



**WHEELCHAIR  
RUGBY CANADA**

# **WHEELCHAIR RUGBY CANADA (WRC) APPEAL POLICY**

**Update: February 10, 2023**

# WHEELCHAIR RUGBY CANADA (WRC) APPEAL POLICY

## Definitions

1. The following terms have these meanings in this Policy:

- a) *“Appellant”* – The Party appealing a decision
- b) *“Affected Party”* – Any individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under this Policy and who may have recourse to an appeal in their own right under this Policy
- c) *“Appeal Manager”* – An individual appointed by Racquetball Canada who may be any staff member, committee member, volunteer, Director, or an independent third party, to oversee this Policy. The Appeal Manager will have responsibilities that include, but are not limited to:
  - i. Ensuring procedural fairness;
  - ii. Respecting the applicable timelines; and
  - iii. Using decision making authority empowered by this Policy
- d) *“Days”* – Days including weekends and holidays.
- e) *“Organizational Participant”* – Refers to all categories of individual members and/or registrants defined in the By-laws of WRC and its Members and affiliated clubs who are subject to the policies of WRC, as well as all people employed by, contracted by, or engaged in activities with, WRC including, but not limited to, employees, contractors, Athletes, coaches, personal support workers, instructors, officials, volunteers, managers, administrators, parents or guardians, spectators, committee members, and Directors and Officers Organizational Participant
- f) *“Parties”* – The Appellant, Respondent, and any other Organizational Participant
- g) *“Respondent”* – The body whose decision is being appealed, or, in the case of an appeal of a written decision made per to the *Discipline and Complaints Policy*, the other party to the dispute.

## Purpose

2. WRC is committed to providing an environment in which all Organizational Participants involved with WRC are treated with respect and fairness. WRC provides Organizational Participants with this *Appeal Policy* to enable fair, affordable, and expedient appeals of certain decisions made by WRC. Further, some decisions made by the process outlined in WRC’s *Discipline and*

*Complaints Policy* may be appealed under this Policy.

**Scope and Application of this Policy**

3. This Policy applies to all Organizational Participants. Any Organizational Participant who is directly affected by a WRC decision 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.
4. This Policy **will apply** to decisions relating to:
  - a) Eligibility
  - b) Selection
  - c) Conflict of Interest
  - d) Discipline
  - e) Membership
  - f) Athlete Assistance Program (AAP) carding nominations
5. This Policy **will not apply** to decisions relating to:
  - a) Employment
  - b) Infractions for doping offenses
  - c) The rules of the sport
  - d) Selection criteria, quotas, policies, and procedures established by entities other than WRC
  - e) Substance, content and establishment of team selection criteria
  - f) Volunteer/coach appointments and the withdrawal or termination of those appointments
  - g) Budgeting and budget implementation
  - h) WRC's operational structure and committee appointments
  - i) Decisions or discipline arising within the business, activities, or events organized by entities other than WRC (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by WRC at its sole discretion)
  - j) Decisions made by the Office for the Sport Integrity Commissioner ("OSIC")
  - k) Commercial matters for which another appeals process exists under a contract or applicable law

- l) Decisions made under this Policy

### **Timing of Appeal**

6. Organizational Participants who wish to appeal a decision have seven (7) days from the date on which they received notice of the decision to submit, in writing to WRC, the following:
  - a) Notice of the intention to appeal
  - b) Contact information and status of the appellant
  - c) Name of the respondent and any affected parties, when known to the Appellant
  - d) Date the appellant was advised of the decision being appealed
  - e) A copy of the decision being appealed, or description of decision if written document is not available
  - f) Grounds for the appeal
  - g) Detailed reasons for the appeal
  - h) All evidence that supports these grounds
  - i) Requested remedy or remedies
  - j) An administration fee of three hundred dollars (\$300)
7. An Organizational Participant who wishes to initiate an appeal beyond the seven (7) 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 seven (7) day period will be at the sole discretion of the Appeal Manager and may not be appealed.

### **Grounds for Appeal**

8. 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 that WRC:
  - a) Made a decision that it did not have the authority or jurisdiction (as set out in WRC's governing documents) to make
  - b) Failed to follow its own procedures (as set out in WRC's 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 appears not to have considered other views)
  - d) Failed to consider relevant information or considered irrelevant information in making the decision

- e) Made a decision that was unreasonable
9. The Appellant must demonstrate, on a balance of probabilities, that WRC has made a procedural error as described in the 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

### **Screening of Appeal**

10. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), WRC and the Appellant may first determine if the appeal can be resolved by mediation.
11. If the Parties agree to attempt to resolve the appeal by mediation, an independent mediator (approved by both Parties) will be appointed to attempt to reach a negotiated decision via a process determined by the mediator and the Parties.
12. Appeals resolved by mediation will cause the administration fee to be refunded to the Appellant.
13. Should the appeal not be resolved by mediation, or if either Party is unwilling to attempt mediation, WRC will appoint an independent Appeal Manager who has the following 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
14. If the appeal is denied on the basis of insufficient ground, 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 Panel which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Appeal Manager will appoint one of the Panel's members to serve as the Chair.

### **Determination of Affected Parties**

16. To ensure the identification of any Affected Parties, the Appeal Manager may engage with WRC. The Appeal Manager will determine whether a party is an Affected Party, at their sole discretion.

### **Procedure for Appeal Hearing**

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

18. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

19. 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 Panel deem appropriate in the circumstances, provided that:

- 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 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 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 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

20. In fulfilling its duties, the Panel may obtain independent advice.

### **Appeal Decision**

21. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. 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

22. The Panel may also determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Panel will consider the outcome of the appeal, the conduct of the Parties, and the Parties' respective

financial resources

23. The Panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, and WRC. 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.

### Timelines

24. 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 and/or Panel may direct that these timelines be revised.

### Confidentiality

25. The appeals process is confidential and involves only the Parties, the Appeal Manager, the Panel, and any independent advisors to the Panel.

26. Once initiated and until an appeal decision is released, none of the Parties will disclose confidential information relating to the appeal to any person not involved in the proceedings, unless WRC is required to notify an organization such as an international federation, Sport Canada or other sport organization (i.e., where a Provisional Suspension or interim measures have been imposed and communication is required to ensure that they may be enforced), or notification is otherwise required by law..

### Final and Binding

27. The decision of the Panel will be binding on the Parties and on all WRC's Organizational Participants; 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).

28. No action or legal proceeding will be commenced against WRC or Organizational Participants in respect of a dispute, unless WRC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in WRC's governing documents.

Policy History	
Approved	February 10, 2023
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