



# CANADIAN AMATEUR BOXING ASSOCIATION L'ASSOCIATION CANADIENNE DE BOXE AMATEUR



## *Appeals Policy*

### Purpose:

1. The purpose of this policy is to enable disputes between individuals and the Canadian Amateur Boxing Association (CABA) to be dealt with fairly, expeditiously and affordably, without recourse to formal legal and court-like procedures.

### Application:

2. This policy applies to all members of CABA including athletes, coaches, officials, organizers, volunteers, employees and directors. It applies to decisions made by the Board of Directors of CABA, by any CABA Committee, by any CABA Discipline Committee or by any body or individual who has been delegated authority to make decisions on behalf of CABA. Any member who is affected by such a decision may appeal the decision, provided there are sufficient grounds for the appeal as defined in this policy.
3. This policy does not apply to:
  - a. Matters of employment;
  - b. Matters that are within the jurisdiction of a provincial association or AIBA;
  - c. Matters relating to the Canadian Policy on Doping in Sport and the Canadian Doping Control Regulations;
  - d. The rules of the Canadian Amateur Boxing Association.

### Timing of appeal:

4. Any member who wishes to appeal a decision will have 10 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, to the President of CABA.
5. Anyone member wishing to initiate an appeal beyond 10-day period must provide a written request stating reasons for an exemption to the requirement of Section 4. the decision to allow, or not allow an appeal outside the 10 day period will be at the sole discretion of the President.

### Grounds of appeal:

6. 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 CABA:
  - a. Making a decision for which it did not have the authority or jurisdiction as set out in CABA's governing documents;
  - b. Failing to follow procedures as laid out in the bylaws or approved policies of CABA;
  - c. Misinterpreting a rule of CABA;
  - d. Making a decision, which was influenced by bias.

### Screening of appeal:

7. Within 3 days of receiving the notice of appeal, the President will decide whether or not the appeal is based on one or more of the grounds described in Section 6.
8. If the appeal is denied on the basis of insufficient grounds, the member will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the President and may not be appealed.

#### Appeals panel:

9. If the President is satisfied that there are sufficient grounds for an appeal, within 10 days of having received the original notice of appeal the President will appoint three unbiased individuals to serve as an Appeals Panel, one whom will serve as Chairman.

#### Preliminary Conference:

10. The Panel may determine that the circumstances of the dispute warrant a preliminary conference. The matters that may be considered at a preliminary conference include:
  - a. Format for the appeal (hearing by documentary evidence, oral hearing in-person, oral hearing by telephone conference, or a combination of these methods);
  - b. Date and location of hearing;
  - c. Timelines for exchange of documents;
  - d. Clarification of issues in dispute;
  - e. Clarification of evidence to be presented to the Panel;
  - f. Order and procedure of hearing;
  - g. Remedies being sought;
  - h. Identification of witness;
  - i. Any other matter that may assist in expediting the appeal proceedings.
11. The panel may delegate to its Chairperson or to one of its members the authority to deal with these preliminary matters.

#### Procedure for the appeal:

12. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate in the circumstances, provided that:
  - a. The hearing will be held within 21 days of the Panel's appointment.
  - b. A quorum will be all three Panel members.
  - c. Decisions will be by majority vote, where the Chairperson carries a vote.
  - d. If the decision of the Panel may affect another party to the extent that the other party could have recourse to an appeal under this policy, that party will become a party to the appeal in question.
  - e. The appellant, respondent and any affected parties will be given 10 days written notice of the date, time and place of the appeal hearing.
  - f. The panel may direct that any other individual participate in the appeal.
  - g. 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 who will make their decision unanimously.
  - h. Unless otherwise agreed by the parties, there will be no communication between Panel members and the parties except in the presence of, or by copy to, the other parties.

#### Procedure for a documentary hearing:

13. Where the Panel has determined that the appeal will be held by way of documentary evidence, it will govern the appeal by such procedures as it deems appropriate in the circumstances provided that:
  - a. All parties are given an opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal.
  - b. The applicable principles and timelines of Section 12 are respected.

**Evidence that may be considered:**

14. As a general rule, the Panel will only consider that evidence that was before the original decision-maker. At its discretion the Panel may hear new evidence that is material and that was not available at the time of the original decision.

**Appeal decision:**

15. Within 5 days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
  - a. To void or confirm the decision being appealed;
  - b. 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;
  - c. To refer the matter back to the initial decision-maker for a new decision;
  - d. To determine how cost of the appeal will be allocated, if at all.
16. A copy of this decision will be provided to each of the parties and to the President and Executive Director.

**Timelines:**

17. If the circumstances of the dispute are such that this policy will not allow a timely appeal, the Panel may direct that these timelines be abridged. If the circumstances of the dispute are such the appeal cannot be concluded within the timelines dictated in this policy, the panel may direct that these timelines be extended.
18. Where there is a need to render a decision quickly, the Panel may issue a summary decision with reasons to follow, provided the written decision, with reasons, is rendered within 5 days of concluding the appeal, or such other timeline as may be agreed to by the parties.

**Jurisdiction:**

19. The decision of the Panel will be final and binding upon the appellant, respondent and CABA.
20. There is no further internal appeal procedure within CABA. Once all aspects of the Canadian Amateur Boxing Association internal appeal procedure are exhausted, any further Action on the issue must be forwarded directly to the Federal Government sponsored Alternative Dispute Resolution (ADR) mechanism.
21. No action or legal proceeding will be commenced against CABA in respect of a dispute, unless CABA has refused or failed to abide by the provisions for appeal of the dispute, as set out in this policy.