



APPEAL POLICY

This is a Pan-Canadian Policy.

In an attempt to standardize certain policies, Volleyball Canada and the Provincial/Territorial Associations worked together on the Pan Canadian policy initiative. A Pan Canadian policy is a Volleyball Canada policy that a Provincial/Territorial Association may choose to adopt, in whole or part, as its own policy

Definitions

1. The following terms have these meanings in this policy:

- a) *“Adjudicator”* - the person appointed by the Appeal Manager to decide the Appeal;
- b) *“Affected Party”* - any Individual or entity, as determined by the Appeal Manager, who may be affected by a decision rendered under this policy and who may have recourse to an appeal in their own right under this policy;
- c) *“Appeal”* – a formal request to change a decision as stated in section 3 of this policy;
- d) *“Appeal Manager”* – a person appointed by Volleyball Canada or a Provincial/Territorial Association who may be a staff member, committee member, volunteer, director, or an Independent Third Party, to administer Appeals under this policy. The Appeal Manager will have responsibilities that include, but are not limited to:
 - i. ensuring procedural fairness;
 - ii. respecting the applicable timelines, and
 - iii. using decision-making authority empowered by this policy;
- e) *“Appellant”* – the Party appealing a decision;
- f) *“Carding Programs”* – refers to programs, including federal and/or provincial/territorial, which provide assistance to high-performance athletes, such as the Government of Canada’s Athletes Assistance Program;
- g) *“Days”* – refers to working days, not including weekends and holidays;
- h) *“Independent Third Party”* – an entity retained by Volleyball Canada or a Provincial/Territorial Association to assist in the application of this Appeal policy;
- i) *“Individuals”* – refers to all categories of members and/or registrants defined in the by-laws of Volleyball Canada and in the by-laws of a Provincial/Territorial Association, as applicable, and includes *“Participants”* as defined in the UCCMS as well as all people employed by, contracted by, or engaged in activities with or on behalf of, Volleyball Canada or a Provincial/Territorial Association including, but not limited to, employees, contractors, athletes, volleyball clubs, coaches, mission staff, referees, volunteers, managers, administrators, committee members, parents or guardians, spectators, and directors and officers;
- j) *“Party/Parties”* – the Appellant, Respondent, Affected Party, and any other Individuals affected by the Appeal;
- k) *“Provincial/Territorial Association”* – the provincial/territorial member governing body for volleyball in a province or territory;
- l) *“Respondent”* – the Party responding to the Appeal;
- m) *“Registered Participant”* – any person who is registered with Volleyball Canada and a Provincial/Territorial Association as an athlete, coach, and/or referee, or who is participating in any sanctioned event; and



- n) “UCCMS” – refers to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, published April 1, 2025, by the Canadian Centre for Ethics in Sport and adopted by Volleyball Canada, or to any later approved revision adopted by Volleyball Canada.

Purpose

2. The purpose of this policy is to enable fair and expedient appeals of certain decisions made by Volleyball Canada or a Provincial/Territorial Association. Further, some decisions made during the process outlined in the *Discipline and Complaints Policy* may be appealed under this policy.

Scope and Application

3. This policy applies to all Individuals. Any Individual who is directly affected by a decision of Volleyball Canada or a Provincial/Territorial Association will have the right to appeal that decision provided there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this policy.
4. This policy **will apply** to decisions relating to:
- a) eligibility and selection;
 - b) Carding Programs nominations;
 - c) conflict of Interest;
 - d) discipline; or
 - e) membership.
5. 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 Volleyball Canada or a Provincial/Territorial Association;
 - 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;
 - h) Volleyball Canada’s or a Provincial/Territorial Association’s operational structure and committee appointments;
 - i) decisions or discipline arising within the business, activities, or events organized by entities other than Volleyball Canada or a Provincial/Territorial Association (appeals of these decisions will be dealt with pursuant to the policies of those other entities unless requested and accepted by Volleyball Canada or a Provincial/Territorial Association at its sole discretion);
 - j) commercial matters for which another appeals process exists under a contract or applicable law; or
 - k) decisions made under this policy.

Appeal Timing and Submission Requirements

6. Individuals who wish to appeal a decision have 10 Days from the date on which they received notice of the decision to submit, in writing to Volleyball Canada or a Provincial/Territorial Association, the following:
- a) notice of the intention to Appeal;



- b) contact information and status of the Appellant;
 - c) name of the Respondent and any Affected Parties, if known to the Appellant;
 - d) date the Appellant was advised of the decision being appealed;
 - e) a copy of the decision 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; and
 - j) an administration fee of \$500 payable to Volleyball Canada or the Provincial/Territorial Associations, which will be refunded if the appeal is upheld.
7. An Individual who wishes to initiate an appeal beyond the 10 Day period must make a written request within 20 Days of the date on which they received notice of the decision stating the reasons for an extension. The decision to allow or not allow an appeal outside of the 10 Day period will be at the sole discretion of the Appeal Manager and may not be appealed.

