

Appeal Policy

Purpose

1. This *Appeal Policy* provides Organizational Participants with a fair and expedient appeal process.
2. The Alberta Soccer Association (ASA) is committed to providing an environment in which all individuals involved with the ASA are treated with respect and fairness.
3. The ASA provides individuals with this Appeals Policy to enable fair, affordable, and expedient appeals of certain decisions made by the ASA or its disciplinary committees.

Scope and Application of this Policy

4. This policy applies to all Organizational Participants.
5. Any Organizational Participant who is directly affected by a decision made by ASA shall have the right to appeal that decision if there are sufficient grounds for the appeal under the **Grounds for Appeal** section of this policy.
6. This policy **will apply** to decisions relating to:
 - a) eligibility;
 - b) selection;
 - c) conflict of interest;
 - d) discipline; and
 - e) membership.
7. This policy **will not apply** to decisions relating to:
 - a) employment;
 - b) infractions for doping offenses;
 - c) the rules of the sport;



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- d) selection criteria, quotas, policies, and procedures established by entities other than ASA;
- e) substance, content and establishment of team selection or carding criteria;
- f) volunteer/coach appointments and the withdrawal or termination of those appointments;
- g) budgeting and budget implementation;
- h) the ASA's operational structure and committee appointments;
- i) decisions or discipline arising within the business, activities, or events organized by entities other than ASA (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by ASA at its sole discretion);
- j) commercial matters for which another appeals process exists under a contract or applicable law;
- k) decisions made under this policy; or
- l) any complaint dealt with under the OSIC process, and any decision made thereunder.

Timing of Appeal

- 8. Organizational Participants who wish to appeal a decision have five (5) business days from the date on which they received notice of the decision to submit all the following, in writing, to ASA or their identified designate a Notice of Appeal which complies with the requirements of this policy.
- 9. A Notice of Appeal shall contain the following:
 - a) notice of the intention to appeal;
 - b) the Appellant's contact information;
 - c) name and contact information of the Respondent and any Affected Parties, when known to the Appellant;
 - d) date the Appellant was advised of the decision being appealed;



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- e) a copy of the appeal fee payment;
 - f) a copy of the decision being appealed, or description of decision if written document is not available;
 - g) a concise statement of the grounds for the appeal;
 - h) a concise summary of the reasons for the appeal;
 - i) all evidence that supports these grounds;
 - j) a summary of any fresh evidence the Appellant intends to rely on, including any written evidence or a summary of the anticipated oral testimony to be provided, including an explanation as to why the said fresh evidence was not presented at the original hearing of the matter; and
 - k) requested remedy or remedies.
10. An Organizational Participant who wishes to initiate an appeal beyond the five (5) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow an appeal outside of the five (5) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Grounds for Appeal

11. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include where the ASA, its disciplinary committees or designate:
- a) made a decision that it did not have the authority or jurisdiction (as set out in the applicable governing documents, policies and/or regulations) to make;
 - b) failed to follow its own procedures (as set out in the applicable governing documents, policies and/or regulations);
 - c) 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); or
 - d) made a decision that was unreasonable.
12. Financial hardship or ignorance of the rules of the ASA are not valid grounds for

appeal.

Screening of Appeal

13. Upon receipt of an appeal, the ASA will appoint an Appeal Manager who must not be in a conflict of interest or have any direct relationship with the Parties and who will have the following responsibilities:
 - a) to determine if the appeal falls under the scope of this policy;
 - b) to determine if the appeal was submitted in a timely manner; and
 - c) to decide whether there are sufficient grounds for the appeal.
14. If the Appeal Manager denies the appeal because 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.
15. If the Appeal Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Appeals Committee which shall consist of a single person, to hear the appeal.
16. In extraordinary circumstances, and at the discretion of the Appeal Manager, an Appeals Committee composed of three (3) persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one (1) of the Appeals Committee's members to serve as the Chair.
17. Suspensions or other sanctions will remain in effect until the decisions of the Appeals Committee is released.

Determination of Affected Parties

18. To confirm the identification of any Affected Parties, the Appeal Manager will engage ASA.
19. The Appeal Manager may determine whether a Party is an Affected Party in their sole discretion. This decision may not be appealed.

Procedure for Appeal Hearing

20. The Appeal Manager shall notify the Parties that the appeal will be heard. The Appeal Manager shall then decide the format under which the appeal will be



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heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.

21. If a Party chooses not to participate in the hearing, the hearing will proceed without further notice or opportunity to participate or provide submissions for the Party refusing to participate.
22. 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 Appeal Manager and the Appeals Committee deem appropriate in the circumstances. The following guidelines will apply to the hearing:
 - a) The hearing will be held within a timeline determined by the Appeal Manager.
 - b) The Parties will be given reasonable notice of the day, time, and place of an oral, in-person hearing or oral hearing by telephone or electronic communications.
 - c) Copies of any written documents which any of the Parties wish to have the Appeals Committee consider will be provided to all Parties in advance of the hearing.
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense.
 - e) The Appeals Committee may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications.
 - f) The Appeals Committee may allow as evidence at the hearing any oral evidence and 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.
 - g) 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 an Affected Party to the appeal in question



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and will be bound by its outcome.

- h) The decision to uphold or reject the appeal will be by a majority vote of Appeals Committee members.

23. In fulfilling its duties, the Appeals Committee may obtain independent advice.

Decision

24. The Appellant must demonstrate, on a balance of probabilities, that an error as described in the Grounds for Appeal section of this policy and that this error had a material effect on the decision or decision-maker.

25. The Appeals Committee shall issue its decision, in writing and with reasons, within ten (10) business days after the hearing's conclusion. In making its decision, the Appeals Committee will have no greater authority than that of the original decision-maker. The Appeals Committee may decide to:

- a) reject the appeal and confirm the decision being appealed;
- b) uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- c) uphold the appeal and vary the decision.

26. The Appeals Committee will also determine whether costs of the appeal will be assessed against any Party. In assessing costs, the Appeals Committee will consider the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources.

27. The Appeals Committee's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and ASA. In extraordinary circumstances, the Appeals Committee may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.

28. The decision will be considered a matter of public record and published according to the Publication Guidelines unless decided otherwise by the Appeals Committee.

Timelines

29. If the circumstances of the appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the appeal, the Appeal Manager



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and/or Appeals Committee may direct that these timelines be revised.

Confidentiality

30. The appeals process is confidential and involves only the Parties, the ASA the Appeal Manager, the Appeals Committee, and any independent advisors to the Appeals Committee.
31. Once initiated and until a decision is released, none of the Parties (or their representatives or witnesses) will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless ASA is required to notify an organization such as an international federation, Soccer Canada or other sport organization (i.e., where sanctions have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law.
32. Any failure to respect the confidentiality requirement may result in further sanctions or discipline by the Appeals Committee.

Final and Binding

33. The decision of the Appeals Committee shall be binding on the Parties.
34. No action or legal proceeding will be commenced against ASA or Organizational Participants in respect of a dispute, unless ASA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.