



FIELD HOCKEY CANADA

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FIELD HOCKEY CANADA

1. PURPOSE

The purpose of the Field Hockey Canada **Appeals Policy** is to provide an internal process for recourse if a Member Association or Registered Participant wishes to appeal a decision made by an authority within Field Hockey Canada.

2. PRINCIPLES

Field Hockey Canada (FHC) is committed to providing a safe sport environment which is characterized by open and clear communication, honesty, fairness, and mutual respect.

Field Hockey Canada will ensure that the tenets of procedural fairness are followed through adequate notice to all parties, offering a fair hearing of the matter and no bias in the process.

3. APPLICATION

This Policy applies to Members, Registered Participants and others as defined as “Participants” in Section 4 in this Policy.

The **Appeals Policy** applies to decisions that have been made during the course of Field Hockey Canada’s business, activities, events and affecting the individual(s) appellant.

This policy does not apply to disputes relating to

- a. Matters of employment;
- b. Infractions for doping offences, which are dealt with pursuant to the *Canadian Anti-Doping Program* and the *Canadian Doping Control Regulations*;
- c. The rules of field hockey, which may not be appealed;
- d. Decisions reached during an FHC Competition or Tournament, which will follow the applicable FHC policies for that event;
- e. Discipline matters arising during events organized by entities other than FHC, which are dealt with pursuant to the policies of these other entities, unless requested and accepted by Field Hockey Canada at its sole discretion; and
- f. Any decisions made under Section 6.2 or 7.2 of this policy.

4. DEFINITIONS

The following terms have these meanings in this Policy:

Appellant – The party filing the Appeal, or in the case of a minor on whose behalf the Appeal is submitted, is the Appellant.

Appeal Panel and Committee – The Panel is a group of qualified individuals, any of whom may be named to an Appeal Committee to preside over an Appeal Hearing. Panel members may or may not be



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Registered Participants of FHC, but Appeal Committee members must be independent from the particular matter in which they are presiding;

Minor – An individual who is under the age of majority at the time and in the jurisdiction where the original incident occurred or decision was made;

Respondent – the body whose decision is being appealed;

Parties – The Appellant, Respondent, and any other Members or persons affected by the appeal;

Days – Days irrespective of weekend and holidays; and

Participants - All categories of Provincial Association Members and of Registered Participants including, without limitation, athletes, coaches, officials, administrators, and volunteers, and those who sit on the Board and its committees.

5. GROUNDS FOR APPEAL

Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, based on the grounds noted in this policy. Submission of an appeal is strictly limited to the person against whom the original decision was made, including only the Respondent from a Complaint decision. If the Respondent is a minor, the appeal may be submitted by a Responsible Adult acting on their behalf, who should be the minor's parent or legal guardian.

An Appeal may be considered if the original decision or decision-maker:

- a. made a decision for which it did not have authority or jurisdiction as set out in the Bylaws or approved policies of FHC;
- b. failed to follow procedures as laid out in the Bylaws or approved policies of FHC;
- c. rendered a decision not supported by the weight of the evidence submitted; and/or
- d. was influenced by bias.

6. SUBMISSION OF AN APPEAL

The Appeal should be submitted to the FHC Chief Executive Officer (CEO) . If the FHC CEO is the primary decision-maker against whom an Appeal is being made, the Appeal should be submitted to the FHC Chair of the Board. The Chair will assume the responsibilities of the FHC CEO in this policy or appoint a designate to do so. If that occurs, the Appellant will be notified of the appointment and new contact information.

An Appeal may be withdrawn by the Appellant at any time.

6.1 Timeline to Submit an Appeal

Participants who wish to appeal a decision will have 21 days from the date on which they received notice of the decision, to submit in writing notice of their intention to appeal. The submission must include the grounds for the appeal and a summary of the evidence that supports these grounds.



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6.2 Extension of the Timeline

Any party wishing to initiate an appeal beyond the 21-day period must provide a written request stating reasons for an exemption to the requirement of Section 6.1. The decision to allow, or not allow an appeal outside the 21-day period will be at the sole discretion of the FHC CEO and may not be appealed.

7. INITIAL SCREENING OF APPEAL

7.1 Meeting the Requirements of Sections 5 and 6

Within seven (7) days of receiving the notice and grounds of an appeal, the FHC CEO will determine whether the appeal complies with Sections 5 and 6 and will proceed to consideration by an Appeal Committee.

7.2 Insufficient Grounds to Proceed

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 FHC CEO and may not be further appealed to Field Hockey Canada.

8. THE RESPONDENT

When it is determined that an Appeal will proceed, the person or entity against whose decision the Appeal is being filed is notified by the FHC CEO and provided with a copy of the written Appeal. If the Appeal is against the decision of an entity (eg: committee, the Board), a representative will be named to be involved with the response and any Hearing that may be held.

9. APPEALS PANEL AND COMMITTEE

9.1 Appeals Panel

Field Hockey Canada will maintain an Appeals Panel roster of 5 - 8 qualified individuals from across the country, from which an "Appeals Committee" may be struck when required, depending on the circumstances of each case. Appeal Panel members cannot be current Directors, employees or contractors of FHC or a Member Provincial Association.

