

Appeal Policy

Approved and date: March 9, 2026
Effective date: April 1, 2026
Scheduled review date: December 2028

Purpose

1. The purpose of this policy is to provide Participants with a fair and expedient Appeal process.

Application of this Policy

2. This policy applies to all Participants. Any Participant who is directly affected by an Organization's or the Independent Third Party's (ITP) decision shall have the right to Appeal that decision; provided there are sufficient grounds for the Appeal under the 'Grounds for Appeal' section of this policy.

3. This policy **will apply to** decisions relating to:

- a. Eligibility
- b. Selection
- c. Conflict of Interest
- d. Breaches of Code of Conduct
- e. Membership

4. This Policy **will not apply to** decisions relating to:

- a. Employment
- b. Infractions for doping offenses
- c. The rules of the sport
- d. Selection criteria, quotas, policies, and procedures established by entities other than the Organization
- e. Substance, content, and establishment of team selection criteria
- f. Volunteer/Coach appointments and the withdrawal or termination of those appointments
- g. Budgeting and budget implementation including but not limited to funding decisions
- h. The Organization's operational structure and committee appointments

i. Decisions or discipline arising within the business, activities, or Events organized by entities other than the Organization (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by the Organization at its sole discretion)

j. Commercial matters for which another appeals process exists under a contract or applicable law

k. Decisions made under this policy

Timing and Notice of Appeal

5. Participants who wish to Appeal a decision have seven (7) Days from the date on which they received notice of the decision to submit, in writing to the Organization or the ITP, if it was a Maltreatment Complaint, the following:

a. Notice of the intention to Appeal

b. Contact information and status of the Appellant

c. Name of the original decision maker(s) and any Affected Parties, when known to the Appellant

d. Date the Appellant was advised of the decision being appealed

e. A copy of the Decision Report being appealed, or description of decision if written document is not available

f. Grounds for the Appeal

g. Detailed reasons for the Appeal

h. All evidence that supports these grounds

i. Requested remedy or remedies

6. A Participant who wishes to initiate an Appeal beyond the seven (7) Day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an Appeal outside of the seven (7) Day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Grounds for Appeal

7. A decision cannot be appealed simply because one disagrees with its outcome. An Appeal may only be heard if there are sufficient grounds for Appeal. Sufficient grounds include the original decision maker(s):

a. Made a decision that it did not have the authority or Jurisdiction (as set out in the Organization's governing documents and policies) to make

B .Failed to follow the Organization's procedures (as set out in the Organization's governing documents and policies)

c. Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)

d. Failed to consider relevant information or took into account irrelevant information in making the decision

e .Made a decision that was grossly unreasonable

8.The Appellant must demonstrate, on a balance of probabilities, that the original decision maker(s)has made a procedural error as described in the 'Grounds for Appeal' section of this policy and that this error had, or may reasonably have had, a material effect on the decision or decision maker.

Screening of Appeal

9. Upon receiving the notice of the Appeal, and all other information (outlined in the 'Timing of Appeal' section of this policy), the Organization or ITP in the case of Maltreatment Complaints, will appoint an independent Appeal Manager. The Appeal Manager will propose the use of the Organization's Alternate Dispute Resolution Policy, if appropriate.

10. Should the Appeal not be resolved by using the Alternate Dispute Resolution Policy, the Appeal Manager has the following responsibilities:

A. Determine if the Appeal falls under the scope of this policy

b. Determine if the Appeal was submitted in a timely manner

c. Decide whether there are sufficient grounds for the Appeal

11. If the Appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.

12. If the Appeal Manager is satisfied there are sufficient grounds for an Appeal, the Appeal Manager will appoint an Appeal Hearing Panel which shall consist of a single adjudicator, to hear the Appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, a panel of three persons may be appointed to hear the Appeal. In this event, the Appeal Manager will appoint one of the panel's members to serve as the chair.

Determination of Affected Parties

13. If determined necessary to confirm the identification of any Affected Parties, the Appeal Manager may speak with the Organization or previously identified Affected Parties. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

14. The Appeal Manager shall notify the Parties that the Appeal will be heard. The Appeal Manager shall then decide the format under which the Appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.