Notice of Appeal

8. The notice of Appeal may be delivered in person, by email, fax, courier or special delivery to the Chief Executive Officer / Executive Director at the head office of Volleyball Canada or a Provincial/Territorial Association, as applicable.

Grounds for Appeal

9. A decision cannot be appealed on its merits. An Appeal may only be heard if there are sufficient grounds for Appeal. Allowable grounds are instances where the Respondent is alleged to have:
- a) made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
 - b) failed to follow its own procedures (as set out in the Respondent's governing documents); or
 - 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).
10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made an 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

11. Upon receiving the notice of the Appeal, the fee, and all other information required in Section 5, the Appeal Manager may ask the Parties if they wish the Appeal to be dealt with by alternative dispute resolution (such as by mediation or a negotiated settlement).
12. If an Appeal is resolved by alternative dispute resolution, the administration fee will to be refunded to the Appellant if the appeal is successful.
13. If the Appeal is not be resolved by alternative dispute resolution, the Appeal Manager will determine if:
- a) the Appeal falls under the scope of this policy;



- b) the Appeal was submitted in a timely manner; or
- c) there are sufficient grounds for the Appeal.

14. 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.
15. If the Appeal Manager is satisfied that there are sufficient grounds for an appeal, the Appeal Manager will appoint an Adjudicator.

Determination of Affected Parties

16. In order to identify any affected Parties, the Appeal Manager will engage with Volleyball Canada or the Provincial/Territorial Association, as applicable. The Appeal Manager or the Adjudicator will determine whether a party is an Affected Party at their sole discretion.

Procedure for Appeal Hearing

17. The Appeal Manager will notify the Parties that the Appeal will be heard. The Appeal Manager, in consultation with the Adjudicator, will then decide the format under which the Appeal will be heard. This decision may not be appealed.
18. If a Party chooses not to participate in the Appeal hearing, the hearing will proceed in any event.
19. The format of the hearing may involve an in-person hearing, a 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 Adjudicator deem appropriate in the circumstances, provided that:
 - a) the hearing will be held within 10 Days of the notice of Appeal being received by the Chief Executive Officer / Executive Director;
 - b) the Parties will receive no less than three Days' written notice of the date, time and place and format of the hearing;
 - c) copies of any written documents which the parties wish to have the Appeal 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 Adjudicator may request that any other person participate and give evidence at the hearing;
 - f) the Adjudicator 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 will place such weight on the evidence as it deems appropriate; and
 - 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 their own right under this policy, that party will become a Party to the Appeal and will be bound by its outcome.
20. In fulfilling their duties, the Adjudicator may obtain independent advice.



Appeal Decision

21. The Adjudicator will issue their decision, in writing and with reasons, within seven Days after the hearing's conclusion. In making their decision, the Adjudicator will have no greater authority than that of the original decision-maker. The Adjudicator 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; or
 - c) uphold the Appeal and vary the decision.
22. The Adjudicator's written decision, with reasons, will be distributed to all Parties, the Adjudicator, Volleyball Canada, and the applicable Provincial/Territorial Association. In extraordinary circumstances, The Adjudicator may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter, in accordance with Section 21. The decision will be considered a matter of public record unless decided otherwise by the Adjudicator.

Timelines

23. 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 Adjudicator may direct that these timelines be revised.

Confidentiality

24. The appeals process is confidential and involves only the Parties, the Appeal Manager, the Adjudicator, and any independent advisors to the Adjudicator. 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

25. The decision of the Adjudicator is binding on the Parties and on all Individuals, subject to the right of any Party to seek a review of the Adjudicator's decision pursuant to the rules of the Sport Dispute Resolution Centre of Canada (SDRCC).
26. No action or legal proceeding will be commenced against Volleyball Canada, a Provincial/Territorial Association, or an Individual involved in a dispute until all processes set out in the policies of Volleyball Canada or a Provincial/Territorial Association, as applicable, regarding a dispute, including any Appeal, are concluded.

Communication

27. Volleyball Canada and the Provincial/Territorial Associations will identify those persons within their respective organizations who will be responsible for implementing this policy.

Review

28. Each of Volleyball Canada and any of its Provincial/Territorial Association that has adopted this policy will review this policy on a regular basis (at least every three/four years).

Amendment

29. As a Volleyball Canada policy, any amendment requires approval of the Board of Directors of Volleyball Canada.



30. If a Provincial/Territorial Association has adopted this policy, any amendment requires the approval of the Board of Directors of that Provincial/Territorial Association.

Approval

31. This policy was approved by Volleyball Canada and its Board of Directors on April 7, 2025.