

APPEALS POLICY

1 BACKGROUND

Synchro BC desires to foster an environment for its members that promotes equal opportunities and prohibits discriminatory practices.

Synchro BC members wishing to appeal a decision have ten (10) days from the date on which they received notice of a conclusion, to submit written notice of their intention to appeal, along with detailed reasons for the appeal, to the Synchro BC Executive Director, along with a cheque for \$150 payable to “Synchro BC”.

Any party wishing to initiate an appeal beyond the 10 day period must provide a written request stating reasons for an exemption to this requirement. The decision to allow, or not allow, an appeal outside the ten day period will be at the discretion of the Appeals Committee appointed by Synchro BC.

2 DEFINITION(S)

2.1 WHAT IS ELIGIBLE FOR AN APPEAL?

The following are eligible for an appeal:

If the Advisor, Officer or committee member

- a. making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- b. failing to follow procedures as laid out in the bylaws or approved policies and regulations of Synchro BC;
- c. 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 perspectives;
- d. making a decision which was grossly unreasonable

2.2 WHAT DOES NOT QUALIFY FOR AN APPEAL?

The opportunity to appeal does not apply to:

- e. the rules of synchronized swimming as set out in the CASSA and FINA rule books;
- f. infractions for doping offenses;
- g. disputes arising during competitions, which have their own appeal procedures;
- h. matters relating to the content, substance and establishment of team selection criteria;
- i. matters of budgeting and budget implementation;
- j. appeals being handled by Synchro Canada or other Provinces
- k. situations that have already been escalated to legal levels

3 CONFIDENTIALITY

Synchro BC and investigators will act consistently with Synchro BC's policies on privacy and confidentiality and will not disclose an appellant or a respondent's name or any circumstances related to an appeal to anyone, except as necessary to investigate or resolve an appeal, take disciplinary action, or as required by law.

The appellant, the respondent, witnesses and others with knowledge of an appeal are required to keep information about the appeal confidential.

4 APPLICATION/JURISDICTION

This policy applies to all Synchro BC employees, contractors, directors, officers, referees, officials, volunteers, participants, members and family members of participants.

5 REPRESENTATION BY A RESPONSIBLE ADULT

If an appellant or respondent is a minor, an appeal may be brought forward by a parent, guardian or other adult of the person's choice who may be present during the appeal process.

If an appellant or respondent of an appeal is deemed to be incapable to represent him or herself, an appeal may be brought forward by a parent, guardian or other adult of the person's choice who may act on behalf of the concerned person throughout the appeal process (the "Responsible Adult").

6 RETALIATION

No person may engage in retaliation, intimidation or any other form of punishment against people who raise good faith concerns about an appeal or who assist in an investigation. Retaliation will be grounds for discipline.

7 REFERENCES

Member: member in good standing of the British Columbia Amateur Synchronized Swimming Association (dba “Synchro BC”), in accordance with the current Bylaws.

Codes of Conduct: the approved Code(s) of Conduct for members of the association that describe expected standards and behavior as a member of the association.

Appeal: a procedure made available after decisions have been made by a disciplinary committee, other committee or the Board.

Appellant: the individual or club who files an appeal of a decision made by Synchro BC, in accordance with the Appeal Policy

Advisor: An individual appointed by Synchro BC. The role of the Advisor is to

- serve in a neutral unbiased capacity
- receive and assist in informal resolutions
- make recommendations for further action.
- provide information about the resources and support available

The Advisor will handle complaints that may be resolved through informal procedures, and refer all other complaints to the Officer.

Officer: An individual appointed by Synchro BC to investigate a complaint as provided in the policy.

Appeals Committee: At least three individual appointed by Synchro BC to investigate an appeal as provided in this policy. The Appeals Committee will follow the terms of reference for an Ad Hoc Committee.

8 RESOURCES

Resources provided upon request

Access to this Policy will be provided to all members. By using these policies, all parties agree that they will not commence any action, legal or otherwise, against Synchro BC.

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