

APPEALS PROCEDURE

1 PROCEDURE

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”. This cheque will be refunded if the appeal is successful.

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.

1.1 FIRST STEPS

1. Fill out the Appeal Request form and submit to the Synchro BC Executive Director along with a cheque for \$150.00 payable to Synchro BC. If the Executive Director is in conflict, the form should be forwarded to one of the Synchro BC Board of Directors.

1.2 SCREENING OF AN APPEAL

1. Synchro BC will assign an Appeal Advisor to each appeal. This individual may be a member of Synchro BC or an external appointee.
2. Within a reasonable amount of time of receiving the notice of appeal, the Appeal Advisor shall decide whether there are sufficient grounds for an appeal.
3. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing provided with reasons. The appellant is given an opportunity to re-appeal only if more information and evidence is provided and may substantiate a different conclusion.

1.3 APPEALS COMMITTEE

If the Appeals Advisor is satisfied that there are sufficient grounds for an appeal, Synchro BC will appoint three committee members that will:

1. have no significant relationship with the affected parties
2. have had no involvement with the decision being appealed
3. be free from any other actual or perceived bias or conflict

The Appeals Committee will follow the terms of reference for an Ad Hoc Committee.

1.4 PRELIMINARY CONFERENCE

The Committee may determine that the circumstances of the appeal warrant a preliminary conference.

The matters that may be considered at a preliminary conference include

1. date and location of hearing
2. timelines for exchange of documents
3. format for the appeal
4. clarification of issues in dispute
5. order and procedure of hearing
6. remedies being sought
7. identification of witnesses
8. whether two or more appeals relating to the same or similar matters may be heard in one hearing
9. and any other matter which may assist in expediting the appeal proceedings

1.5 PROCEDURE FOR THE HEARING

1. The committee will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone or other electronic means, a hearing based on written submissions or a combination of these methods.
2. The hearing shall be governed by procedures that the Appeals Advisor and the Committee deem appropriate in the circumstances, provided that:
 - The appeal hearing shall be held within a reasonable timeframe of the Committee's appointment.
 - The parties will be given a minimum of 48 hours written notice of the date, time and place of the hearing.
 - A quorum shall be all three committee members
 - Decisions shall be by majority vote; the chairperson being a voting member.
 - Copies of written documents that any of the parties would like the committee to consider are required to be provided to the Committee, and to all involved parties, at least ten (10) days prior to the hearing.
 - The Committee may request that other individuals participate in the appeal.

1.6 APPEAL DECISION

1. Within one week of concluding the appeal, the Committee will communicate its decision and rationales in writing.
2. The committee may decide to void or confirm the decision being appealed;
3. Each party will bear their own costs or expenses and will share any mediation and resolution expense should they arise.
4. A copy of this decision will be provided to each of the parties and to the Appeal Advisor. The decision will be considered a matter of public record.

1.7 FINAL AND BINDING DECISION

The decision of the Appeal Committee will be final and binding upon the parties and on all Synchro BC members.

2 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.

3 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.

4 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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