

## BC Ultimate Appeals and Internal Disputes Policy

1. Any member of BC Ultimate who is affected by a decision of the Board, of any Committee of the Board, or of any body or individual who has been delegated authority to make decisions on behalf of the Board shall have the right to appeal that decision.
2. This policy shall not apply to matters relating to Rules of the Games, which are governed under their own individual sport appeal policy.
3. Members who wish to appeal a decision shall have 21 days from the date on which they received notice of the decision, to submit written notice of their intention to appeal (Notice of Appeal), along with detailed reasons for the appeal, to the executive of BC Ultimate, through the General Manager. If the matter directly involves the General Manager the appeal should be made through the President of the Board of Directors.
4. An appeal shall only be heard if there are sufficient grounds for the appeal. Sufficient grounds include, but are not limited to, the respondent:
  - a) making a decision for which it did not have authority or jurisdiction as set out in governing documents;
  - b) failing to follow procedures as laid out in bylaws or approved policies of the organization;
  - c) making a decision, which was influenced by bias;
  - d) failing to consider relevant information or taking into account irrelevant information in making the decision;
  - e) exercising its discretion for an improper purpose; and/or
  - f) making a decision, which was unreasonable.
5. Within 10 days of receiving notice of an appeal the General Manager (or President) shall appoint three persons to constitute a Tribunal, in accordance with the following:
  - a) the Tribunal shall be comprised of members in good standing of the organization who shall have had no significant relationship with the appellant, shall have no involvement with the decision being appealed, and shall be free from actual or perceived bias or conflict;
  - b) at least one of the tribunal members shall be from among the appellant's peers;
  - c) in appointing the Tribunal, consideration shall be given to the geographic location of the appellant, respondent and Tribunal members, in order to minimize the inconvenience and expense to all parties; and,
  - d) the appellant shall be given an opportunity to recommend one of the Tribunal members, provided the member satisfies criteria (a) and (c) above.

6. Within 7 days of its appointment the Tribunal 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. If the Tribunal is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of this decision in writing within 21 days, stating reasons. If the Tribunal is satisfied that there are sufficient grounds for an appeal, it shall conduct a Hearing.

8. If the Tribunal conducts a Hearing, it shall govern the Hearing by such procedures as it deems appropriate in the circumstances, provided that:

- a) the Hearing shall be held within 31 days of the Tribunal's appointment;
- b) the appellant and respondent shall be given 10 days written notice of the day, time and place of the Hearing;
- c) Tribunal members shall select from themselves a Chairperson;
- d) a quorum shall be all three Tribunal members;
- e) decisions shall be by majority vote;
- f) copies of any written documents which either the appellant or respondent wish to have the Tribunal consider shall be provided to all parties at least 2 days in advance of the Hearing;
- g) both the appellant and respondent may be accompanied by a representative or advisor;
- h) the Tribunal may request that any other individual participate and give evidence at the Hearing; and,
- i) upon confirming the Hearing, the appellant shall be notified of costs that may be incurred by the appellant if the appeal is unsuccessful.

9. In order to keep costs to a reasonable level the Tribunal may, at its discretion, conduct the Hearing by means of a conference call or video conference.

10. Within 6 days of concluding the Hearing, the Tribunal shall issue its written decision, with reasons. The Tribunal may decide:

- a) to allow or dismiss the decision being appealed;
  - b) to make any new or substitute decision;
  - c) to refer the matter back to the respondent for a new decision;
- and/or,
- d) to determine how costs of the appeal shall be allocated.

A copy of this decision shall be provided to the appellant; the respondent; the Governance Committee of BC Ultimate; the General Manager; and, the President of BC Ultimate.

11. Provided that the appeal may not be practically concluded within the timeliness of this appeal process, the time limitations may be altered by the

General Manager of BC Ultimate (or designate), but only with the consent of both the appellant and the respondent.

12. The appellant shall have the right to decline a Hearing in favour of a documentary review. Should this be the case:

- a) the Tribunal shall request both appellant and respondent to provide written submission within 10 days of both parties being notified of the decision to have a documentary review;
- b) within 21 days of receipt of both the appellant's and respondent's documentary evidence the Tribunal shall make its decision.
- c) within 6 days of concluding the documentary review, the Tribunal shall issue its written decision, with reasons.

13. Any decision of a Tribunal Hearing shall be the final internal mechanism for internal appeal and will be binding on BC Ultimate and its members.

14. There is no further internal appeal procedure within BC Ultimate. Once the internal appeal procedure has been exhausted any further action must be forwarded to the Sport Dispute Resolution Centre of Canada. Any decision made by the Sport Dispute Resolution Centre of Canada is binding and final. Information is available at: [http://www.pch.gc.ca/progs/sc/legislation/c-54\\_01\\_e.cfm](http://www.pch.gc.ca/progs/sc/legislation/c-54_01_e.cfm)

Corbett, Rachel; Potter, Heather; and Findlay, Hilary A.. Administrative Appeals - A Handbook for Sport Organizations. 1995, pages 30-34.