



SQUASH BC

Squash Canada and Squash BC Appeal Policy

Approved by the Squash BC Board of Directors, September 15, 2018 to take effect as of June 15, 2019

This Policy has been prepared by Squash Canada to be a Pan-Canadian Policy applicable to Squash Canada and its Member Provincial/Territorial Squash Associations that have approved the adoption of the Policy.

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Appellant*” – The Party appealing a decision
 - b) “*Case Manager*” – An individual appointed by Squash Canada or a PTA (as applicable), who may be any staff member, committee member, volunteer, Director, or independent third party to fulfil the responsibilities of the Case Manager in this *Appeal Policy*.
 - c) “*Individuals*” – All categories of membership defined in the Squash Canada Bylaws or PTA Bylaws, as well as all individuals engaged in activities with Squash Canada or its PTAs including, but not limited to, athletes, coaches, mission staff, chefs de mission, officials, volunteers, committee members, parents or guardians, and Directors and Officers.
 - d) “*Organization*”-Squash Canada or a PTA, as applicable
 - e) “*Parties*” – The Appellant, Respondent, and any other Individuals or persons affected by the appeal
 - f) “*PTA*” – Provincial/Territorial Squash Association recognized by Squash Canada
 - g) “*Respondent*” – The party whose decision is being appealed

Purpose

2. Squash Canada and all PTAs are committed to providing an environment in which all individuals are treated fairly and with respect. Squash Canada and its PTAs provide Individuals with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by Squash Canada and/or its PTAs.

Scope and Application of this Policy

3. This Policy applies to all Individuals.
4. Any Individual who is directly affected by a Squash Canada decision or a PTA decision, or in the case of a minor, the Individual’s parent or legal guardian on behalf of the Individual, shall have the right to appeal that decision; provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy. This Policy does not apply to any Squash Canada or PTA employees as such matters are governed by policies that expressly apply to its respective employees.
5. Jurisdiction of appeals and implementation of this *Appeal Policy* will be the responsibility of the Organization who rendered the original decision and whose decision is being appealed.
6. This Policy **will not apply** to decisions relating to:
 - a) Employment

- b) Infractions for doping offenses
- c) The rules of squash
- d) Selection criteria, quotas, policies, and procedures established by entities other than Squash Canada or its PTAs
- e) Volunteer/coach appointments and the withdrawal or termination of those appointments
- f) Budgeting and budget implementation
- g) Operational structure and committee appointments
- h) Decisions or discipline arising within the business, activities, or events organized by entities other than Squash Canada or its PTAs
- i) Decisions or discipline arising within competition
- j) Decisions made under this policy

Timing of Appeal

7. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit the following information, in writing via email, fax, courier or regular mail to Squash Canada or the applicable PTA:
 - a) Notice of the intention to appeal
 - b) Contact information of the Appellant
 - c) Name of the Respondent, and any known affected parties
 - d) Date the Appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of the decision if a written document is not available
 - f) Grounds for the appeal
 - g) Detailed reasons for the appeal
 - h) All evidence that supports the grounds for appeal
 - i) Requested remedy or remedies
 - j) An administration fee of two hundred dollars (\$200), which will be returned if the appeal is successful

8. An Individual who wishes to initiate an appeal beyond the fourteen (14) 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 fourteen (14) day period will be at the sole discretion of the Case Manager and may not be appealed.

Grounds for Appeal

9. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds are limited to submissions that include the Respondent:
 - a) Made a decision that it did not have authority or jurisdiction (as set out in the relevant governing documents)
 - b) Failed to follow its own procedures (as set out in the relevant governing documents)
 - 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 is unable to consider other views)
 - d) Failed to consider relevant information or took into account irrelevant information in making the decision

10. The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, the occurrence of one of the circumstances set out in Section 9 of this Policy and that such circumstances had, or may reasonably have had, a material effect on the decision or decision-maker.

Screening of Appeal

11. Upon receiving the notice of the appeal, Squash Canada or its PTA, as applicable, will appoint an independent third-party Case Manager who has the following initial responsibilities:

- a) Determine if the appeal falls under the scope of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
12. 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.
13. If the Case Manager is satisfied that the appeal should not be denied, the Case Manager will appoint an Appeals Panel which shall consist of a single Panel Member to hear the appeal. At the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

Procedure for Appeal Hearing

14. 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.
15. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
16. The format of the hearing may involve a verbal in-person hearing, a verbal hearing by telephone, video conference, and/or other communication medium, 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:
- a) The hearing will be held within the appropriate timeline determined by the Case Manager
 - b) The Parties will be given reasonable notice of the day, time and place of the hearing
 - c) 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
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - e) The Panel may request that any other individual participate and give evidence at the hearing
 - f) The Panel may allow as evidence at the hearing any verbal evidence and documentation or other evidence relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on evidence as it deems appropriate
 - g) If a decision in the appeal may affect another person to the extent that the other person would have recourse to an appeal in their own right under this Policy, that person will become a party to the appeal in question and will be bound by its outcome
 - h) The decision to uphold or reject the appeal will be by a majority vote of Panel members
17. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

18. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. The Panel 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
 - c) Uphold the appeal and vary the decision
19. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Squash Canada or the applicable PTA. In extraordinary circumstances, the Panel may first issue a verbal or summary

decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Confidentiality

20. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
21. Appeal decisions that are matters of public interest may be publicly available with the names of the individuals redacted. Names of persons disciplined/affected may be disclosed to the extent necessary to give effect to any decision imposed.

Final and Binding

22. The decision of a PTA Appeal Panel will be binding on all Parties and on all Individuals and not subject to further appeal, unless the PTA explicitly provides the right of any Party to seek review of the Panel's decision pursuant to the rules of a designated independent organization.
23. The decision of a Squash Canada Appeal Panel will be binding on all Parties and on all Individuals, subject to the right of any Party to seek a review of the Panel's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC).