

Section 5.0 – Appeal Policy

5.1 – Submission of Appeals

- a. A Complainant or Respondent may file an Appeal of the AISB decision only in accordance with this Policy.
- b. The Appeal must be filed in writing within 14 days from the date the AISB sends its decision by email to the Complainant and Respondent and must be deemed received 2 days following being sent to last known email of the Appellant. The Appeal must be submitted using the Appeal Submission Form (See *Appendix B: Alpine Canada Alpin Appeal Form*).

5.2 – Grounds for Appeal by a Respondent

- a. The Respondent may appeal any disciplinary decision if the decision:
 - i. Will limit or remove the Respondent access to program or committee activities;
 - ii. Will suspend or expel the Respondent from Participant status; or
 - iii. If the Complaint process did not properly follow the procedures set out in this Policy, if proven by Respondent.

5.3 – Grounds for Appeal by a Complainant

- a. A Complainant may appeal an AISB decision if the Complaint process did not properly follow the procedures set out in this Policy, if proven by the Complainant.
- b. The Complainant does NOT have grounds to file an appeal if the Complaint was not upheld, or if a Complaint was upheld but the Complainant disagrees with the type of disciplinary action taken against the Respondent.

5.4 – The Appeal Committee

- a. The Administrative Case Manager will convene the Appeal Committee within five days of the appeal officially being made. The Appeal Committee will be comprised of three different panel members from the AISB, who were not affiliated with the adjudication process of the initial complaint.
 - i. The composition of the Appeal Committee shall be as follows:
 - i. Three persons will be appointed, of which one is named as Chair, and one as committee secretary;
 - ii. No committee member shall be a Participant of ACA; and
 - iii. The Appeal Committee will include at least one lawyer and one individual with knowledge of or experience in the area of Maltreatment, including, but not limited to, a Researcher, or Psychotherapist. The third member may be an individual from the sport community, who is not affiliated with ACA.

5.5 – Validating the Grounds for Appeal

- a. The Appeal Committee Chair will review the written appeal submission and, in his or her sole discretion, determine if there are sufficient grounds for appeal. In the event there are sufficient grounds, the Appeal Hearing process will be initiated.
- b. Any Appeal by the Respondent based on disciplinary action taken against them will automatically be referred to an Appeal Hearing without the need for the Appeal Committee Chair to review the appeal submission.

5.6 – Proceedings for Appeal Hearings

5.6.1 – Timing of the Appeal Hearing

- a. The Appeal Hearing will be called to convene by the Appeal Committee Chair on a timely basis, but no later than 14 days after the Appeal is received.

5.6.2 – Principles for the Appeal Hearing

- a. The Appeal Committee shall be empowered to conduct the Appeal Hearing in accordance with this Policy.
- b. With respect to language rights, the Appeal Hearing shall be conducted in the official language or languages that had previously been selected by the parties and the ACA unless the Appeal is based on an alleged breach of a party's language rights.
- c. The principles of natural justice will be applied:
 - i. Everyone has the right to a fair hearing in the course of determining an outcome for the Appeal;
 - ii. The issue should be clearly and concisely stated so that both parties are aware of the essentials of the Appeal;
 - iii. An Athlete has the opportunity to have an "Athlete Advocate" present at the hearing;
 - iv. Both parties have the right to have a legal representative present their case;
 - v. Relevant information must be available to all parties;
 - vi. Both parties have the right to call and cross-examine witnesses;
 - vii. Both parties have the right to receive a written decision following the hearing.

5.6.3 – Appeal Hearing Procedures

- a. The Appeal Committee may choose in its sole discretion to meet in person or via videoconferencing. If the appeal takes place through videoconference, all Committee members, the Complainant, the Respondent, and all attending witnesses must have two-way audio contact with all other persons attending the appeal.
 - i. All participants must have in their possession copies of all written materials, including a copy of the decision under appeal;
 - ii. The Complainant and the Respondent will have the right to be accompanied by and represented by legal counsel at any stage of the process, at their own expense;

- iii. The Hearing will deal only with the reasons for the Appeal. If the submission is based on an alleged contravention of this Policy, the facts of the original complaint and misconduct will not be heard.
- iv. The Appeal Committee will deliberate to reach a decision based upon the written and verbal evidence presented at the Appeal Hearing;
- v. The Appeal Committee shall provide written reasons for its decision, which reasons shall be delivered within three (3) days by email to the parties involved in the course of the appeal and deemed to be received two days after sending;
- vi. The Appeal Committee may render a verbal decision immediately at the hearing provided that a written decision is delivered following the hearing;
- vii. The date on which the Appeal Committee sends the written decision via email to the parties shall be deemed to be the date on which the decision was rendered;
- viii. The Appeal Committee, on its own discretion, may grant monetary relief to either party in the form of expenses (limited to documented travel costs); and
- ix. Any Member or Participant shall be entitled to obtain a copy of the decision rendered, unless the Appeal Committee considers the matter to be sensitive or confidential in nature.

5.6.4 – Appeal Decision

- a. The Appeal Panel may, by a majority vote of its members:
 - i. Dismiss the appeal and uphold the decision of the AISB; or
 - ii. Substitute its own decision for that of the AISB.

5.6.5 – Final and Binding Decision

- a. The decision of the Appeal Committee will be final and binding on all parties in relation to registered participation in programs and activities offered by ACA.

5.6.6 – Appeal Material

- a. After completion of its duties, the Appeal Committee will turn over all copies of the documentation from the Appeal Hearing, including all materials received from the discipline hearing any notes taken by Committee members during the hearing, and a copy of the decision, and any corrective action taken to address the complaint, to ACA for safe-keeping in a secure location for a minimum of 7 years. After this time, only the decision will be kept in perpetuity.