15. If a party chooses not to participate in the hearing, the hearing will proceed in any event.

16. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Appeal Hearing Panel deem appropriate in the circumstances, provided that:

- a. The hearing will be held within a timeline determined by the Appeal Manager
- b. The Parties will be given reasonable notice of the day, time, and place of the hearing
- c. Copies of any written documents which the Parties wish to have the Appeal Hearing Panel consider will be provided to all Parties in advance of the hearing
- d. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- e. The Appeal Hearing Panel may request that any other individual participate and give evidence at the hearing
- f. The Appeal Hearing Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the Appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g. If a decision in the Appeal may affect another party to the extent that the other party would have recourse to an Appeal in its own right under this policy, that party will become a party to the Appeal in question and will be bound by its outcome
- h. The decision to uphold or reject the Appeal will be by a majority vote of Appeal Hearing Panel members

17. In fulfilling its duties, the Appeal Hearing Panel may obtain independent advice.

Appeal Decision

18. The Appeal Hearing Panel shall issue its decision, in writing and with reasons, within fourteen (14) Days after the hearing's conclusion. In making its decision, the Appeal Hearing Panel will have no greater authority than that of the original decision-maker. The Appeal Hearing Panel may decide to:

- a. Reject the Appeal and confirm the decision being appealed

- b. Uphold the Appeal and refer the matter back to the initial decision-maker for a new decision
- c. Uphold the Appeal and vary the decision

19. In extraordinary circumstances, the Appeal Hearing Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.

20. The Appeal Hearing Panel's Decision Report must provide notice of the decision rendered and reason for the decision. At the discretion of the Appeal Manager, the report may also include additional information such as:

- a. Overview of the submitted Appeal and relevant background information, such as pertinent facts and evidence, and the specific grounds for Appeal
- b. Overview of the decision including, where applicable, any sanctions imposed and any conditions for reinstatement that the Appellant must satisfy, etc.

21. In the case of any Appeal regarding decisions that involve claims of Maltreatment, the ITP must provide the applicable Organization and Sport Manitoba with a decision summary that will include the following information:

- a. The name of the Appellant
- b. A brief overview of the submitted Appeal that describes the nature of the Appeal
- c. The Appeal Hearing Panel's findings on the Appeal including, whether or not Maltreatment occurred and, where applicable, the sanctions or other methods of resolution that have been imposed, including the end date of any sanctions
- d. The date of the Appeal Hearing Panel's decision

22. If the Appeal involves a finding of Maltreatment against a Young Athlete by a Coach or Athlete Support Personnel, whether the Appeal was resolved via Hearing Panel or ADR, Sport Manitoba will provide written notice to all Organizations that includes the following:

- a. The name of the Coach or Athlete Support Personnel who was found to have committed the infraction
- b. The sport in which the violation occurred
- c. The sanctions or other decisions imposed, including the end date of any suspension
- d. The date of the decision

23. If the Appeal Hearing Panel overturns a finding of Maltreatment against a Young Athlete by a Coach or Athlete Support Personnel, or alters imposed sanctions, Sport Manitoba will provide written notice to all Organizations regarding the reversal or alterations.

Timelines

24. If the circumstances of the Appeal are such that adhering to the timelines outlined by this policy will not allow a timely resolution to the Appeal, the Appeal Manager and/or Appeal Hearing Panel may direct that these timelines be revised.

Confidentiality

25. The Appeal process is confidential and involves only the Parties, the Appeal Manager, the Appeal Hearing Panel, and any independent advisors to the Appeal Hearing Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

Final and Binding

26. The decision of the Appeal Hearing Panel will be binding on the Parties and on all the Organization's Participants.

27. No action or legal proceeding will be commenced against the Organization or Participants in respect of a Dispute, unless the Organization has refused or failed to provide or abide by the Dispute resolution process and/or Appeal process as set out in the Organization's governing documents and policies.