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**OPERATIONAL POLICY:    APPEALS**  
**DATE ISSUED:            May 1, 1977**  
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## **GENERAL INFORMATION**

Hockey Alberta provides the opportunity for any Member Organization, sanctioned League, Hockey Team, Player, Team Official, or Official that is dissatisfied with a decision or ruling that directly impacts them, in whole or in part, made pursuant to the Bylaws or Regulations, to have the right of appeal.

### **1. EFFECT OF APPEAL**

An Appeal does not operate as a stay of the decision or ruling being appealed. Decisions or rulings will remain in effect unless the completed Appeals process amends said decision or ruling.

### **2. NOTICE OF APPEAL**

All Appeals must be initiated by notice in writing ("Notice of Appeal") addressed to the CEO, or designate, and filed within seven (7) calendar days of the date of delivery of the decision or ruling being appealed. The Notice of Appeal must be filed through Hockey Alberta's online form, and be received within the timeline noted above.

The Notice of Appeal shall contain the following:

- (a) the Hockey Alberta "Notice of Appeal" form completed in its entirety and submitted as part of the Notice of Appeal file;
- (b) a copy of the decision which is being appealed, which would also serve to prove the exhaustion of all appeals at the local level, if any;
- (c) concise statements of the grounds for appeal and the facts that support the appeal in numbered paragraphs;
- (d) a summary of the evidence and proposed witness statements (whether by document or video), which the Appellant wishes to present.

**Note:** If it is determined that an Appeal meets the criteria to proceed in the process, Hockey Alberta will contact the appellant to submit the applicable Appeal Fee (refer to Stage of Appeal information below). The Appeal will not proceed until the fee is paid in full.

**Note:** The Appeals Officer, the Appeals Committee and/ or the Board have the discretion to determine whether the Notice of Appeal file is sufficient relative to the requirements above. Should the file be determined to be insufficient they may request further clarification from the Appellant prior to proceeding. Should this determination be made and the seven (7) day limit has expired, the Appeals Officer, Appeals Committee or Board may refuse to hear the appeal based on the filing of the Notice of Appeal not being completed in accordance with the Regulations.



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### 3. APPEAL DUTIES OF CEO (or designate)

The CEO (or designate) upon receiving a Notice of Appeal, shall:

- (a) Notify the Appeals Officer, Appeals Committee or Board and, if determined the Appeal will proceed, serve a copy of the same on the party whose decision is being appealed (the "Respondent"). Further, the CEO (or designate) shall serve a copy of the Notice of Appeal on such persons as the Appeals Officer, Appeals Committee or Board shall reasonably direct;
- (b) Inform all parties of the Appeal process, specifically identifying the timelines and procedures for the review and/ or hearing.

### 4. COURT ACTIONS

All Member Organizations, sanctioned Leagues, Hockey Teams, Players, Team Officials, and Officials, by virtue and because of their status as such, agree that any recourse to the law courts of any jurisdiction before all rights and remedies as provided by these Bylaws and the Bylaws of Hockey Canada have been availed and utilized, shall be prohibited. Further, any such recourse to the law courts as aforesaid shall be deemed by Hockey Alberta to be unsportsmanlike conduct enabling the CEO to suspend and/or disqualify the said persons.

## **FIRST STAGE OF APPEAL**

### **1. The first stage of appeal is to the Appeals Officer.**

- (a) The Appeals Officer is appointed by the Chief Executive Officer;
- (b) The Appeals Officer has the obligation and authority to review the appeal and ensure that it has complied with all the technical requirements of filing an appeal;
- (c) The Appeals Officer has the specific authority to dismiss appeals that are deemed to be frivolous or vexatious or brought in bad faith.

### **2. Issues that can be appealed at the First Stage of Appeal are:**

- (a) A formal decision (made in writing) of, or on behalf of, the Chief Executive Officer (CEO), or designate, including decisions by an Operational Committee, Volunteer and/or staff member; or
- (b) A formal decision of any Member Organization or sanctioned League.

