

Dispute Resolution and Internal Appeal Policy		
Approved by: Board	Last revised: BOD March 2018	Document # CC-POL-011

1. SCOPE OF APPEAL

1.1: Any member of Cricket Canada who is affected by a decision of the Board, of any Committee of the Board, or of anybody or individual who has been delegated authority to make decisions on behalf of the Board, shall have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 3 of this policy. Such decisions may include, but are not limited to, employment, contract matters, harassment, selection and discipline.

1.2: This policy shall not apply to matters relating to disputes arising within competitions, which has their own appeal procedures, or to matters relating to the rules of the sport as set out in the Laws of Cricket and local rules & conditions, which may not be appealed.

2. TIMING OF APPEAL

2.1: Members who wish to appeal a decision shall have 21 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 Board of Cricket Canada, or the General Manager.

2.2: Any party wishing to initiate an appeal beyond the 21day period must provide a written request stating reasons for an exemption to this requirement. The decision to allow, or not allow an appeal outside the 21 day period shall be at the sole discretion of the Executive Director/ General manager.

3. GROUNDS FOR APPEAL

3.1: A decision cannot be appealed on its merits alone. An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds include the respondent:

- a. Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- b. Failing to follow procedures as laid out in the bylaws or approved policies and guidelines of Cricket Canada;
- c. Making a decision which was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views;
- d. Exercising its discretion for an improper purpose;
- e. Making a decision which was grossly unreasonable.

4. FORMAT OF APPEAL

4.1: Appeals must be made in writing, clearly stating the decision against the appeal is being made, and the grounds for appeal as outlined in 3.1 above.

4.2: The appeal should contain the following:-

- name, address and contact information of individual initiating the appeal;
- in the case of minors (under 19 years of age), a parent or legal guardian must make the appeal on behalf of the appellant;
- a brief statement of the dispute including , if applicable, facts, legal arguments, questions to be answered, remedy sought and proposed solutions to the dispute;
- the grounds under which the appeal is made (as outlined in this policy);
- identification of any other person who might be affected by the outcome of the appeal;
- the preferred official language in dealing with the appeal;
- if the appeal is to be considered urgent, justification for this request.

4.3: The appeal must be accompanied by a payment of \$250 (cash, cheque or bank transfer) to Cricket Canada. This amount will be re-funded if

- the appeal is screened out as outlined below or
- the appeal is successful.

4.4: If the appeal is unsuccessful, the fee is retained to cover expenses of the hearing, and committee proceedings.

5. ADMINISTRATION OF THE APPEAL

5.1: The President or Board of Directors will designate an individual to handle each appeal (Case Manager).

5.2: If the appeal is not against a Board decision, then that individual will generally be a Director at Large, or the Vice-President, unless potential conflicts exist.

5.3: If the appeal is against a board decision, then that individual will be the General Manager or Chief Executive.

5.4: If potential conflicts with the Board and General Manager/ Chief Executive exists then the Board will seek assistance from the president of a provincial association.

5.5: If no individual within Cricket Canada is able to administer the appeals process, then a neutral third party will be sought.

6. SCREENING OF APPEAL AND TIME-LINES

6.1: Within 3 days of receiving the notice of appeal, the Case Manager shall decide whether or not there are sufficient grounds for an appeal.

6.2: If the appeal is denied on the basis of insufficient grounds, the appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Case Manager and may not be appealed. If the Case Manager is satisfied that there are sufficient grounds for an appeal, he or she shall direct that the President (or designate) establish an Appeals Committee.

6.3: The Case Manager, before moving ahead with the formal appeal shall endeavor to settle the dispute through discussion, facilitation or mediation.

6.4: The Case Manager will establish time-lines for the appeal process, and communicate them to the appellant and the President. The timelines will be based on the need for a quick appeal decision. The guidelines below are based on the appeal not being urgent. If the appeal is urgent the time line will be driven by the latest date on which the decision might be changed (i.e.

in the case of selection, prior to the tournament or tour in question taking place). The deadlines established will be:-

- Date for establishment of a committee, or appointment of arbitrator (normally 14 days);
- Date for hearing (normally within 21 days of the committee's appointment);
- Notice period for hearing (normally 14 days);
- Deadline for document submission (normally 5 days before hearing);
- Date for decision (normally 7 days after hearing).

7. APPEALS COMMITTEE

7.1: On notice that an appeal has been accepted, the President (or designate) shall appoint three persons to constitute the Appeals Committee (the "Committee"), in accordance with the following:

7.2: The Committee shall be composed of three individuals who shall have no significant relationship with the affected parties, shall have had no involvement with the decision being appealed, and shall be free from any other actual or perceived bias or conflict.

