

# APPEALS POLICY PROCESS MAP

Canada Snowboard is committed to providing a respectful and fair environment to all individuals. This Appeals Policy is to enable fair, affordable, and expedient appeals of certain decisions made by Canada Snowboard.

## DOES THIS DECISION QUALIFY FOR AN APPEAL?

### YES

This Policy will apply to decisions relating to:

ELIGIBILITY

TEAM & FIS EVENT SELECTIONS

ATHLETE ASSISTANCE PROGRAM (AAP)

NOMINATIONS

CONFLICT OF INTEREST

DISCIPLINE

MEMBERSHIP

### NO

This Policy will not apply to decisions relating to:

Employment

Infractions for doping offenses

The rules of the sport of snowboard

Selection criteria, quotas, policies, and procedures established by entities other than Canada Snowboard

Substance, content and establishment of team selection and AAP criteria

Volunteer/coach appointments and the withdrawal or termination of those appointments

Budgeting and budget implementation

Canada Snowboard's operational structure and committee appointments

Decisions or discipline arising within the business, activities, or events organized by entities other than Canada Snowboard (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Canada Snowboard at its sole discretion)

Commercial matters for which another appeals process exists under a contract or applicable law

Decisions made under this Policy

## YES THIS DECISION QUALIFIES, NOW WHAT?

### TIMING

Individuals who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to Canada Snowboard, the following:

- Notice of the intention to appeal
- Contact information and status of the Appellant
- Name of the Respondent and any affected parties, when known to the Appellant
- Date the Appellant was advised of the decision being appealed
- A copy of the decision being appealed, or description of decision if written document is not available
- Grounds for the appeal
- Detailed reasons for the appeal
- All evidence that supports the grounds of appeal
- Requested remedy (or remedies)
- An administration fee of five hundred dollars (\$500), which will be refunded if the appeal is upheld
- Pay the appeal administration fee of \$500 to [jane@canadasnowboard.ca](mailto:jane@canadasnowboard.ca) by e-Transfer or cheque (fee will be reimbursed if the appeal is successful)

### GROUND FOR APPEAL

A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds to appeal a decision are limited to when the Respondent:

- Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
- Failed to follow its own procedures (as set out in the Respondent's governing documents);
- Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views);
- Failed to consider relevant information or took into account irrelevant information in making the decision; or
- Made a decision that was grossly unreasonable

### MISSED THE 7 DAY APPEAL PERIOD?

An Individual who wishes to initiate an appeal beyond the seven (7) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow the appeal will be made at the sole discretion of the Case Manager and may not be appealed.

## BEGIN THE APPEAL PROCESS

Please email all necessary documents to:

DUSTIN HEISE

Executive Director, Canada Snowboard  
dustin@canadasnowboard.ca

CC: Jean-Francois Rapatel

Sport & High Performance Director, Canada Snowboard  
jf.rapatel@canadasnowboard.ca

Once the Notice of Appeal has been received by the Executive Director, the Executive Director will reply with confirmation of receipt. The Executive Director will follow with submission of the Notice of Appeal to an unbiased 3rd Party Ombudsperson to ensure appropriate grounds for appeal are met, and will promptly follow up (within 5 business days) with both the appellant and Canada Snowboard regarding next steps.

## RESOLVING THE DISPUTE

Upon receiving the notice of the appeal, the fee, and all other information, Canada Snowboard and the Appellant may first attempt to resolve the dispute pursuant to Canada Snowboard's Dispute Resolution Policy or through the Early Resolution Facilitation services offered by the Sport Dispute Resolution Centre of Canada (SDRCC).

## UNABLE TO RESOLVE THE DISPUTE? NEXT STEPS...

### SCREENING PROCESS

Should the appeal not be resolved by using the Dispute Resolution Policy or through resolution facilitation at the SDRCC, Canada Snowboard will appoint an independent Case Manager (who must not be in a conflict of interest) who has the following responsibilities:

- Determine if the appeal falls under the scope of this Policy; and
- Determine if the appeal was submitted in a timely manner; and
- Decide whether there are sufficient grounds for the appeal.

#### Sufficient Grounds to Move Forward

If the case manager is satisfied there are sufficient grounds a third party arbitrator will be appointed to hear the appeal. In extraordinary circumstances a panel of three persons may be appointed.

#### Insufficient Grounds to Move Forward

If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant will be notified, in writing, of the reasons for this decision.

THIS DECISION MAY NOT BE APPEALED.

## APPEAL HEARING PROCEDURE

The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- The hearing will be held within a timeline determined by the Case Manager
- The Parties will be given reasonable notice of the day, time and place of the hearing
- Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- The Panel may request that any other individual participate and give evidence at the hearing
- The Panel may allow as evidence at the hearing any oral evidence, document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- If a decision in the appeal 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 party to the appeal in question, will have an opportunity to participate in the appeal, and will be bound by its outcome
- The decision to uphold or reject the appeal will be by a majority vote of Panel members

In fulfilling its duties, the Panel may obtain independent advice.

Please note: This infographic should be used as a visual reference only and should not be used in lieu of the Canada Snowboard Appeal Policy. For more detailed information please refer to the Full Appeal Policy which can be found in the Document Centre of our website.

([https://www.canadasnowboard.ca/files/Canada\\_Snowboard\\_Appeals\\_Policy\\_EN.pdf](https://www.canadasnowboard.ca/files/Canada_Snowboard_Appeals_Policy_EN.pdf))