Decisions being appealed must arise from the Policies or Regulations of Hockey Alberta or one of its Member organizations or sanctioned Leagues. Decisions involving registered participants that fall outside the realm of registration, suspensions, player movement, conduct, etc. are not subject to appeal.

Discipline decisions that have adhered to the minimum suspensions of Hockey Canada and/or Hockey Alberta are not subject to Appeal (*Hockey Canada Playing rule 5.1 states that the judgement of referees shall not be subject to appeal*).



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- 3. Fees for the First Stage of Appeal** - Appellants shall be required to pay a fee of **\$100.00** (plus applicable fees & taxes) to Hockey Alberta for the First Stage of Appeal. An Appellant must pay the applicable Appeal Fee via credit card at the time of submission of the Appeal. The Appeal will not proceed if the fee is not paid in full at the time of submission.

First Stage Appeal Fees are non-refundable.

- 4. Procedures for the First Stage of Appeal** - Upon determining the validity of an Appeal in accordance with this policy, the First Stage of Appeal shall be conducted in the following manner:
- (a) All First Stage Appeals will be conducted by review of submitted documentation (hearings will not be conducted by the Appeals Officer).
  - (b) Upon receiving a properly completed Notice of Appeal, the Appeals Officer will initiate a review of the submitted documentation.
  - (c) The Appeals Officer will determine if additional parties are required to submit written statements of facts. It is at the sole discretion of the Appeals Officer to determine the realistic and reasonable relevance witnesses will have to the situation at hand and the Appeals Officer may refuse to admit statements determined to be irrelevant.
  - (d) The Appeals Officer will complete the review within ten (10) days from the date that the complete Notice of Appeal was filed.
  - (e) Should circumstances warrant, upon the written acceptance by the Appellant, the date for any review may be rescheduled past the ten (10) day limit.
- 5. Decision of the Appeals Officer** - The Appeals Officer shall give a decision, and properly direct the matter to the next step(s), within ten (10) days from the date the review was completed. The Appeals Officer has the following options:
- (a) If an appeal correctly identifies a procedural error or failure to comply with Hockey Alberta Policy, the Appeals Officer may direct the matter to be returned to the original decision maker with whatever instructions are required for a fair reconsideration of the matter. A decision to return the matter to the original decision maker for a fair reconsideration is final and cannot be appealed, however the new decision will come with appeal rights;
  - (b) If an appeal identifies that additional information is included that had not been considered in the original decision, the Appeals Officer may direct the matter to be returned to the original decision maker with whatever instructions are required for a fair reconsideration of the matter. A decision to return the matter to the original decision maker for a fair reconsideration is final and cannot be appealed, however the new decision will come with appeal rights;
  - (c) If no errors or new information are identified, and the appeal is a properly completed file, the Appeals Officer may forward the appeal to the Appeals Committee to activate the Second Stage of Appeal. A decision to forward the matter to the Appeals Committee is final and cannot be appealed, however the new decision will come with appeal rights.



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## **SECOND STAGE OF APPEAL**

### **1. The second stage of appeal is an appeal to the Appeals Committee.**

- (a) The Appeals Committee is made up of three (3) representatives that are appointed by the Chief Executive Officer (or designate) on an annual basis;
- (b) The Appeals Committee has the obligation and authority to review the appeal and ensure that it has complied with all the technical requirements of filing an appeal;
- (c) The Appeals Committee has the specific authority to dismiss appeals that are deemed to be frivolous or vexatious or brought in bad faith.

### **2. Issues that can be appealed at the Second Stage of Appeal are:**

- (a) The decision of the Appeals Officer; or
- (b) An issue that has been directed to the Appeals Committee by the Appeals Officer.

Decisions being appealed must arise from the Policies or Regulations of Hockey Alberta or one of its' Member organizations, or sanctioned Leagues. Decisions, involving registered participants that fall outside the realm of registration, suspensions, player movement, conduct, etc. are not subject to appeal.