Appointments to the Appeal Panel are for 3 years and may be extended for a second term.

9.2 Appointment of an Appeals Committee

If the FHC CEO is satisfied that there are sufficient grounds for an appeal to proceed, and within ten (10) days of having received the original notice of appeal, the FHC CEO will establish an Appeals Committee as follows:



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- a. The Committee is comprised of three individuals who will have no significant relationship with the affected parties, have no current or previous involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict
- b. Committee members may be selected from the Appeal Panel unless external expertise may be required to adjudicate a particular matter;
- c. The Committee must be able to fully function in the selected official language of both the Appellant and Respondent, or interpretation must be provided; and
- d. The FHC CEO may designate one of the Committee members to serve as chairperson of the Committee or may allow the members of the Committee to select a Chairperson from among themselves.

10. PRELIMINARY CONFERENCE

The Committee 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 or electronic 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 Committee;
- e. Order and procedure of Hearing;
- f. Location of Hearing, where the hearing is an oral Hearing;
- g. Identification of witnesses; and
- h. Any other procedural matter that may assist in expediting the appeal proceedings.

The Committee may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Committee.

11. PROCEDURE FOR THE HEARING

11.1 Procedure for an Oral or Electronic Hearing

Where the Committee has determined that the appeal will be held by way of oral or electronic Hearing, the Committee will govern the Hearing by such procedures as it deems appropriate, provided that:

- a. The hearing will be held within 21 days of the Committee's appointment.
- b. The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
- c. The appeal will take place in the location designated by the Committee. Regardless of location, or if the Hearing is held by electronic meeting, all parties must be able to hear each other at all times unless the Committee retires to make their decision;
- d. A quorum will be all three Panel members. Decisions will be by majority vote, where the Chairperson carries a vote.
- e. If the decision of the Committee 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



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- party to the appeal in question and will be bound by its outcome.
- f. Any of the parties may be accompanied by a representative or advisor, including legal counsel, at their own cost.
 - g. The Committee may direct that any other person can participate in the appeal.

11.2 Procedure for a Documentary Hearing

Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate provided that:

- a. All parties are given a reasonable opportunity to provide written submissions to the Committee, to review written submissions of the other parties, and to provide written rebuttal and argument.
- b. The applicable principles and timelines set out in Section 11.1 are respected.

12. APPEAL DECISION

Within 14 days of concluding the appeal, the Committee will issue its written decision, with reasons. The decision will follow this format:

1. Issue to be decided
2. Background to the case
3. Statement of the facts
4. Authorities considered
5. Decision
6. Reasons for decision

In making its decision, the Committee 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.

The decision will be considered a matter of public record. A copy of the decision will be provided to each of the parties and to the FHC CEO. The decision result will be published on the FHC website, and in the case of a suspension or expulsion being upheld, the Member Associations, applicable Club, and the FIH will be notified as such a decision affects participation at all levels.

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 Section 12.



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13. ALTERNATE TIMELINES

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 FHC CEO or the Appeal Committee may direct that these timelines be revised.

14. FINAL AND BINDING DECISION

The decision of the Appeal Committee will be final and binding on the parties and on all members of FHC, subject only to the provisions of FHC's *Dispute Resolution Policy*.

15. RESPONSIBILITY FOR THE COSTS OF FILING AND RESPONDING TO APPEALS

15.1 Appellant Responsibilities Regarding Costs

The Appellant shall be responsible for all costs associated with the filing of an Appeal complaint, any communications with FHC and the Appeal Committee, travel and accommodation to attend an Appeal Hearing in person, as well as those costs associated with any legal or any other type of representation.

15.2 Field Hockey Canada Responsibilities Regarding Costs

Field Hockey Canada shall be responsible for costs associated with the response to the Appeal and the administration of the process including the costs of the Appeal Committee, the hosting of the electronic or in-person Preliminary Hearing and Appeal Hearing, as well any costs for FHC legal representation.

16. CONFIDENTIALITY

The Appeals process is confidential and involves only the Parties, the FHC CEO and the Appeals Committee.

Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the appeal to any person not involved in the proceedings.

17. RECORD KEEPING

Upon conclusion of the Appeal process, and the notification to all Parties of the Appeal decision, the Chair of the Appel Committee is responsible for securely forwarding all Appeal Materials to the FHC office for retention.

The CEO is responsible for ensuring the security of every Appeal filed under this Policy. The record shall contain all relevant documentation including:

- a. Copies of the Appeal, Response, and Rebuttal (if applicable);
- b. Copies of any other statements (if applicable);
- c. Names of the Appeal Committee members; and



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- d. A copy of the written decision.

18. REPRISALS PROHIBITED

Under no circumstances will FHC condone acts of retaliation or reprisal by participants, by parents or legal guardians or other supporters of participants against those individuals who have filed any Appeal under this policy.

Any individual who believes that they, or someone else has been subjected to acts of retaliation or reprisal must promptly report those concerns to FHC.