



OPERATIONAL POLICY: APPEALS
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GENERAL INFORMATION

Hockey Alberta provides the opportunity for any Member organization, Member Hockey Team, Player, Team Official, or Official that is dissatisfied with a decision or ruling, in whole or in part, made pursuant to the Bylaws, Rules and Regulations, to have the right of appeal.

1. FIRST STAGE APPEALS

The first stage of appeal that is offered by Hockey Alberta is an appeal to the **Appeals Committee**. The Appeals Committee is made up of three (3) representatives that are appointed by the Board on an annual basis. The Appeals Committee shall determine whether or not an appeal shall be heard as well as the process for hearing the appeal (review of submitted documentation or a conference call hearing).

Issues that can be appealed at the First Stage are:

- (a) A decision of the Chief Executive Officer (CEO), or designate, including formal decisions (made in writing) by an Operational Committee, Volunteer and/or staff member; or
- (b) A decision of a member Minor Hockey Association, Club Team or sanctioned League, including formal decisions (made in writing) by any of the above-named organizations at the Minor, Junior and/or Senior divisions of hockey, provided all Appeals at the local level have been exhausted.

Decisions being appealed must arise from the Rules and Regulations of Hockey Alberta. Decisions, involving registered participants that fall outside the realm of registration, suspensions, player movement, etc. are not subject to appeal. Additionally, decisions such as conduct violations are local issues that do not arise within the Hockey Alberta Rules and Regulations and therefore will not be heard.

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*).

2. SECOND STAGE APPEALS

The second stage of appeal that is offered by Hockey Alberta is an appeal to the **Board of Directors**. The Hockey Alberta Board of Directors is comprised of representatives that have been elected by the membership of Hockey Alberta. The Board shall determine whether or not an appeal shall be heard as well as the process for hearing the appeal (review of submitted documentation, a conference call hearing, or an in-person hearing).



Issues that can be appealed at the Second 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;
 - iv. there is reasonable need for the Board to address a particular issue.

3. EFFECT OF APPEAL

An Appeal to the Appeals Committee and/or the Board 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.

4. 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 the decision or ruling being appealed. The Notice of Appeal may be filed by ordinary mail, courier or email provided it is received by the CEO or designate within the timeline noted above.

The Notice of Appeal shall include and contain the following:

- (a) the Hockey Alberta "Notice of Appeal" form must be completed in its entirety and submitted as part of the Notice of Appeal file;
- (b) the applicable Appeal Fee (refer to 6. Appeal Fees, below) must accompany the Notice of Appeal file, the fee is not considered received if "en route";
- (c) a written 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;
- (d) concise statements of the grounds for appeal and the facts that support the appeal in numbered paragraphs;
- (e) a summary of the evidence and proposed witness statements (whether by document, video or viva voce), which the Appellant wishes to present.

Note: The Appeals Committee, or 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 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.



5. APPEAL DUTIES OF CEO

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

- (a) Notify the Appeals Committee (or Board) and, if determined the Appeal will proceed, serve a copy of the same on the parties (MHA, Club Team, League, Committee, etc.) 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 Committee (or Board) shall reasonably direct;
- (b) Inform all parties of the Appeal process, specifically identifying the timelines and procedures for a hearing, if necessary.

6. APPEAL FEES

Appellants shall be required to pay to Hockey Alberta a fee of an Appeal in the amount outlined below. The fee shall be payable with the filing of the Notice of Appeal and can be paid via credit, certified cheque or money order.

- (a) First Stage Appeal Fee - shall be Three Hundred (\$300.00) Dollars + GST;
- (b) Second Stage Appeal Fee - shall be Seven Hundred and Fifty (\$750.00) Dollars + GST;

Appeal Fees may be refunded, in accordance with Hockey Alberta Finance Policies, only when it is deemed that the appeal cannot move forward to a hearing and/or if the Appeals Committee (or Board) determined that the issue would be sent back to the appropriate decision-making body.

7. APPEAL PROCEDURES

Upon determining the validity of an Appeal in accordance with these Regulations, Appeals to Hockey Alberta shall be conducted in the following manner:

- (a) All Appeals can be conducted by review of submitted documentation, informal hearing via conference call or, at the Second Stage (if the Board determines), an informal in-person meeting. The Appeals Committee and/or Board shall have the sole authority in determining the method used to review / hear each appeal.
- (b) In the case of a hearing, the Appeals Committee, or Board, will determine the necessary parties that are required to participate in the Appeal.
 - 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, or Board, to determine the realistic and reasonable relevance witnesses will have to the situation at hand. The Appeals Committee, or Board, may refuse to allow witnesses to participate in the hearing and suggest they provide written statements instead.



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- (c) In the case of a hearing, the Appeals Committee (or Board), 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 Adjudicators 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 Adjudicators 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 and/or Board;
 - v. Each party will present their case as well as be asked to respond to other comments as necessary;
 - vi. Any conduct deemed inappropriate by the Appeals Committee and/or Board 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 Adjudicators 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.

8. DATES FOR APPEAL REVIEWS / HEARINGS

- (a) Upon receiving a Notice of Appeal, in consultation with the Appeals Committee (or Board), the CEO (or designate) shall set a time to conduct the Review or Hearing.
- (b) Appeals Conducted via Review
- i. First and Second Stage Appeals conducted in this manner will have a meeting of the adjudicators to review the submitted documentation within ten (10) days from the date that the complete Notice of Appeal was filed.
- (c) Appeals Conducted via Conference Call Hearing
- i. First Stage Appeals conducted in this manner shall have a hearing set for no later than the tenth (10th) day following the date of receiving the complete Notice of Appeal file;
 - ii. Second Stage Appeals conducted in this manner shall have a hearing set for no later than fifteen (15) days from the date that the complete Notice of Appeal was filed.
- (d) Appeals Conducted via an In-Person Meeting
- i. Second Stage Appeals conducted in this manner shall have a hearing set for no later than thirty (30) 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 or hearing may be rescheduled past the ten (10), fifteen (15) or thirty (30) day limit.
- (f) 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.



9. DECISION OF ADJUDICATOR(S)

The adjudicator(s) of the Appeals provided for in this Policy shall give the 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;
- (d) **Give any decision or ruling** which they believe ought to have been made, only in the case of a Second Stage Appeal to the Board.

10. BOARD DECISIONS - FINAL AND BINDING

All Member organizations, Member Hockey Teams, Players, Team Officials, or Officials, by virtue and because of their status as such, shall accept as final and binding the decisions of the Board, including, without limiting the generality of the foregoing, the Board's 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.

11. COURT ACTIONS

All Member organizations, Member Hockey Teams, Players, Team Officials, or 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 Board to suspend and/or disqualify the said persons.