

BC Games Appeal Policy and Process

The Board of Directors will grant authority to the Appeals Committee to act on its behalf, to determine appeals. The BC Games Appeals Process outlines the processes for appealing:

- Removal or exclusion of a sport from the Games
- Decisions by a Harassment Discipline Committee in a Harassment complaint
- Decisions by a Host Community Dispute Discipline Committee

All three types of appeals will work within the details outlined in *Section 1: General – All Appeals* of this policy and process document, as well as within any specific information outlined in the appropriate section for each type of appeal.

This Appeals process does not apply to any decisions of the BC Games Society not specified in this document, including any decisions reviewed by the BC Games Jury during Games-time. Refer to BC Games Jury policy for information about the scope and jurisdiction of the BC Games Jury.

Section 1: General – All Appeals

It is the duty of the Appeals Committee to make recommendations to the BC Games Society Board of Directors on appeals submitted to it in accordance with Society by-laws 6:04 and 7:05 and the process outlined in this document.

Principles

- The right to make an appeal is inherent.
- Because all members, participants, organizations, partners, and applicants desire the BC Games Society to be a fully self-governing organization, they shall accept as final and binding all decisions made by the Board of Directors.

Appeals Committee Composition

- The Appeals Committee shall be composed of three (3) members.
- All Appeals Committee members, including the Chair, will be selected from a list of individuals compiled by the BC Games Society. Individuals will be working or volunteering in, or connected to, the BC sport system. The BC Games Society may look to other agencies (i.e. Sport BC or ViaSport) for assistance or recommendations in compiling the list of individuals to include as potential Appeals Committee members.
- The Chair of the Board will appoint the Chair of the Appeals Committee, as well as one member of the Committee from the compiled list.
- The appellant will select one member of the Appeals Committee from the compiled list.
- Appeals Committee members will not have any direct involvement with the appellant or the sport involved in the appeal and will not be members of the BC Games Society Board of Directors or one of its active Host Communities.

- A different Appeals Committee will be appointed for each appeal; however, an individual may be appointed to more than one Appeals Committee as long as the conditions outlined in this section are met.

