

Appeals Policy

PREAMBLE

Bobsleigh CANADA Skeleton (“BCS”) is committed to the fair, timely and objective resolution of disputes.

DEFINITIONS

- **BCS** means the body duly incorporated under the name Bobsleigh CANADA Skeleton.
- **Participant** for the purposes of this Appeals Policy means any individual engaged in activities with or employed/contracted by BCS including but not limited to athletes, coaches, staff, officials, contractors, and directors.
- **Appellant** refers to the Participant directly affected by and appealing a decision by BCS.
- **Respondent** refers to BCS.
- **Parties** means the Appellant and Respondent.
- **CEO** means the Chief Executive Officer of BCS.
- **Chair** means the Chair of the BCS Board of Directors or the Chair’s delegate.
- **Days** means calendar days including weekends and holidays.
- **SDRCC** refers to Sport Dispute Resolution Centre of Canada.
- **SDRCC Code** means the Canadian Sport Dispute Resolution Code administered by the SDRCC, as amended from time to time.

SCOPE of APPEAL

1. Any Participant who is directly affected by a decision of BCS and wishes to dispute such decision may appeal the decision as set out in this Appeals Policy.
2. This Appeals Policy applies to the following type of decisions ONLY:
 - a. Appeal by an affected Participant of a decision made by BCS pursuant to BCS's:
 - i. Conflict of Interest Policy,
 - ii. Code of Conduct, and/or
 - iii. Discipline & Complaints Policy;
 - b. Appeal by an affected Athlete Participant of a decision made by BCS regarding the affected Athlete’s BCS Athlete Agreement;
 - c. Appeal by an affected Athlete Participant of a decision made by BCS regarding:
 - i. the affected Athlete’s nomination or non-nomination by BCS to the Athlete Assistance Program (AAP), or
 - ii. the affected Athlete’s selection or non-selection by BCS to a BCS team.

3. This Appeals Policy does NOT apply to the following:
 - a. Matters under the jurisdiction of the Canadian Centre for Ethics in Sport (CCES), including but not limited to matters related to the Universal Code of Conduct to Prevent & Address Maltreatment in Sport (UCCMS);
 - b. Matters outside BCS's jurisdiction, such as but not limited to, policies, criteria and decisions made by the Canadian Olympic Committee (COC), the International Olympic Committee (IOC), the International Bobsleigh & Skeleton Federation (IBSF), or any other agency, association, organization or tribunal external to BCS;
 - c. Matters related to doping offences;
 - d. The substance, content and/or establishment of BCS's team selection criteria;
 - e. Matters of BCS governance, such as but not limited to BCS's By-Laws or the business of the BCS Board of Directors;
 - f. Matters of BCS operation, such as but not limited to budgeting, organizational structure, or decisions that BCS management, coaches or Board members may exercise in the normal course of fulfilling their day-to-day duties for BCS;
 - g. Matters of BCS employment (other than those pertaining to BCS's Conflict of Interest Policy and Code of Conduct);
 - h. Decisions made by the SDRCC regarding appeals covered by this Appeals Policy;
 - i. Settlements reached through mediation or other dispute resolution process.

APPEALS PROCESS

4. An appeal shall be pursued by the Appellant as follows:
 - a. Firstly,
 - i. if appealing a decision made by a member of BCS management other than the CEO, the appeal shall be addressed to the CEO; or
 - ii. if appealing a decision made by the CEO, the appeal shall be addressed to the Chair.
 - b. Secondly, if the Appellant is dissatisfied with the outcome of their appeal to the CEO/Chair, as applicable, the appeal may be further pursued via the SDRCC for resolution in accordance with the SDRCC Code.
 - c. Alternatively, if both the Appellant and BCS agree, the procedure described in Paragraph 4a can be by-passed in favour of the Appellant pursuing their appeal directly through the SDRCC.

NOTICE of APPEAL

5. Regarding Paragraph 4a, an Appellant must first file their appeal with the CEO/Chair:

- a. within seven (7) days from the date on which the Appellant received notice of the decision from BCS, or
 - b. within a shorter period of time, if such is required by the relevant BCS governing document.
6. Regarding Paragraph 4b, an Appellant must file their appeal with the SDRCC:
- a. within ten (10) days from the date on which the Appellant received notice of the CEO's/Chair's ruling on the Appellant's appeal, or
 - b. within a shorter period of time, if such is required by the SDRCC or by the relevant BCS governing document.
7. Regarding Paragraph 4c, an Appellant must file their appeal with the SDRCC:
- a. within ten (10) days from the date on which the Appellant and the BCS agreed to by-pass the procedure described in Paragraph 4a, or
 - b. within a shorter period of time, if such is required by the SDRCC or by the relevant BCS governing document.

TIMING of BCS DISPUTE RESOLUTION

8. Regarding Paragraph 4a, the CEO/Chair shall conclude and communicate their ruling on the dispute to the Appellant within seven (7) days of receiving the Appellant's appeal.

FINAL and BINDING DECISION of SDRCC

9. All decisions rendered by SDRCC are final and binding on the Parties, subject only to rights of appeal as provided under applicable law.

GROUNDINGS for APPEAL

10. A decision CANNOT be appealed on its facts alone or because a Participant does not like or agree with a decision.
11. An appeal may ONLY be filed if the Appellant can satisfactorily evidence that BCS:
 - a. Made a decision for which BCS did not have the authority or jurisdiction; and/or
 - b. Failed to follow BCS's own procedures (as set out in BCS's relevant governing documents); and/or
 - c. Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that BCS did not consider other views); and/or
 - d. Made a decision that was grossly unreasonable.

12. Regarding Paragraph 11c, the Appellant must establish that they were prejudiced against because, had BCS been more fully informed, BCS would reasonably have not made the decision.

COSTS

13. Regarding Paragraph 4a, the Appellant must accompany their appeal with the payment of a \$250 Fee that will be, either, refunded to the Appellant if their appeal is successful or forfeited if their appeal is denied.
14. Regarding Paragraph 4b and 4c, costs shall be determined in accordance with the SDRCC Code.
15. Each Party is responsible for their own costs unless otherwise determined by the arbitrator.

OPTIONAL INFORMAL RESOLUTION

16. Prior to the Appellant filing an appeal, either of the Parties may request that an alternative resolution process be pursued, such as negotiation or mediation (including through SDRCC).
17. Participation in an alternative process is voluntary and does not suspend applicable appeal deadlines unless agreed by the Parties.

NO PROCEEDINGS OUTSIDE POLICY

18. No legal or court proceeding may be commenced against BCS in respect of a dispute unless the procedures in this Dispute Policy and the SDRCC Code have been followed.

GOVERNING LAW

19. This policy shall be governed by and interpreted in accordance with the laws of the Province of Alberta and the applicable federal laws of Canada.