



PICKLEBALL CANADA POLICY – APPEALS PROCESS

1. POLICY STATEMENT

Pickleball Canada is committed to conducting appeals by using a standardized, timely, transparent, affordable, and fair appeal process.

2. CONTEXT/BACKGROUND

Anyone participating in Pickleball Canada programs, activities or events affected by a decision made by Pickleball Canada has a right to appeal a decision, providing there are sufficient grounds (see Section 5.3 for sufficient grounds)

3. APPLICATION

This policy applies to decisions involving Pickleball Canada's

- Conflict of Interest Policy;
- Code of Conduct and Discipline Policy;
- Membership, and
- Any other matter deemed appropriate by Pickleball Canada

This policy does not apply to issues regarding:

- Doping offences, as the Centre for Ethics in Sport is responsible for delivering the [Canadian Anti-Doping Program](#).
- The rules of Pickleball or the rules of competition;
- Issues of an operational nature such as staffing, employment, volunteer opportunities, budgeting or budget implementation;
- Commercial or contractual matters that have their own dispute resolution process under a contract or applicable law;
- Decisions made by active Pickleball Canada members regarding its governance such as amendments to by-laws or policies;
- Disagreements involving Pickleball Canada sanctioned or supported competitions that have their own appeal process and
- Decisions made under this policy.

4. COMING INTO FORCE

June 2018

5. ROLES/RESPONSIBILITIES

5.1 Timing of Appeal

Individuals who wish to appeal a decision shall have twenty one (21) days from the date on which they received notice of the decision, to submit a Notice of Appeal to the Vice President of Operations, Pickleball Canada.

An Individual who wishes to initiate an appeal beyond the twenty one (21) period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the twenty-one day period will be at the sole discretion of Pickleball Canada and may not be appealed.

5.2 Filing a Notice to Appeal

A Notice of Appeal shall contain the following information:

- The intention to appeal;
- Name, address and membership status of the Appellant;
- Identity of the Respondent and any Affected Parties;
- Date the Appellant was advised of the decision being appealed;
- Copy of the decision being appealed, or description of decision if a written decision or document is not available;
- Grounds for the appeal;
- Detailed reasons for the appeal;
- All evidence that supports the grounds for appeal;
- The suggested remedy or remedies requested, and
- A signed acknowledgement by the appellant that he/she is prepared to bear all costs of the appeal process.

A Notice to Appeal form is included as Appendix A of this policy.

5.3 Grounds for an Appeal

An appeal may only be heard if there are sufficient grounds for appeal.

Sufficient grounds include circumstances where the individual(s) within Pickleball Canada who made the decision:

- Made a decision that it did not have authority or jurisdiction;
- Failed to follow its own procedures;
- 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);
- Failed to consider relevant information or took into account irrelevant information in making the decision, or
- Made a decision that was grossly unreasonable

5.4 Determining whether an Appeal will proceed

Following a review by the Vice President of Operations of Pickleball Canada, if the appeal is not immediately resolved, the Board of Pickleball Canada will appoint an independent third-party Appeal Manager.

The Appeal Manager cannot:

- Be a Pickleball Canada Board member,
- Have been previously involved in the case,
- Be affiliated with the complainant, or
- Have an interest in the decision of the appeal.

The Appeal Manager has the following responsibilities.

- Determine if the appeal falls under the scope of this Policy;
- Determine if the appeal was submitted in a timely manner, and
- Decide whether there are sufficient grounds for the appeal

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

5.5 Appointing an Appeal Panel

If the Case Manager is satisfied there are sufficient grounds for an appeal, the Appeal Manager will appoint an Adjudicator to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. Neither the adjudicator nor the panel members may have any significant ties to any of the parties involved in the appeal, nor interest in the outcome of the appeal and have no real or perceived bias in the outcome.

Where a panel is appointed to hear an appeal, the Appeal Manager will appoint one of the Panel members to serve as the Chair.

5.6 Procedure for Appeal Hearing

The Appeal Manager shall notify the Parties that the appeal will be heard. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The Appeal Manager decides 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.

The hearing will be governed by the procedures that the Appeal Manager or the Panel deems appropriate in the circumstances, provided that:

- The hearing will be held within the appropriate timeline determined by the Case Manager;
- The Parties will be given reasonable notice of the day, time and place of the hearing;
- 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;
- The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense;
- The hearing will be conducted in the official language of the Appellant's choice;
- The Adjudicator or Panel may request that any other individual participate and give evidence at the hearing;
- The Adjudicator or Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal and may exclude such

evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate;

- 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, and
- The decision to uphold or reject the appeal will be by the Adjudicator or a majority vote of Panel members

In fulfilling its duties, the Adjudicator or Panel may obtain independent advice

5.7 Issuing the Appeal Decision

The Adjudicator or Panel shall issue its decision, in writing and with reasons within twenty one (21) days after the hearing's conclusion.

The Adjudicator or Panel may decide to:

- Reject the appeal and confirm the decision being appealed;
- Uphold the appeal and refer the matter back to the initial decision-maker for a new decision;
- Uphold the appeal and vary the decision;
- 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 take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources

The Panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, Pickleball Canada and the appropriate provincial affiliation. In extraordinary circumstances, the Adjudicator or 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.

5.8 Confidentiality

The appeal process is confidential and involves only the Parties, the Appeal Manager, Adjudicator or 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.

5.9 Final and Binding

The decision of the Adjudicator or Panel will be binding on the Parties and on all Pickleball Canada 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).

No action or legal proceeding will be commenced against Pickleball Canada or individuals in respect of a dispute, unless Pickleball Canada has refused or failed to provide or abide by this Appeal process.

6 IMPLEMENTATION

- Pickleball Canada is responsible for communicating and distributing this policy to those affected by it.
- Pickleball Canada will identify individuals who are willing to act as Appeal Managers and a roster of individuals who will volunteer to become a member of the Appeal Panel as described under this policy.

7 RESULTS

- Individuals involved in Pickleball Canada programs, activities or events are aware of this Appeal process.
- Appeals made under this policy are handled fairly and expeditiously.

Date: June 2018

Date: _____

APPENDIX A – NOTICE OF APPEAL FORM

Date: (DD/MM/YYYY) _____

Appellant

Name:

Address:

Telephone (home):

Telephone (office):

Telephone (cell.):

Email:

Date of birth:

DD

MM

YYYY

Representative of the Appellant *(if applicable)*

Note: An adult representative is mandatory for any Appellant who is a minor in the province where the proceedings are held.

Name:

Address:

Telephone (home):

Telephone (office):

Telephone (cell.):

Email:

Decision

What decision do you wish to appeal?

Why do you think the decision is wrong or unfair?

When was that decision rendered?

DD MM YYYY

Respondent Who made the decision that you wish to appeal?

Grounds

Please provide:

1. Grounds for the appeal (arguments); and
2. Summary of the evidence that supports these grounds (documents, pictures, rules and by-laws, audio-visual material, etc.)

Witness(es)

For each witness, please provide the following information (if there is more than one witness, please attach the information to the form):

Name:

Telephone1:

Telephone2:

Email:

Summary of evidence to be provided by this witness:

Recourse

What measure or decision do you ask Pickleball Canada to correct the situation?

Exemption

If the decision was rendered more than 21 days ago, why are you filing this Notice of Appeal form beyond the 14 days time limit as provided by Pickleball Canada's Appeal Policy (Section 5.1)?

I the appellant agree that I am prepared to bear all costs associated with this appeal. Costs will be determined by Pickleball Canada.

Signature

Signature:

Name (print):

Function/Title:

Date: _____