

## **BC Athletics Appeals Process (Updated January 2007)**

Any appeals to the Appeals Panel shall be sent in writing to the Chair of the Appeals Panel, in care of the BC Athletics President and Chief Executive Officer, at the BC Athletics Head Office. The appeal must be received by BC Athletics within thirty (30) days of the hearing or meeting at which the decision being appealed was made.

This notice shall be referred to as the *Notice of Appeal*.

1. The Notice of Appeal must:
  - i) Be signed by the appellant;
  - ii) State whether all or only part of the decision or findings are being appealed;
  - iii) State the grounds upon which the appeal is based; and
  - iv) Be accompanied by a two hundred and fifty dollar (\$250.00) fee, payable to BC Athletics (which said fee shall be refunded only if the appeal is successful).
  
2. Upon receipt of a Notice of Appeal, the BC Athletics President and Chief Executive Officer shall forward the Notice of Appeal to the Chair of the Appeals Panel (Chair of the BC Athletics Board of Directors or in their absence the Vice Chair or Designate) within three (3) business days of its receipt together with certification that the first step of the appeals process has been followed:
  - A review of the appeal by the BC Athletics Committee; Club; or Agent of BC Athletics;
  - That the written findings and decision has been conveyed to the Appellant; and
  - That the terms as outlined in Section 1 of the BC Athletics Appeals Process have been met.
  
3. Upon receipt of a Notice of Appeal, the Chair of the Appeals Panel shall:
  - i) Select three (3) members of the Appeals Panel (in addition to the Chair) within three (3) business days of its receipt to hear the Appeal. The three members selected shall have no interest in the matter being appealed and shall be referred to as the *Appeals Committee*.
  - ii) Rule on the status of the appellant (except for banned substances violations) to continue or not to take part in the activities of the Association until the decision of the Appeals Committee is rendered.
  
4. The Chair shall:
  - i) Select a hearing date, time and location; such hearing to take place as soon as possible, whether in person or by telephone conference call.
  - ii) Notify within two (2) business days of the selection of a hearing date, time, and location, by the quickest means possible (whether by telephone, fax, email, or otherwise), the appellant, BC Athletics and all interested parties to the appeal, of the date, time, and location of the hearing. The Appellant may then appear at the hearing, in person and/or by representative and all other interested parties may appear at the hearing in person and/or by representative.

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5. The procedure under which the hearing is conducted shall be the following:
  - i) To the extent possible, the hearing shall be in person and open to all parties granted status by the Chair of the Appeals Committee following rules of evidence determined by the Chair of the Appeals Committee.
  - ii) The appellant and BC Athletics shall have status at the hearing and all other parties wishing status at the hearing of the appeal shall request same from the Chair of the Appeals Panel, who shall determine such status.
  - iii) Prior to the date of the hearing, BC Athletics shall send to the appellant, to each other party with status, and to each member of the Appeals Committee a statement of the facts surrounding the appeal and any written submission that they wish to present to the Appeals Committee.
  - iv) Prior to the date of the hearing, the Appellant shall send to BC Athletics, to each other party with status, and to each member of the appeals Committee, a statement the facts surrounding the appeal and any written submission that they wish to present to the Appeals Committee.
  - v) All other parties with status shall deliver to each party with status at the hearing and to each member of the Appeals Committee, prior to the date of the hearing any written submission setting out their position in the dispute.
6. The Appeals Committee shall have the opportunity to query such evidence as they require and they may call upon any other person or representative of any body to address them on any aspect of a matter before them.
7. No formal procedure shall be followed at the hearing, but all of the relevant parties shall be given, in the opinion of the Appeals Committee, a fair and reasonable opportunity to be heard. Notwithstanding the above, the appellant shall present his evidence first at the hearing before any other parties will be invited to do so.
8. The Appeals Committee shall render a written decision within fourteen (14) days of the conclusion of a hearing and shall deliver a copy of same to the appellant, to the President and Chief Executive Officer of BC Athletics and to any other parties granted status in the matter. The decision of the Appeals Committee shall be final, subject to the right of the appellant, BC Athletics and any party granted status in the matter to seek a review of such decision pursuant to the alternate dispute resolution services as provided for in British Columbia.
9. In matters that are time sensitive (e.g. Provincial Team Selection) the appeal may be deemed an Urgent Appeal and the appeal shall be dealt with in a time frame to facilitate competition entry, travel and other matters relating to competition.