

APPEAL



PURPOSE

The purpose of this policy is to outline the process used by Carstairs Minor Hockey Association for appeals

APPEALS

1. "To the President": Any Member, Referee, Linesman or Official that is dissatisfied with the decision or ruling, in whole or in part, of the Grievance Committee, or any Officer, Director, Representative of the CMHA, as the case may be, may appeal the decision or ruling to the President, provided the decision or ruling arises from the By-laws, Rules, Regulations or ruling of the Board.
2. "To the Appeals Committee": An appeal lies to the Appeals Committee from the whole or any part of any decision or ruling presented by the President pursuant to (A).
3. "To the Board": An appeal lies to the Board from the whole or any part of a decision or ruling made by the Appeals Committee pursuant to (B).
4. "Appeal Not a Stay": An appeal to the President, Appeals Committee, or Board does not operate as a stay of the decision or ruling appealed from, except so far as the authority appealed from may direct.
5. "Notice of Appeal": All appeals shall be initiated by notice in writing ("Notice of Appeal") addressed to the President and filed within seven (7) days of the date of the decision or ruling being appealed. The Notice of Appeal may be filed by postal mail, email, courier, fax, or at the CMHA office.
6. "Contents": The Notice of Appeal shall include and contain the following:
 - a. A statement of the decision which is being appealed, including a copy of the written decision, if any;
 - b. A statement of the grounds for appeal;
 - c. A statement of the facts as alleged by the Appellant;
 - d. All of the evidence which the Appellant will produce at the Appeal;
 - e. The signature of the Appellant, his lawyer or agent.
7. "Notifications on Receipt": President upon receiving a Notice of Appeal shall: if the appeal is made pursuant to (A), forthwith notify in writing the President and serve a

APPEAL



copy of the same on the party whose decision is being appealed.

8. "The Appeals Committee": Shall consist of 3 (three) to 5 (five) non board members appointed by the Board of CMHA. Shall serve a copy of the Notice of Appeal on such persons as the President shall reasonably direct; if the appeal is made Pursuant to (B) or (C), forthwith notify in writing the President and such other parties as the President shall reasonably direct.
9. "Procedure": The procedure on appeals pursuant to (A), (B) and (C) shall be determined at the sole discretion of the Appeals Committee. The Appeals Committee is not bound by the rules of evidence or any other law applicable to judicial proceedings and have the power to determine the admissibility, relevance and weight of any evidence. The parties shall comply with the direction of the Appeals Committee, and in any event, the hearing may be conducted in one of the following ways:
 - a. An informal meeting of the parties to the appeal, with evidence and arguments produces as the Appeals Committee may reasonably determine necessary; or
 - b. A more formal hearing, with evidence and arguments produced as the Appeals Committee may reasonably determine necessary. Without restricting the generality of the foregoing, such hearing may include the following:
 - i. the right to be represented by a lawyer or an agent;
 - ii. witnesses may be required to give evidence under oath;
 - iii. witnesses may be examined and cross-examined by parties to the appeal, the Appeals Committee, and the other parties to the appeal; and
 - iv. At the sole discretion of the Appeals Committee, proceedings may be recorded by an official court reporter or have the proceedings recorded by the any person so appointed by the Appeals Committee.
10. "Date": upon receiving a Notice of Appeal, the Appeals Committee shall set a date for the hearing which date shall be no later than the fourteenth (14th) day following the date of receiving the Notice of Appeal. The fourteen (14) day guideline will not include the days of Dec 24 through to Jan 2.
11. "Notice": Notice of the date for hearing the appeal shall be given by President to the Parties to the appeal either in writing or by telephone.
12. "Disqualifies Appeals Committee": Those persons disqualified from the Appeals Committee an appeal are as follows:

APPEAL



- a. For appeals under (B), the President and in the event another Board Member(s) made the initial decision or ruling, if any, that Board Member(s);
 - b. For appeals under (C), those persons listed in (L) (a) and those representatives that made up the Appeals Committee.
13. "Decision": The Appeals Committee shall give the decision in writing to the President and the Appellant within ten (10) days from the date the appeal hearing concluded and may:
- a. Allow the appeal.
 - b. Dismiss the appeal.
 - c. Vary the decision appealed from.
 - d. Give any decision or ruling which ought to have been made and make such further or other decision and/or ruling as the circumstances require.
 - e. Make such order as to costs as it deems just.
14. "Final and Binding": All Members, Referees, Linesmen and Officials, by virtue of their status as such, shall accept as final and binding the decisions of the Board, including, without limiting the generality of the foregoing, the Board's interpretation or construction of the By-laws, Rules and regulations, and Policies, subject only to right of appeal to the CAHA and the AAHA as provided in those Objectives and By-laws.