent shall be given appropriate notice of the day, time, and place of the Hearing
- 4.2.3.3. Copies of any written documents which either the appellant or respondent wish to have the Appeals Officer and the other party consider shall be provided to all parties in advance of the Hearing in accordance with the appropriate timeline
- 4.2.3.4. Both the appellant and respondent may be accompanied by a representative or adviser, including legal counsel
- 4.2.3.5. The Appeals Officer may request that any other individual participate and give evidence at the Hearing

4.2.4. In order to keep costs at a reasonable level the Appeals Officer may conduct the Hearing by means of a conference call or video conference. In order to expedite the hearing process, appeals of selection and competitive opportunity allocation decisions will ordinarily be considered by conference call.

4.2.5. At the conclusion of the Hearing, the Appeals Officer shall, within the appropriate timeline, issue her or his written decision, with reasons. The Appeals Officer may decide:

- 4.2.5.1. To void, vary, or confirm the decision being appealed
- 4.2.5.2. To make any decision he or she feels the respondent should have made
- 4.2.5.3. To refer the matter back to the respondent for a new decision, correcting any errors that were made; and/or
- 4.2.5.4. To determine how costs of the appeal shall be allocated

A copy of this decision shall be provided to the appellant, to the respondent, and to the President (or designate) of the ASA.

4.2.6. If the circumstances of the appeal are such that this Protocol will not allow a timely Hearing, the Appeals Officer may direct that these time lines be shortened. Should this be the case, the appellant and respondent shall make every reasonable effort to comply with the revised time lines in order to conclude the appeal in a timely manner.



4.2.7. If the circumstances of the appeal are such that a Hearing cannot be concluded within the time lines of this Protocol, the Appeals Officer may seek agreement from the appellant and respondent to extend the time lines.

4.2.8. The appellant shall have the right to decline a Hearing in favour of a documentary review. Should this be the case, the Appeals Officer shall request both appellant and respondent to provide written submissions, upon which the Appeals Officer shall make her or his decision. The Appeals Officer may direct such time lines as she or he deems appropriate in the circumstances in order to conclude the documentary review in a timely manner.

4.2.9. The decision of the Appeals Officer shall be final and binding and shall be retained by the ASA, for reference in future appeals by both Appeals Officers and appellants. Any decisions used in this manner shall have the names of the appellant deleted.



## APPEAL TIMELINES

ACTION	SELECTION APPEALS	APPEALS RE COMPETITIVE OPPORTUNITIES	OTHER APPEALS
Decision by ASA.			
Announcement of decision by ASA (e-mail and website).	Within <b>2</b> days of decision.	Within 12 hours of decision.	Within <b>4</b> days of decision.
Submission of notice of appeal by appellant.	Within <b>4</b> days of announcement of decision.	Within 24 hours of release of written announcement.	Within <b>4</b> days of announcement of decision.
Review of notice of appeal and decision to proceed by Appeals Officer.	Within <b>3</b> days of receipt of notice of appeal by Appeals Officer.	Within <b>24</b> hours of receipt of notice of appeal by Appeals Officer.	Within <b>3</b> days of receipt of notice of appeal by Appeals Officer.
Appeal Hearing (time and date set by Appeals Officer).	Within <b>14</b> days of decision to proceed.	Within 24 hours of decision to proceed.	Within 14 days of decision to proceed.
Submission of written documentation by appellant and respondent.	No less than 2 days prior to Hearing.	No less than 12 hours prior to Hearing.	No less than 2 days prior to Hearing.
Release of written decision by Appeals Officer.	Within 3 days of Hearing.	Within 2 hours of Hearing.	Within 3 days of Hearing.



## **5. APPEAL PROCEDURE**

The following points are a basic guideline for individuals who consider that they have grounds for an appeal and wish to initiate an appeal procedure.

### **5.1. Guidelines**

5.1.1. If reasons for the decision which you are considering appealing have not been provided, you should request that the ASA provide written reasons for its decision.

5.1.2. If, after reviewing the reasons you still wish to pursue an appeal, request a copy of the ASA's Appeals Protocol, if you do not already have one. Ideally, all members should be familiar with the rules governing appeals before a complaint arises. The ASA shall assume that all competitive program Coaches and sanctioned organizations are fully aware of this policy.

5.1.3. Send a written notice of appeal to one of the following Appeals Officers:

- ◆ Your notice should be signed, dated, and sent by registered mail or courier. You may also e-mail your notice, provided the original follows via registered mail or courier.
- ◆ Your notice should clearly identify the incident in question and state the grounds for the appeal (refer to Section 4.1.4. of the Appeals Protocol).
- ◆ Your notice must be sent within the time frame specified in the "Appeals Timelines".
- ◆ The ASA is required to grant an appeal within a reasonable time period, and what is reasonable depends upon the circumstances. Please refer to the attached "Appeals Timelines" for further information. Where time is clearly of the essence (for example, if the decision relates to a competition occurring very soon), you may request that the organization respond to you within a shorter time than indicated in the appeal timelines.

5.1.4. Keep a copy of your notice of appeal for your own records and for use at the Hearing



5.1.5. Gather all the documentation at your disposal relating to the matter you are appealing. Talk to others (athletes, coaches, team personnel) to determine who may be willing to assist you. Organize your materials in a form which will be understandable to the Appeals Officer. This will also assist you in evaluating the merits and weaknesses of your case.

5.1.4. If a Hearing is granted, confirm the place and time in writing.

5.1.5. Although they should be provided to you in any event, request copies of all materials that the Appeals Officer will be reviewing. Likewise, provide copies of all your materials in advance for the consideration of the Appeals Officer and the respondent.

5.1.6. If there are additional materials which had a bearing on the decision being appealed and which you have not received, request that they be provided to you.

5.1.7. Consider whether you wish to represent yourself at the Hearing, or whether you wish to be represented by an agent or counsel. If you choose to be represented, notify the Appeals Officer in advance. You may also inquire as to whether the other party is being represented by an agent or counsel. Keep in mind, however, that appeal procedures should be simple enough that legal representation is not necessary.

5.1.8. Attend at the Hearing with an open mind. Be organized, concise and objective. Be respectful towards the Appeals Officer and the other party. Adhere to the formal rules of procedure as directed by the Chairperson.

5.1.9. Although they should be provided to you anyway, request written reasons for the decision of the Appeals Officer.