

Saskatchewan Games Appeal Policy



May 30, 2016

Saskatchewan Games - Appeal Policy Flowchart

Appellant files appeal with Association



Screening of Appeal

1. The Provincial Games Consultant will screen the appeal.
2. The Provincial Games Consultant will determine if the complaint:
 - a) Falls under the scope of this Policy
 - b) Was submitted in a timely manner
 - c) Whether there are sufficient grounds for the appeal



Appeal Dismissed

1. The Appeal is dismissed if the Provincial Games Consultant determines:
 - a) Not within the scope of the appeal policy
 - b) Not submitted in a timely manner (3 hours of required deadline without extension or approval)
 - c) Insufficient grounds for appeal



Appeal Hearing Procedure

1. The Provincial Games Consultant will :
 - a. Appoint the Appeal Panel
 - b. In cooperation with the Panel, decide the format of the appeal hearing
 - c. Provide notice of the hearing
 - d. Ensure all evidence and submissions are disclosed to all parties and the Panel
 - e. Set all timelines
2. The Panel:
 - a. May request other individuals participate in the hearing
 - b. Will determine what is or is not evidence
 - c. Will render a written decision within 3 hours to the Provincial Games Consultant who will distribute the decision as necessary
3. The Panel's decision will:
 - a. Reject the appeal
 - 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
4. The Panel's decision is not appealable.

Saskatchewan Games Council Inc.

Saskatchewan Games - Appeal Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Appellant*” – The Party appealing a decision
 - b) “*Appeals Panel*” – Three persons, who will hear and decide the appeal.
 - c) “*Association*” – Saskatchewan Games Council Inc.
 - d) “*Provincial Games Consultant*” – the staff person hired by the Saskatchewan Games Council who acts as the lead consultant to the Host Society and the Saskatchewan Games program.
 - e) “*Days*” – Days including weekend and holidays
 - f) “*In writing*”- A letter, fax or email sent directly to the Association.
 - g) “*Individuals*” – All coaches, managers, athletes, technical officials and Mission Staff participating in the Saskatchewan Games
 - h) “*Respondent*” – The body whose decision is being appealed

Purpose

2. The Association provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Association.

Scope and Application of this Policy

3. Any Individual who is directly affected by an Association decision will have the right to appeal that decision; provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.
4. This Policy **will not apply** to decisions relating to:
 - a) Infractions for doping offenses
 - b) The rules of the sport
 - c) Budgeting and budget implementation
 - d) Decisions rendered by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)
 - e) Commercial matters
 - f) Decisions made under this Policy

Timing and Conditions of Appeal

5. Individuals who wish to appeal a decision have **3 hours** from the time in which they received notice of the decision to submit, in writing to the Association, the following:
 - a) Notice of the intention to appeal
 - b) Contact information and status of the Appellant
 - c) Name of the Respondent and any affected parties, when known to the Appellant
 - d) Date and time that the Appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of decision if written document is not available
 - f) Grounds for the appeal
 - g) Detailed reasons for the appeal

- h) All evidence that supports the appeal
 - i) Requested remedy or remedies
 - j) An appeal fee of one hundred dollars (\$100) which will be refunded if the appeal is successful, or forfeited if the appeal is denied.
6. An Individual who wishes to initiate an appeal beyond the 3 hour period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the 3 hour period will be at the sole discretion of the Provincial Games Consultant and may not be appealed.
7. Appeals should be submitted to the Provincial Games Consultant:

Lorne Lasuita, Provincial Games Consultant
(who will be on site in the host community during the Games)
306-533-1293

Grounds for Appeal

8. An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Provincial Games Consultant. Sufficient grounds only include the Respondent:
- a) Made a decision that it did not have the authority or jurisdiction (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 appears not to have considered other views)
 - d) Made a decision that was grossly unreasonable
9. The Appellant 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.

Screening of Appeal

10. In screening the appeal, the Provincial Games Consultant will have 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
11. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant and the Association will be notified, in writing, by the Provincial Games Consultant of the reasons for this decision. This decision may not be appealed.
12. If there are sufficient grounds for an appeal, the Provincial Games Consultant will appoint an Appeal Panel (the "Panel") which shall consist of three (3) persons appointed to hear the appeal. The Provincial Games Consultant can either act as one of the hearing panel members and or can attend the appeal hearing as a non-voting member of the Panel.
13. The Appeals Panel will consist of three (3) persons selected from one or more of the following: the Sask Games Council Board and/or Technical Committee, the Provincial Technical Liaison for the sport, the Host Society Board or the Sask Games Council staff who are at the Games. One of the three will be appointed as the Chair.
14. Anyone who participated in the decision being appealed or is deemed to have a conflict or interest in the situation shall not sit on the Appeal Panel.
15. The Provincial Games Consultant will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

Procedure for Appeal Hearing

16. The Provincial Games Consultant, in cooperation with the Panel, shall then decide the format under which the appeal will be heard. This decision may not be appealed. All efforts will be made to deal with the appeal as soon as possible after it has been filed.
17. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Provincial Games Consultant and the Panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within a timeline determined by the Provincial Games Consultant
 - b) The Parties will be given reasonable notice of the day, time and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
 - c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - e) The Panel may request that any other individual participate and give evidence at the hearing
 - f) The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - g) If a decision in the appeal 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
 - h) The decision to uphold or reject the appeal will be by a majority vote of the Panel
18. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
19. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

20. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. 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
21. The Panel's written decision, with reasons, will be distributed to all Parties, the Provincial Games Consultant, and the Association within 3 hours of the hearing's conclusion. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Confidentiality

22. The appeals process is confidential and involves only the Parties, the Provincial Games Consultant, 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.

Final and Binding

23. The decision of the Panel will be binding on the Parties and on all the Association's Individuals.
24. No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.