

APPEAL REVIEW POLICY

1.1 PURPOSE

The purpose of this Review Policy is to provide a mechanism to examine and settle questions of procedural fairness within the Ringette community that is fair, quick and affordable.

The O.R.A. recognizes that the fundamental principle of procedural fairness underlies the dealings of all its members in their day to day administration of the sport.

1.1.1 The principles of procedural fairness are:

- That Registered Participants know in advance that a decision that could affect their personal rights or privileges is going to be made,
- That Registered Participants be able to hear and respond to the evidence presented when the decision is made, and
- That the decision maker will follow the established rules to reach the decision, base that decision on the evidence, and do so without taint of bias.

1.2 JURISDICTION

These procedures are applicable to the business, activities or events organized by Ontario Ringette, its regions, members and participants.

1.3 DEFINITIONS

1.3.1 **“Actual or apprehended bias”** - Bias is a pronounced lack of neutrality on the issue to be decided. A conflict of interest would be an example of an actual bias. The test for an apprehension of bias is: Would a reasonable person in the Ringette community knowing the relevant facts have good reason to suspect that the decision maker could have been improperly influenced to favour one side over the other?

1.3.2 **“Appellant”** - The member whose rights and privileges has been affected by a decision maker and is now filing the application for review.

1.3.3 **“Days”** – Calendar days excluding the initial date and including the deadline date. For example, if a seven day deadline starts on the 1st of the month then it will end at midnight on the 8th of the month.

1.3.4 **“Decision maker”** - An officer or director of the O.R.A. or of one of its Regions or Registered (Association) Members who has made a ruling that affects the rights and privileges of the appellant.

1.3.5 **“Ontario Ringette Representative”** – Any director, officer, committee member, volunteer, coach, athlete, official, referee, manager or participants within Ontario Ringette or its Regions, Registered Members or Registered Participants.

1.3.6 **“Receiving Organization”** – the body with jurisdiction to conduct the review.

1.3.7 **“Respondent”** – the person(s) whose decision is the subject of the application for review. The original decision maker will typically be the respondent in a review.

1.3.8 **“Review Panel”** – the three people selected by the receiving organization to hear a particular review.

1.4 SCOPE AND APPLICATION OF THIS POLICY

1.4.1 Any ruling made by a decision maker that affects the rights and privileges of a participant may be reviewed under this policy except for:

- Volunteer appointments,
- Matters relating to the substance, content and establishment of team selection criteria,
- Budgeting and budgeting implementation,
- Matters of operational structure and committees,
- Referee decisions,
- Tie-breaking decisions,
- Matters where existing avenues of review or appeal have not been exhausted,
- Matters where either the appellant or the respondent is not a member/participant of the O.R.A.,
- Discipline matters and decisions arising during events organized by entities other than those within Ontario Ringette and its members, which are dealt with pursuant to the policies of these other entities,
- Matters of employment,
- Infractions for doping offences, and
- The rules of Ringette.

1.5 FILING A REQUEST FOR REVIEW

1.5.1 **The organization that receives the request** – the request is to submitted to the next higher level of authority:

Organization	Ontario Ringette	Region	Registered Member (Association/Clubs)	Registered Participants
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				(Person)
1 st Level	O.R.A.	O.R.A.	Region	Association
2 nd Level			O.R.A.	Region
3 rd Level				O.R.A.

- 1.5.2 **Format of the request** - The request for review shall:
- Be made in writing and addressed to the President of the receiving organization,
 - Set out the decision to be reviewed and evidence the date it was delivered.
 - List the specific grounds for review and contain sufficient detail and evidence to support the request for a new hearing,
 - Be signed by the appellant, and
 - Be accompanied by a \$500 deposit made payable to the receiving organization.
- 1.5.3 **Grounds for Review** – Not every decision may be reviewed. Decisions may only be reviewed, and reviews may only be heard, on the following procedural grounds:
- Failure of Due Process – That the decision maker failed to follow or incorrectly interpreted the written rules and/or policies of the O.R.A. in making its decision.
 - Exceeding Jurisdiction – That the decision maker lacked the proper authority to make the decision it did.
 - Misapprehension of Fact – That the decision maker based a decision on a finding of fact that was not reasonably supported by the actual evidence.
 - Bias – That the decision maker was affected by actual or apprehended bias.
- 1.5.4 **Timing of the request:**
- The complete application for review shall be filed with the receiving organization within twenty-one (21) days of the date of the delivery of the decision being reviewed. If the receiving organization is the O.R.A. and the deadline falls on a day when the office is not open, then the next day the office is open will become the deadline.
 - If the decision was verbal, then the member can request that it be put in writing and the deadline to file will start from receipt of that written decision.
 - Any party wishing to initiate a review beyond the twenty-one (21) day period must provide a written request giving reasons for an exemption.

