



POLICY AND PROCEDURES

S 070: Appeals Policy

DEFINITIONS

Days: shall mean total days, irrespective of weekends or holidays.

Member: refers to all categories of Members in Cycling BC, as well as to all individuals engaged in activities with or employed by Cycling BC, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel)

Appellant: refers to the member appealing a decision

Respondent: refers to the body whose decision is being appealed.

POLICY

Any member of Cycling BC who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors shall have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 5 of this policy.

Decisions that may be appealed are those relating to eligibility, carding, harassment, selection, and discipline (except that decisions relating to the termination of employment or a contract may not be appealed).

This policy shall not apply to matters relating to the rules of the sport of cycling, which may not be appealed, or to infractions for doping offences, which have their appeal provisions separate from Cycling BC.

This policy aims to enable disputes with members to be dealt with fairly, expeditiously and affordably, without recourse to formal legal and court-like procedures.

PROCEDURE

Timing of Appeal: Members who wish to appeal a decision shall have 21 days from the date on which they received notice of the decision to submit in writing notice of their intention to appeal, grounds for the appeal and a summary of the evidence which supports these grounds, to the Chief Executive Officer of Cycling BC



POLICY AND PROCEDURES

Any party wishing to initiate an appeal beyond the 21 days 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 21 days shall be at the sole discretion of the Board and/or CEO.

Grounds of Appeal:

A decision cannot be appealed, nor can an appeal be heard, on the merits of the decision. Decisions may only be appealed, and appeals may only be heard on procedural grounds. Procedural grounds are limited to the Respondent:

- Making a decision for which it did not have authority or jurisdiction as set out in Cycling BC's governing documents;
- Failing to follow procedures as laid out in the bylaws or approved policies of Cycling BC; or
- Making a decision that was influenced by bias.

Screening of Appeal:

Within five days of receiving the notice and grounds of an appeal, the CEO shall determine whether there are sufficient grounds for the appeal as set out in Section 5. In the absence of the CEO, the Chair of the Board or a designate appointed by the Chair shall perform this function.

If the appeal is denied because it has no grounds, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the CEO or Chair and may not be appealed.

Appeals Panel:

If the CEO or Chair or designate is satisfied that there are sufficient grounds for an appeal, within 14 days of having received the original notice of appeal, the CEO, the Chair shall establish an Appeals Panel (the "Panel") as follows:

- The Panel shall comprise three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the decision being appealed, and shall be free from any other actual or perceived bias or conflict.
- At least one of the Panel's members shall be from among the Appellant's peers.
- The Panel's members shall select from themselves a Chairperson.

Preliminary Conference



POLICY AND PROCEDURES

The Panel may determine that the appeal circumstances warrant a preliminary conference. The matters, which may be considered at a preliminary conference, include:

- Format of the appeal (hearing by documentary evidence, oral hearing or a combination of both);
- Timelines for the exchange of documents;
- Clarification of issues in dispute;
- Clarification of evidence to be presented to the Tribunal;
- Order and procedure of hearing;
- Identification of witnesses; and
- Any other procedural matter that may assist in expediting the appeal proceedings. The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

Procedure for the Hearing:

Where the Panel has determined that the appeal shall be held by way of an oral hearing, the Panel shall govern the hearing by such procedures as it deems appropriate, provided that:

- The hearing shall be held within 21 days of the Tribunal's appointment.
- The Appellant and Respondent shall be given ten days' written notice of the date, time and place of the hearing.
- A quorum shall be all three Panel members.
- Decisions shall be by majority vote, where the Chairperson carries a vote.
- If the panel's decision may affect another party to the extent that the other party would have recourse to an appeal in their own right, that party shall become a party to the appeal in question.



POLICY AND PROCEDURES

- A representative or advisor, including legal counsel, may accompany any parties.
- The Panel may direct that any other person participates in the appeal. To keep costs reasonable, the Panel may conduct the appeal via telephone or videoconference.

Procedure for Documentary Appeal:

Where the Panel has determined that the appeal shall be held by way of documentary evidence, it shall govern the appeal by such procedures as it deems appropriate, provided that:

- All parties are allowed to provide written submissions to the Panel, review the other parties' written submissions, and provide written rebuttals.
- The applicable principles and timelines are respected.

Evidence that may be considered:

Generally, the Panel shall only consider the evidence before the original decision-maker. At its discretion, the Panel may hear new evidence which is material and which was not available at the time of the original decision.

Appeal Decision:

Within 14 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 the original decision-maker

The Panel may decide:

- To confirm the decision being appealed;
- To refer the matter back to the initial decision maker for a new decision;
- To vary the decision where it is found that an error occurred and the original decision maker cannot correct such an error for the reason of lack of clear procedure, lack of time, or lack of neutrality; and
- To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.

A copy of this decision shall be provided to each party and the CEO.



POLICY AND PROCEDURES

Timelines:

If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

Location:

Any appeal shall take place in Vancouver, BC, unless held by telephone conference call or video call or held elsewhere as may be decided by the Panel as a preliminary matter.

Final and Binding:

The Panel's decision shall be final and binding on the parties and all members of Cycling BC, subject only to the provisions of Cycling BC's policies relating to Alternative Dispute Resolution.

Date Reviewed: May 2023

Date approved: August 2023