Discipline decisions that have adhered to the minimum suspension guidelines of Hockey Canada and/or Hockey Alberta are not subject to Appeal (*Hockey Canada Playing rule 5.1(d) states that the judgement of referees' shall not be subject to appeal*).

### **3. Fees for the Second Stage of Appeal** - Appellants shall be required to pay a fee of **\$300.00** (plus applicable fees & taxes) to Hockey Alberta for the Second Stage of Appeal. An Appellant must pay the applicable Appeal Fee via credit card at the time of submission of the Appeal. The Appeal will not proceed if the fee is not paid in full at the time of submission.

Exception: if the Appeal is forwarded to the Appeals Committee by the Appeals Officer, the Appellant is only required to pay the difference between the previously paid First Stage Appeal Fee and the Second Stage Appeal Fee - **\$200.00** (plus applicable fees & taxes).

As part of a decision, Appeal Fees (or portions thereof) may be refunded in accordance with Hockey Alberta Finance Policies.

### **4. Procedures for the Second Stage of Appeal** - Upon determining the validity of an Appeal in accordance with this Policy, the Second Stage of Appeal shall be conducted in the following manner:

- (a) All Second Stage Appeals can be conducted by review of submitted documentation or, if the Appeals Committee determines, by informal hearing via phone/ video conference. The Appeals Committee shall have the sole authority in determining the method used to review/ hear each second stage appeal.
- (b) Upon receiving a Notice of Appeal, in consultation with the Appeals Committee, the CEO (or designate) shall set a time to conduct the Review or Hearing.
- (c) In the case of a hearing, the Appeals Committee will determine the necessary parties that are required to participate in the Appeal.



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- i. The Appellant and Respondent should provide a listing of all witnesses they plan on utilizing to present evidence.
  - ii. It is at the discretion of the Appeals Committee to determine the realistic and reasonable relevance witnesses will have to the situation at hand. The Appeals Committee may refuse to allow witnesses to participate in a hearing and suggest they provide written statements instead.
  - (d) In the case of a hearing, the Appeals Committee shall conduct an impartial, orderly and efficient hearing in which both the Appellant and Respondent will have the opportunity to present their case and respond to comments as necessary. The general order of the hearing shall be as follows:
    - i. The Hearing will be Called to Order promptly at the scheduled start time;
    - ii. The Appeals Committee will introduce themselves, confirm the attendance of all required parties and inform the parties that the call is being recorded for the purpose of maintaining a proper record of the hearing;
    - iii. The Appeals Committee will review what decision is being appealed and outline the process for the hearing, establishing a standard of conduct for the parties. All parties will be required to respect the process and recognize each other's right to speak uninterrupted;
    - iv. The hearing will proceed in an orderly fashion and each party will have their chance to speak when called upon by the Chair of the Appeals Committee;
    - v. Each party will present their case as well as be asked to respond to other comments as necessary;
    - vi. Any conduct deemed inappropriate shall not be acceptable and if correction of this behaviour is not made the party shall be asked to leave the hearing;
    - vii. In closing, the Appeals Committee will review the process and timelines for rendering a decision and inform the parties what any further levels of appeal are should anyone be dissatisfied with the decision.
  - (e) Second Stage Appeals conducted via Review will have a meeting of the Appeals Committee to review the submitted documentation. When reasonably possible, depending on how many appeals are in the queue for the Appeals Committee, the review will be conducted within ten (10) days from the date that the complete Notice of Appeal was filed or from the date that the Appeals Officer pushed the matter to Second Stage.
  - (f) Second Stage Appeals conducted via Phone/ Video Conference Hearing shall have a hearing set. When reasonably possible, depending on how many appeals are in the queue for the Appeals Committee, the hearing will be conducted no later than the tenth (10<sup>th</sup>) day following the date of receiving the complete Notice of Appeal file or from the date that the Appeals Officer pushed the matter to Second Stage.
  - (g) All parties will be notified in advance should circumstances warrant that the date for any review or hearing be scheduled for more than ten (10) days after the complete Notice of Appeal was filed, or from the date that the Appeals Officer pushed the matter to Second Stage.
  - (h) Notice of the date for the review/ hearing of the Appeal shall be given by the CEO, or designate, to the parties of the Appeal either in writing (letter or email) or by telephone.