The decision to allow or not allow a review outside the 21-day period will be at the sole discretion of the President of the receiving organization, or designate, and may not be reviewed.

1.6 SCREENING OF THE REVIEW

- 1.6.1 To have merit a request for review must:
- Be complete in all respects with respect to the requirements listed above,
 - The facts must be relevant, complete and of sufficient weight to be non-trivial, and
 - The grounds for review are presented in a logical argument showing how procedural fairness was lacking in the decision.
 - Screening will be done by the President or designate of the receiving organization.

1.7 TIMELINE AND COMMUNICATIONS

- 1.7.1 **Actionable Status** - The request will be screened for actionable status within seven (7) days of filing. If not actionable, the request will be returned with a written explanation of why it is not actionable together with the deposit in full. If the request is denied on technical grounds (i.e. no grounds for appeal, not signed, no deposit submitted) and these defects can be corrected within the twenty-one (21) day period allotted, the request can be amended and resubmitted.
- 1.7.2 **Panel Selection:**
- The President of the receiving organization will select a panel of three persons to hear the review.
 - The members of the panel will select a chair between them.
- 1.7.3 **Documentation** - All documents relating to the review must be shared between all parties, panel members, and for reviews conducted by the O.R.A., the office. All requests for additional information or clarification must be made to the chair of the panel who will circulate the requests and the replies.
- 1.7.4 **Response** - The respondent will have up to seven (7) days from the date of screening to prepare a response.
- 1.7.5 **Rebuttal** - The appellant will have up to seven (7) days from the date of the response to prepare a rebuttal to any new items raised by the response.
- 1.7.6 **Hearing** - The review panel will have up to seven (7) days from the date of the rebuttal to hold a hearing and reach a decision.
- 1.7.7 **Variation** - The chair of the review panel may shorten or extend the deadlines as needed to avoid a denial of procedural fairness in the review process itself.

1.8 THE REVIEW DECISION

1.8.1 Verbal - A verbal decision shall be reached within twenty four (24) hours of the hearing and issued to the parties. At a minimum, the verbal decision will state whether the request has been allowed or not.

- 1.8.2 Written – The written decision shall be issued with three (3) days of the hearing. It will include:
- The decision of the panel to deny or allow the request.
 - A brief summary of the documentation. Confidential information is to be omitted. If confidential information is significant to the decision, then the fact that it exists and was considered must be disclosed.
 - The names of the panel members and the dates of the various stages of the review.
 - If the review is allowed:
 - the decision must state the specific grounds for which the review is being allowed,
 - the decision may contain guidance on specific points of procedural fairness for the benefit of those conducting the rehearing,
 - a deadline for the rehearing may be set,
 - the status of the parties reverts to its original state until the matter is reheard, and
 - the panel may extend any deadlines falling under the jurisdiction of the receiving organization to preserve the rights of the parties until the matter is reheard.
 - The amount of the deposit, if any, to be returned to the appellant. The determination of this amount is left entirely to the discretion of the panel.
 - The decision of the panel is binding on the parties, and on all Ontario Ringette Representatives under the jurisdiction of the receiving organization.

1.9 FOLLOW UP WHERE THE O.R.A. IS THE RECEIVING ORGANIZATION

1.9.1 The record of the review process will be maintained by the O.R.A. office and is not confidential except for any confidential information that is marked as such by the panel chair. Access to the record can be granted at the discretion of the President of the O.R.A. upon written request.

1.9.2 If a rehearing is allowed, then the minutes of that rehearing shall be sent to the O.R.A. office to complete the file.

1.10 FURTHER REVIEW

1.10.1 The decision of the screener to rule the application as “not actionable” is subject to this review process.

1.10.2 The decision of the review panel is itself subject to this review process