



APPEALS POLICY

(Organizational Decisions & Team Selections)

Effective Date: [Date]

Approved by: [Board of Directors]

This policy replaces all previous Tennis Alberta appeals policies and functions alongside the policy-specific appeals processes outlined in other policies.

IMPORTANT – DISCIPLINE AND COMPLAINTS APPEALS: This policy does not apply to appeals of decisions made under Tennis Alberta's **Discipline and Complaints Policy** or the **ABSSCM Safe Sport Reporting and Independent Resolution Policy**. Appeals of such decisions must be made through the appeals process set out in those respective policies. Decisions issued through appeals processes under other Tennis Alberta policies are final and may not be further appealed under this policy.

PURPOSE

1. The purpose of this Appeals Policy is to enable disputes regarding organizational decisions to be dealt with fairly and expeditiously within Tennis Alberta, without recourse to external legal procedures.

DEFINITIONS

2. These terms will have these meanings in this policy:
 - a. **Days** – will mean business days.
 - b. **Member** – refers to all categories of members in Tennis Alberta, as well as to all individuals engaged in activities with or employed by Tennis Alberta, including, but not limited to, athletes, parents/guardians of junior members, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators, and employees (including contract personnel).
 - c. **Appellant** – refers to the Member appealing a decision.
 - d. **Respondent** – refers to the body whose decision is being appealed.

SCOPE OF APPEAL

3. Any Member of Tennis Alberta who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in this policy. Examples of decisions that may be appealed include, but are not



limited to, those relating to eligibility, carding, funding allocations, membership, and entitlements and obligations under an athlete agreement.

4. This policy will not apply to decisions relating to:
 - a. Matters arising under the **ABSSCM Safe Sport Reporting and Independent Resolution Policy**, including any decisions, sanctions, or appeals thereunder;
 - b. Matters arising under Tennis Alberta's **Discipline and Complaints Policy**, including any decisions, sanctions, or appeals thereunder;
 - c. Matters arising under Tennis Canada's Discipline and Complaints Policy or any other National Sport Organization policy;
 - d. Decisions issued through an appeals process under any other Tennis Alberta policy (such decisions are final and not subject to further appeal under this policy);
 - e. Matters of employment;
 - f. Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program;
 - g. Selection or qualification procedures which have their own appeals process stated within the criteria or policies relating to that process;
 - h. Discipline matters arising during events organized by entities other than Tennis Alberta, which are dealt with pursuant to the policies of those other entities; and
 - i. Any decisions made under Paragraphs 6 and 9 of this policy.

TIMING OF APPEAL

5. Members who wish to appeal a decision will have 14 days from the date on which they received notice of the decision to submit in writing: (a) notice of their intention to appeal; (b) grounds for the appeal; (c) a processing fee of \$250; and (d) a summary of the evidence that supports these grounds. All materials must be submitted to the Executive Director of Tennis Alberta (hereafter referred to as "Executive Director"). Specific situations may have shorter appeal deadlines as determined from time to time by the Board or its designate.
6. Any party wishing to initiate an appeal beyond the 14-day period must provide a written request stating reasons for an exemption to the requirement of Paragraph 5. The decision to allow, or not allow, an appeal outside the 14-day period will be at the sole discretion of the Executive Director, and may not be appealed.

GROUND OF APPEAL

7. Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 - a. Making a decision for which it did not have authority or jurisdiction as set out in Tennis Alberta's governing documents;



- b. Failing to follow procedures as laid out in the bylaws or approved policies of Tennis Alberta; or
- c. Making a decision that was influenced by bias.

SCREENING OF APPEAL

8. Within 5 days of receiving the notice and grounds of an appeal, the Executive Director will determine whether there are appropriate grounds for the appeal to proceed. Where the decision being appealed was made by the Executive Director or at the Executive Director's direction, the screening will be conducted by the President of the Board of Directors or a designated Director of the Board.
9. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing with reasons, and informed that the processing fee will not be refunded. This decision is at the sole discretion of the screening authority and may not be appealed.

APPEALS PANEL

10. If the screening authority is satisfied that there are sufficient grounds for an appeal, within 21 days of having received the original notice of appeal the Executive Director will establish an Appeals Panel (hereafter referred to as the "Panel") as follows. The Panel will be comprised of up to three individuals who:
 - a. will have no significant relationship with the affected parties;
 - b. will have had no involvement with the decision being appealed; and
 - c. will be free from any other actual or perceived bias or conflict. Being a "peer" of the Respondent should not in itself constitute bias or conflict of interest.
11. The Executive Director may designate one of the Panel members to serve as Chairperson of the Panel. In the event the Executive Director does not designate a Chairperson, the members of the Panel will select from themselves a Chairperson.

PRELIMINARY CONFERENCE

12. The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:
 - a. Format of the appeal (hearing by documentary evidence, oral hearing, or a combination of both);
 - b. Timelines for exchange of documents;
 - c. Clarification of issues in dispute;
 - d. Clarification of evidence to be presented to the Panel;
 - e. Order and procedure of hearing;
 - f. Location of hearing, where the hearing is an oral hearing;
 - g. Identification of witnesses; and
 - h. Any other procedural matter that may assist in expediting the appeal proceedings.



13. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.

PROCEDURE FOR ORAL HEARING

14. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
 - a. The hearing will be held within 30 days of the Panel's appointment. If there are delays, the Panel will contact the Appellant and Respondent and inform them.
 - b. The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
 - c. A quorum will be all three Panel members, barring extenuating circumstances (e.g., illness). Decisions will be by majority vote, where the Chairperson carries a vote.
 - d. If the decision of the Panel 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 and will be bound by its outcome.
 - e. Any of the parties may be accompanied by a representative or advisor, including legal counsel.
 - f. The Panel may direct that any other person participate in the appeal.
15. In order to keep costs to a reasonable level, the Panel may conduct the appeal by means of a telephone or video conference.

PROCEDURE FOR DOCUMENTARY APPEAL

16. Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate, provided that:
 - a. All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument. The parties are responsible for directly submitting all information they wish reviewed to the Panel.
 - b. The applicable principles and timelines set out in Paragraph 14 are respected.

APPEAL DECISION

17. Within 14 days of concluding the appeal, the Panel will issue its written decision with reasons. Any delay will be communicated to both Appellant and Respondent within a reasonable time. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
 - c. To reject the appeal and confirm the decision being appealed;
 - d. To uphold the appeal and refer the matter back to the initial decision-maker for a new decision;



- e. To uphold the appeal and vary the decision, but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality; and
 - f. To determine how costs of the appeal, excluding processing fee, legal fees, and legal disbursements of any of the parties, will be allocated, if at all.
18. A copy of this decision will be provided by the Chairperson of the Panel to each of the parties and to the Executive Director.
19. In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Paragraph 17.

TIMELINES

20. If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the dispute are such that the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

LOCATION

21. The appeal will take place in the location designated by the Executive Director, unless the Panel decides the appeal is to be held by way of telephone or video conference, or unless, at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

FINAL AND BINDING DECISION

22. The decision of the Panel will be final and binding on the parties and on all Members of Tennis Alberta. The decision may not be appealed under any other Tennis Alberta policy.

PROCESSING FEE

23. The processing fee of \$250 will be refunded to the Appellant if the appeal is upheld. If the appeal is denied or rejected, the processing fee will not be refunded.