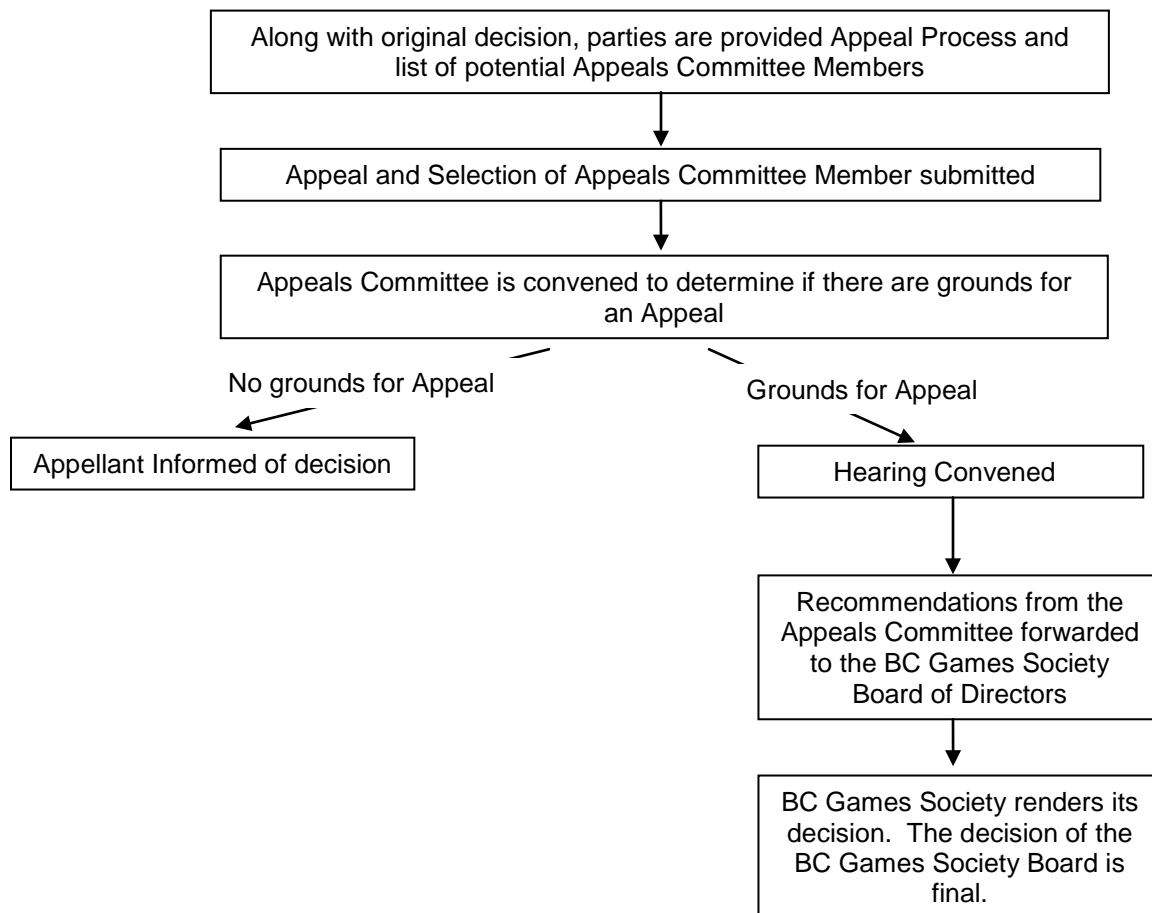
Appeals Committee Chair

- Will only vote on the appeal in the event of a tie amongst the other Appeals Committee members.
- The primary responsibilities of the Appeals Committee Chair is to:
 - Report to the BC Games Society Board.
 - Keep order of meetings of the Appeals Committee and any hearings held.
 - Record the outcomes of the Appeals Committee's work and discussion.
 - Report the recommendations of the Appeals Committee on the appeal to the BC Games Society Board.
 - Ensure procedural fairness is respected at all times during the appeals process and that the process is carried out in a timely manner.

Appeals Process

- The decision is rendered and forwarded to the parties along with the Appeals Process and a list of individuals from which to select one Appeals Committee Member.
- The appellant submits an appeal in writing to the BC Games Society.
- The request for appeal must provide the rationale for the appeal which addresses how one or more of the grounds for appeal (outlined in the appropriate section of this document) have been met.
- Written requests for an appeal must be received by the BC Games Society by the established deadline (see timeline) or within five (5) business days of the decision, whichever is greater.
- Along with the request for an appeal, the appellant is asked to name one person to the Appeals Committee and an alternate from the list provided.
- The Appeals Committee will review the request and rationale for the appeal to determine if an appeal is justified. A meeting will be held for this decision to be made.
 - If the Appeals Committee determines that there are not sufficient grounds for the appeal, they will dismiss the appeal and notify the BC Games Society Board of Directors and the parties to the appeal of its decision in writing.
 - If the Appeals Committee determines that there are sufficient grounds for the appeal, it shall conduct a hearing with respect to the appeal.
- If the appeal proceeds to a hearing, the Chair of the Appeals Committee will establish a list of possible hearing dates in conjunction with the Appeals Committee members.
 - The Appeals Committee will conduct all hearings in the manner in which it sees fit, including but not limited to written presentations only, teleconferences, or face-to-face meetings (appellant costs associated with face-to-face meetings are at the expense of the appellant), or a combination of these. The meeting to consider the appeal will be called a hearing regardless of how it is conducted.
 - The hearing is intended to provide an opportunity for the appellant and other parties to the appeal to present submissions as to the grounds of the Appeal.
 - The hearing may be recorded on tape by the Appeals Committee and if so, the tapes will be kept for safekeeping by the BC Games Society. Subsequently, parties to the appeal may have supervised access to the tapes by application to the BC Games Society.

- The Appeals Committee, by majority vote of its members, may make other rules concerning the procedures of a hearing that it deems appropriate, as long as they are consistent with this policy.
- The appellant is notified of the hearing date and the process for the appeals.
- If the appellant is expected to attend a hearing, notification of the date, time, and location will be provided at least five (5) business days prior to the hearing.
- The Appeals hearing is conducted.
- The Chair of the Appeals Committee provides a written report, with recommendations from the Appeals Committee, to the BC Games Society Board within 5 days of the appeal hearing or in the case of more than one hearing, after the final hearing.
 - In extraordinary circumstances, the Appeals Committee may issue a verbal decision or a summary written decision, with full written reasons to follow.
- The BC Games Society Board of Directors receives the recommendations from the Appeals Committee and within fifteen (15) business days will render a decision on the action to be taken.
 - The Board may follow all, some, or none of the recommendations of the Appeals Committee. If all of the recommendations of the Appeals Committee are not supported or if additional actions are taken, the Board will provide rationale for its decision.
- The appellant is notified of the outcome of the appeal.
- The decision of the Board of Directors is final.
- After completion of its duties, the Appeals Committee will turn over all copies of all materials relating to the appeal to the BC Games Society to be destroyed.



Internal Timeline

- The list of potential Appeals Committee Members to be established at the time the original process is beginning (when a harassment complaint is under investigation or when staff present the Core Sport recommendations to the Sport Committee).
- The BC Games Society Board of Directors will select the Chair and one Appeals Committee Member from the list.
- When Appeals Process is provided to the parties, they will also be provided with:
 - The name and bio of the Chair and the Appeals Committee Member selected by the BC Games Society Board of Directors.
 - The list (name and bio) of potential Appeals Committee Members from which the appellant selects one individual to sit on the Appeals Committee.