**5. Decision of the Appeals Committee** - The Appeals Committee shall give a decision in writing within ten (10) days from the date of the review or hearing, and they may:

- (a) **Overrule and eliminate the decision**, if the evidence presented clearly outlines that the decision was incorrect;
- (b) **Uphold the previous decision**, if the evidence was not sufficient to justify a change;
- (c) **Provide a new decision**, that is within the authority of the original decision maker.



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### **THIRD STAGE OF APPEAL**

**1. The third stage of appeal that is offered by Hockey Alberta is an appeal to the Board of Directors.**

- (a) The Board of Directors will appoint a committee of three Directors to carry out all duties and responsibilities related to Appeals on behalf of the Board;
- (b) The Board has the obligation and authority to review the appeal and ensure that it has complied with all the technical requirements of filing an appeal;
- (c) The Board has the specific authority to dismiss appeals that are deemed to be frivolous or vexatious or brought in bad faith.

**2. Issues that can be appealed at the Third Stage of Appeal are:**

- (a) A decision of the Appeals Committee, provided that an appellant can show that:
  - i. such decision was in conflict with Hockey Alberta's Bylaws or Regulations; or
  - ii. there was a procedural error, or the aggrieved party was not provided a fair hearing; or
  - iii. there was no authority or jurisdiction to make the decision; or
  - iv. there is reasonable need for the Board to address a particular issue.

**3. Fees for the Third Stage of Appeal** - Appellants shall be required to pay a fee of **\$500.00** (plus applicable fees & taxes) to Hockey Alberta for the Third Stage of Appeal. An Appellant must pay the applicable Appeal Fee via credit card at the time of submission of the Appeal. The Appeal will not proceed if the fee is not paid in full at the time of submission.

As part of a decision, Appeal Fees (or portions thereof) may be refunded in accordance with Hockey Alberta Finance Policies.

**4. Procedures for the Third Stage of Appeal** - Upon determining the validity of an Appeal in accordance with this Policy, the Third Stage of Appeal shall be conducted in the following manner:

- (a) All Third Stage Appeals will be conducted by review of submitted documentation (hearings will not be conducted by the Board).
- (b) Upon receiving a properly completed Notice of Appeal, the Board will initiate a review of the submitted documentation.
- (c) The Board will determine if additional parties are required to submit written statements of facts. It is at the sole discretion of the Board to determine the realistic and reasonable relevance witnesses will have to the situation at hand and the Board may refuse to admit statements determined to be irrelevant.
- (d) When reasonably possible, the Board will strive to complete a review within ten (10) days from the date that the complete Notice of Appeal was filed. All parties will be notified should circumstances warrant that the date for any review be extended past the ten (10) day target.



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**5. Decision of the Board** - The Board shall give a decision in writing within ten (10) days from the date of the review, and they may:

- (a) ***Overrule and eliminate the decision***, if the evidence presented clearly outlines that the decision was incorrect;
- (b) ***Uphold the previous decision***, if the evidence was not sufficient to justify a change;
- (c) ***Provide a new decision***, that is within the authority of the original decision maker.

All Member Organizations, sanctioned Leagues, Hockey Teams, Players, Team Officials, and Officials, by virtue and because of their status as such, shall accept as final and binding the decisions of the Board of Directors, including, without limiting the generality of the foregoing, the interpretation or construction of the Rules, Regulations and Bylaws subject only to a right of Appeal to Hockey Canada as provided for in the Bylaws of Hockey Canada.