

APPENDIX “VI” APPEALS

Hockey Alberta provides the opportunity for any Member MHA, 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 Appeals Committee shall hear appeals as outlined below and adjudicate on the issues arising from the appeals, which are heard. Appeals can be filed when:

- (a) the Appellant is dissatisfied with a formal decision or ruling, in whole or in part, of Hockey Alberta (Operational Committee, Volunteer or Staff), made pursuant to the Rules and Regulations;
- (b) the Appellant is dissatisfied with a decision or ruling made by a Local Minor Hockey Association or League, provided that:
 - i. the decision or ruling arises from the Rules and Regulations; and
 - ii. all Appeals as provided or allowed by the Local Minor Hockey Association and/or League have been exhausted.

2. SECOND STAGE APPEALS

The Board shall hear appeals as outlined below and adjudicate on the issues arising from the appeals, which are heard. Appeals can be filed when an Appellant believes:

- (a) the ruling or decision, in whole or in part (made pursuant to the Bylaws, Rules and Regulations), was in conflict with Hockey Alberta’s Bylaws or Regulations;
- (b) there was a procedural error or that the aggrieved party was not provided a fair hearing;
- (c) there was no authority or jurisdiction to make the decision.

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 appeals from, except so far as the authority appealed from may direct.

4. NOTICE OF APPEAL

All Appeals shall be initiated by notice in writing ("Notice of Appeal") addressed to the CEO, or designate, and filed within seven (7) 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 regulation 6) 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 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 and 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 Committee shall reasonably direct;
- (b) in the case of a Second Stage Appeal, notify the Board and serve a copy of the same on the Appeals Committee and the party whose original decision is being appealed. Further, the CEO (or designate) shall serve a copy of the Notice of Appeal on such other persons as the Board shall reasonably direct.

6. APPEAL FEES

Appellants shall be required to pay to Hockey Alberta a fee of an Appeal, which fee shall be payable with the filing of the Notice of Appeal, in the following amounts:

- (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;

7. APPEAL PROCEDURE

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

- (a) First Stage Appeals shall be conducted by an informal hearing via conference call;
- (b) Second Stage Appeals can be conducted by review of submitted documentation, informal hearing via conference call or, if the Board determines, an informal in-person meeting. The Board shall have the sole authority in determining the method used to review / hear each second stage appeal.
- (c) In the case of a hearing, the Appeals Committee, or Board, will determine the necessary parties that are required to participate in the Appeal.
 - The Appellant and Respondent should provide a listing of all witnesses they plan on utilizing to present evidence. Given appeals are informal in nature, 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.

- (d) 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.

8. DATES FOR APPEAL HEARING

- (a) First Stage: Upon receiving a Notice of Appeal, the CEO (or designate), in consultation with the Appeals Committee, shall set a date for the Hearing which date shall be no later than the 10th day following the date of receiving the Notice of Appeal.
- (b) Second Stage: Upon receiving a Notice of Appeal, the CEO (or designate), in consultation with the Chair of the Board, shall set a date for the review / hearing of the Appeal, which date shall be no later than the 15th day following the date of receiving the Notice of Appeal (Note: If an in-person hearing is deemed necessary by the Board, the date for the Hearing of the Appeal shall be set for no later than the 30th day following the date of receiving the Notice of Appeal).
- (c) Notice of the date for the review / hearing of the Appeal shall be given by the CEO, or designate, to Parties to 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 Regulation shall give the decision in writing within ten (10) days from the date the review / hearing concluded and may:

- (a) allow the Appeal;
- (b) dismiss the Appeal;
- (c) give any decision or ruling which ought to have been made and make such further or other decision and/or ruling as the circumstances require;
- (d) make such order as to costs as it seems just, and unless otherwise specified, the costs shall follow the event of the Appeal.

10. BOARD DECISIONS - FINAL AND BINDING

All Member MHA's, 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 MHA's, 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.