Section 2: Core Sport Appeals

Conditions of Appeal

Appeals will be permitted in the following circumstances:

- for new sports applying for inclusion in the BC Games that have not been granted inclusion in the Games
- for sports being removed from the Games

Appeals will not be permitted in the following circumstances:

- for sports being put on probation

Grounds for Appeal

An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds for an appeal are restricted to the following:

- The decision is in conflict with the BC Games Core Sport policy for inclusion in the Games.
- The decision was made as a result of a procedural error.
- The conditions identified for removal or exclusion from the Games are false.

Core Sport Appeals Process

In addition to the process outlined in the *General – All Appeals* section, in the case of Core Sport Appeals, the following apply:

- The BC Games Core Sport Policy is the policy document upon which inclusion in the BC Games is based.

Recommendations from Appeals Committee

The Appeals Committee may make the following recommendations as a result of an appeal:

- a) dismiss the Appeal and confirm the decision of the Sport Committee;
- b) uphold the appeal and make recommendations for inclusion in the Games;
- c) uphold the appeal and refer the matter back to the Sport Committee for a new decision, which may include the request of additional information from staff; or
- d) uphold the appeal and vary the decision but only where it is found that an error occurred and such error cannot be corrected by the Sport Committee for reasons of lack of clear procedure, lack of time, or lack of neutrality.

In the case of recommendations *c* or *d* above, and if the BC Games Society Board supports the recommendation, after the specified action is taken, the matter will be referred back to the BC Games Society Board for a final decision.

Refer to the Core Sport Timeline for the current Games for specific appeals process timelines and deadlines.

Section 3: Harassment Appeals

Grounds for Appeal

An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds for an appeal are restricted to the following:

- the BC Games Society failed to follow procedures set out in the Harassment Policy;
- the Harassment Discipline Committee's decision was influenced by bias;
- if the Harassment Discipline Committee considered irrelevant evidence, or failed to consider relevant evidence in making its decision; or
- the Harassment Discipline Committee's decision was wholly unreasonable based on the facts and circumstances.

Harassment Appeals Process

In addition to the process outlined in the General – All Appeals section, in the case of Harassment Appeals, the following apply:

- The Appeals Committee shall use the definitions in the BC Games Society Harassment policy in evaluating the appeal and rendering its decision.
- In addition to the Notice of Appeal, the Appeals Committee may receive into evidence the Investigation Report, the Harassment Discipline Committee's decision, and any other relevant evidence presented at the Hearing.

Recommendations from Appeals Committee

The Appeals Committee may make the following recommendations as a result of an appeal:

- dismiss the Appeal and confirm the decision of the Harassment Discipline Committee;
- uphold the appeal and refer the matter back to the Harassment Discipline Committee for a new decision;
- uphold the appeal and refer the matter back to the original Harassment Investigator (or a new investigator) for further investigation and a new report with recommendations; or
- uphold the appeal and vary the decision but only where it is found that an error occurred and such error cannot be corrected by the original decision-maker for reasons of lack of clear procedure, lack of time, or lack of neutrality.

Section 4: Host Community Dispute Appeals

If a dispute occurs at the Host Community level, it will be managed locally by Intake Volunteers and if any action is required, that will be addressed by the Host Community Dispute Discipline Committee. (The Intake Volunteers and the Host Community Dispute Discipline Committee are appointed by the Host Community Board.) If the decision or action of the Host Community Dispute Discipline Committee is appealed, it is managed by the BC Games Society Appeal Process.

Grounds for Appeal

An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds for an appeal are restricted to the following:

- the Host Community or the Host Community Dispute Discipline Committee failed to follow procedures set out in policies and procedures established by the BC Games Society or the Host Community;
- the Host Community Dispute Discipline Committee's decision was influenced by bias;
- if the Host Community Dispute Discipline Committee considered irrelevant evidence, or failed to consider relevant evidence in making its decision; or
- the Host Community Dispute Discipline Committee's decision was wholly unreasonable based on the facts and circumstances.

Dispute Appeals Process

In addition to the process outlined in the General – All Appeals section, in the case of Host Community Dispute Appeals, the following apply:

- The Appeals Committee shall use the definitions and processes outlined in the policy and procedures established BC Games Society in evaluating the appeal and rendering its decision.
- In addition to the Notice of Appeal, the Appeals Committee may receive into evidence the report from the Intake Volunteer, the Host Community Dispute Discipline Committee's decision, and any other relevant evidence presented at the Hearing.

Recommendations from Appeals Committee

The Appeals Committee may make the following recommendations as a result of an appeal:

- dismiss the Appeal and confirm the decision of the Host Community Dispute Discipline Committee;
- uphold the appeal and refer the matter back to the Host Community Dispute Discipline Committee for a new decision;
- uphold the appeal and refer the matter back to the original Intake Volunteer (or a new investigator) for further investigation and a new report with recommendations; or
- uphold the appeal and vary the decision but only where it is found that an error occurred and such error cannot be corrected by the original decision-maker for reasons of lack of clear procedure, lack of time, or lack of neutrality.

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