7.3: At least one of the Committee's members shall be from among the appellant's peers. For the purpose of this policy "peer" is defined as a Cricket Canada member who is, or who has been, of similar status to the complainant. Examples:-

- Complaint in regard to team selection; peer would be member or former member of the team in question.
- Complaint by provincial member in regard to board decision; peer would be another provincial member.
- Complaint in regard to elections; peer would be another election candidate.

7.4: In appointing the Committee, consideration shall be given to the geographical location of the appellant, any affected parties, the respondent and other Committee members, in order to minimize the inconvenience and expense to all parties.

7.5: Committee members may be board members, provincial members, former board members, or qualified third parties.

7.6: In the case of urgent appeals, if all parties agree, the committee can be replaced by a single arbitrator.

8. PRELIMINARY CONFERENCE

8.1: The Committee may determine that the circumstances of the dispute warrant a preliminary conference:

8.2: The matters which may be considered at a preliminary conference include date and location of hearing, timelines for exchange of documents, format for the appeal, clarification of issues in dispute, any procedural matter, order and procedure of hearing, remedies being sought, identification of witnesses, and any other matter which may assist in expediting the appeal proceedings.

8.3: The Committee may delegate to its Chairperson the authority to deal with these preliminary matters.

9. DOCUMENTARY APPEAL

9.1: Any party to the appeal, or the Committee itself may request that the Committee conduct the appeal by way of documentary evidence only. The Committee must seek agreement from the other parties to proceed in this fashion. If agreement is not forthcoming, the Committee shall decide whether the appeal shall proceed by way of documentary evidence or in-person hearing.

10. PROCEDURE FOR THE APPEAL

10.1 The Committee shall govern the appeal by such procedures as it deems appropriate, provided that:

- a. The Committee's members shall select from themselves a Chairperson.
- b. A quorum shall be all three Committee members.
- c. Decisions shall be by majority vote.
- d. Copies of any written documents which any of the parties would like the Committee to consider shall be provided to the Committee, and to all other parties, at least 5 days in advance of the hearing.
- e. Any of the parties may be accompanied by a representative or advisor.

- f. If the matter under appeal relates to team selection, any person potentially affected by the decision of the Committee shall become a party to the appeal.
- g. The Committee may direct that any other individual participate in the appeal.
- h. In the event that one of the Committee's members is unable or unwilling to continue with the appeal, the matter will be concluded by the remaining two Committee members.
- i. Unless otherwise agreed by the parties, there shall be no communication between Committee members and the parties except in the presence of, or by copy to, the other parties.

10.2: In order to keep costs to a reasonable level the Committee will normally conduct the appeal by means of a conference call or video conference.

11. APPEAL DECISION

11.1: The Committee shall issue its written decision based on the established time-line, with reasons. In making its decision, the Committee shall have no greater authority than that of the original decision-maker. The Committee may decide:

- To void or confirm the decision being appealed;
- 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;
- To refer the matter back to the initial decision-maker for a new decision; and
- To determine how costs of the appeal, (other than costs of legal counsel which shall be the responsibility of the respective parties) shall be allocated, if at all.

11.2: A copy of this decision shall be provided to each of the parties.

12. ARBITRATION

12.1: All differences or disputes shall first be submitted to appeal pursuant to the appeal process set out in this policy. If any party believes the Appeal Panel has made an error such as those described in Section 3 of this Policy, the matter shall be referred to arbitration, such arbitration to be

administered under the Sports Dispute Resolution Centre of Canada, as amended from time to time.

12.2: Should a matter be referred to arbitration, all parties to the original appeal shall be parties to the arbitration.

12.3: The parties to an arbitration shall enter into a formal Arbitration Agreement and the decision of any arbitration shall be final and binding and not subject to any further review by any court of competent jurisdiction or any other body.

13. LOCATION AND JURISDICTION

13.1: Any appeal shall take place in the Greater Toronto area, unless held by way of telephone conference call or held elsewhere as may be decided by the Committee as a preliminary matter.

13.2: This policy shall be governed and construed in accordance with the laws of the Province of Ontario.

13.3: No action or legal proceeding shall be commenced against Cricket Canada in respect of a dispute, unless Cricket Canada has refused or failed to abide by the provisions for appeal and/or arbitration of the dispute, as set out in this policy.

Revision History

Revision #	Revision Date	Approved By	Major Changes or Reason for Changes
1	March 2018	Board	Changed CCA to Cricket Canada; revised procedures to match Sports Dispute Resolution Centre of Canada as far as possible; Revised timelines; Addition of fee.