

Appeals Policy

Purpose

1. The purpose of this Policy is to review final decisions and to deal with such appeals fairly, expeditiously and affordably, within Pentathlon Canada, without recourse to formal legal and court-like procedures.
 - a. Any player who feels aggrieved with regard to his/her status with a team may appeal his/her situation to: (1) the Executive of the Provincial/Territorial Pentathlon Canada member association and (2) the Pentathlon Canada Executive, in this order.
 - b. Any player, official, coach, league executive or team who may feel aggrieved by the Provincial/Territorial Executive or the Pentathlon Canada Disciplinary Committee or Executive may appeal to the Pentathlon Canada President.
 - c. All appeals to the Pentathlon Canada President must be submitted in writing within seventy-two (72) hours of the outcome of a hearing. The appeal must be accompanied by a deposit of fifty (\$50), which may be forfeited to Pentathlon Canada if the appeal is disallowed. The appeal will be dealt with by the Pentathlon Canada President, in consultation with the Pentathlon Canada Appeals Committee. The Pentathlon Canada President may refuse an appeal if he/she feels that its grounds are not valid.
2. This policy shall not apply to employment matters or matters relating to the Rules of Pentathlon as developed by the Union Internationale de Pentathlon Moderne which may not be appealed, nor to international infractions for doping offenses which have their own hearing and appeal provisions separate from Pentathlon Canada.

Appeals Committee

3. If the President is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal the President shall establish an Appeals Committee as follows:
 - a. shall be comprised of three individuals who shall have no significant relationship with the affected parties
 - b. shall have had no involvement with the decision being appealed
 - c. shall be free from any other actual or perceived bias or conflict.
 - d. At least one of the Committee's members shall, where practical, be from among the Appellant's peers.
 - e. The Committee's members shall select from themselves a Chairperson.

Preliminary Conference

4. The Committee 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 Committee; Order and procedure of hearing; Identification of witnesses; and
 - e. Any other procedural matter which may assist in expediting the appeal proceedings.
5. The Committee may delegate to its Chairperson the authority to deal with these preliminary matters.

Procedure for the Hearing

6. Where the Committee has determined that the appeal shall be held by way of oral hearing, the
7. Committee shall govern the hearing by such procedures as it deems appropriate, provided that:
 - a. The hearing shall be held within 21 days of the Committee's appointment.

- b. The Appellant and Respondent shall be given 10 days written notice of the date, time and place of the hearing except for selection decision appeals which will be conducted on a time line determined by the Committee.
- c. A quorum shall be all three Committee members.
- d. Decisions shall be by majority vote, where the Chairperson carries a vote.
- e. If the decision of the Committee may affect another party to the extent that the other party would have recourse to an appeal in their own right, that party shall become a party to the appeal in question.
- f. Any of the parties may be accompanied by a representative or advisor, including legal counsel.
- g. The Committee may direct that any other person participate in the appeal.

In order to keep costs to a reasonable level the Committee may conduct the appeal by means of a telephone conference.

Appeal Decision

8. Within 14 days of concluding the appeal, the Committee shall issue its written decision, with reasons. In making its decision, the Committee shall have no greater authority than that of the original decision-maker. The Committee may decide:
 - a. To confirm the decision being appealed;
 - b. To refer the matter back to the initial decision-maker for a new decision free from error;
 - c. To vary the decision 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
 - d. To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.

A copy of this decision shall be provided to each of the parties and to the President.

Final and Binding

9. The decision of the Committee shall be final and binding on the parties and on all members of Pentathlon Canada.

Sport Dispute Resolution Centre of Canada (SDRCC)

10. The SDRCC provides tools and guidance to help resolve minor disputes quickly and informally with the following goals:
 - a. To ensure access to independent, alternative dispute resolution (ADR) solutions for all participants in the Canadian sport system at the national level.
 - b. To strengthen the transparency and accountability of the national sport system and national sports organizations by clarifying their responsibilities to athletes, coaches and other stakeholders.
 - c. To ensure that independent alternative dispute resolution (ADR) processes are equitable for all.
 - d. To offer a low-cost mechanism throughout Canada in both official languages.

The SDRCC is funded by Sport Canada to resolve disputes at the national level of the Canadian sport system. The SDRCC website has a host of resources to help with dispute resolution. <http://www.crdsc-sdrcc.ca>. The SDRCC Tribunal can be contacted at any time to discuss disputes at: Telephone: 1-866-733-7767; Fax: 1-877-733-1246; Email: tribunal@crdsc-sdrcc.ca