

OMHA Appeals Policy

11.20 APPEAL POLICY

Introduction

This Policy applies to all categories of members in the OMHA, as well as to all individuals participation in activities of or employed by the OMHA, including but not limited to, players, parents, coaches, officials, volunteers, directors, officers, committee members, convenors, team managers, trainers, administrators and employees.

11.21 Timing of the Appeal

- a) An individual who wishes to appeal a decision ("Appellant") shall have 7 days from the date on which they received notice of the decision, to submit written notice of their intention to appeal, along with detailed reasons for the appeal, and a non-refundable appeal fee of \$100, to the President of the OMHA.
- b) Any party wishing to initiate an appeal beyond the 7 day period must provide a written request stating reasons for an exemption to the requirement of Section 3. The decision to allow, or not allow an appeal outside the 7 day period shall be at the sole discretion of the President.

11.22 Grounds for Appeal

- a) A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds include the body, which made the decision being appealed ("Respondent"):
 - i) Making a decision for which it did not have authority or jurisdiction as set out in the OMHA's governing documents
 - ii) Failing to follow procedures as laid out in the bylaws or approved Policies of the OMHA
 - iii) Making a decision which 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
 - iv) Exercising its discretion for an improper purpose
 - v) Making a decision, which was grossly unreasonable

11.23 Screening or Appeal

- a) Within 7 days of receiving the notice of appeal, the President shall decide whether or not the appeal is based on one or more of the categories of possible errors by the Respondent as set out in Section 11.22.
- b) The President shall not determine if the error has been made, only if the Respondent bases the appeal on such an allegation of error. In the absence of the President, a member of the Executive Committee shall be designated to perform this function.
- c) If the appeal is denied on the basis of insufficient grounds, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the President, or designate, and may not be appealed.

11.24 Appeals Panel

If the President is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal he or she shall appoint an Appeals Panel (the "Panel") comprised of three individuals who shall have no significant relationship with the affected parties, shall have no significant involvement with the secession being appealed, and shall be free for any other actual or perceived bias or conflict. The Panel's members shall select from themselves a chairperson.

11.25 Appeals Preliminary Conference

- a) The Panel may determine that the circumstances of the dispute warrant a preliminary conference:
 - i) The matters, which may be considered at a preliminary conference, include date and location of hearing, timelines for exchange of documents, format for the appeal, clarification of issues in dispute, any procedural matter, order and procedure of hearing, remedies being sought, identification of witnesses, and any other matter, which may assist in expediting the appeal proceedings.
 - ii) The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

11.26 **Procedure for the Appeal**

- a) The Panel shall govern the appeal by such procedures as it deems appropriate, provided that:
 - i) The appeal hearing shall be held within 14 days of the Panel's appointment
 - ii) The Appellant, respondent and affected parties shall be given 7 days written notice of the date, time and place of the appeal hearing
 - iii) Decisions shall be by majority vote, where the Chairperson carries a vote
 - iv) Copies of any written documents which any of the parties would like the Panel to consider shall be provided to the Panel, and to all other parties, at least 5 days in advance of the hearing
 - v) A representative or advisor, including legal counsel, may accompany any of the parties
 - vi) The Panel may direct that any other individual participate in the appeal
 - vii) In the event that one of the Panel's members is unable or unwilling to continue with the appeal, the matter will be concluded by the remaining two Panel members
 - viii) Unless otherwise agreed by the parties, there shall be no communication between Panel members and the parties except in the presence of, or by copy to, the other parties
 - viii) In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference call.

11.27 **Appeal Decision**

Within 7 days of concluding the appeal, the Panel shall issue its written decision, with reasons. In making its decision, the Panel shall have no greater authority than that of the original decision-maker. The Panel may decide:

- i) To void or confirm the decision being appealed;
 - ii) To vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons which include, but are not limited to, lack of clear procedure, lack of time, or lack of neutrality;
 - iii) To refer the matter back to the initial decision-maker for a new decision;
 - iv) To refund in whole or in part the appeal fee paid by the Appellant; and
 - v) To determine how costs of the appeal shall be allocated, if at all.
- A copy of this decision shall be provided to each of the parties and to the President.

11.28 **Appeal Time Lines**

In extraordinary circumstances and at its sole discretion, the Panel may abridge or extend the timelines in this Policy.

11.29 **Documentary Appeal**

Any party to the appeal may request that the Panel conduct the appeal by way of documentary evidence. The Panel may seek agreement from the other parties to proceed in this fashion. If agreement is not forthcoming, the Panel shall decide whether the appeal shall proceed by way of documentary evidence or in-person hearing.

11.30 **Appeal Referral of Dispute**

If any party believes the Appeal Panel has made an error such as those describe in Section 3.3.1, those matters which may be heard by the Dispute Resolution Committee of the Ontario Hockey Federation (OHF) may be referred to the OHF to be decided in accordance with its appeal procedures, as amended from time to time. For all other matters, the decision of the OMHA Appeal Panel shall be final and binding.

11.31 **Appeal Location & Jurisdiction**

- a) Any appeal shall take place in the geographic region where the Appellant is located, unless held by way of telephone, conference call or held elsewhere as may be decided by the Panel as a preliminary matter.
- b) This Policy shall be governed and construed in accordance with the laws of the Province of Ontario.
- c) No action or legal proceeding shall be commenced against the Ontario minor hockey Association in respect of a dispute, unless the Ontario Minor Hockey Association has refused or failed to abide by the provisions for appeal of the dispute, as set out in this Policy.