



Appeal Procedures of Hockey NL

The jurisdiction and procedures in respect of matters that can be appealed are outlined in Hockey NL Bylaws XVI and include the consequences for non-compliance with those procedures. This policy details the various types of appeals that can be filed, the procedures for submitting and hearing an appeal, and the way decisions by the Provincial Appeals Committee will be delivered.

Right to Appeal

1. Any Registered Participant of Hockey NL shall have the right to appeal to Hockey NL regarding any dispute, difference or question arising from a decision by Hockey NL or any Member (hereinafter referred to as a "Member") where the By-Law, Regulation, Playing Rule or Policy under which such decision was made grants such a right of appeal. No such appeal to Hockey NL may be taken until the Registered Participant has exhausted all rights of appeal within the Member in which such Registered Participant resides.
2. Any Registered Participant of Hockey NL shall have the right to appeal to Hockey NL when a Member to which the Registered Participant belongs, makes a ruling affecting such Registered Participant and, in that Registered Participant's opinion:
 - a. such decision is in conflict with the Member's or Hockey NL's By-Laws, Regulations, Policies and Playing Rules;
 - b. the Member committed a procedural error, or failed to provide the aggrieved party with a fair hearing; or
 - c. the Member did not have the authority or jurisdiction to make the decision.

Appeals of a Member Decision

3. In the event of any dispute, difference or question arising from a Hockey NL or Member decision, and where a right to appeal is granted under the By-Laws, Regulations, Policies or Playing Rules, the procedures as outlined herein, shall be the recourse available to any Member or Registered Participant dissatisfied with such decision.
4. An appeal shall:
 - a. Be brought within seven (7) Working Days of the written decision being appealed from. Working Day is defined as: Monday to Friday both inclusive, with the exception of any statutory holidays;
 - b. Be in writing;
 - c. Describe, in numbered paragraphs, the decision appealed from, the grounds for appeal, and the relevant facts. Pertinent documents, if any, shall be attached;
 - d. Be filed with the Executive Director of Hockey NL, at the address described in paragraph 19;
 - e. Include the fee described in paragraph 18.

5. Hockey NL shall forward a copy of the Appellant's appeal materials to the Member or individual which rendered the decision. The Member or individual shall respond to the appeal:
 - a. Within five (5) Working Days of receipt of the appeal from Hockey NL.
 - b. In writing;
 - c. By describing, in numbered paragraphs, the position of the Member including the grounds for the decision appealed from, and the facts supporting the decision. Pertinent documents, if any, shall be attached;
 - d. The Member shall deliver a copy of its response to the Executive Director of Hockey NL who in turn will provide a copy to the Appellant, if the nature of the appeal or the response from the Member, suggests that a further response from the Appellant might be appropriate.

6. After the Member response has been received, the submission of further material by either party shall only be permitted at the discretion of the Provincial Appeals Committee. All parties to the appeal may be requested to respond to any material provided by any party to an appeal within timelines as established by the Provincial Appeals Committee.

Failure by a party to respond within the timelines may be regarded by the Committee as evidence that the non-responding party agrees with the material provided by any other party.

7. As a general guideline, appeal material filed by the parties should include the following:

Member Decisions

Appellant Materials

Member Position

- | | |
|---|--|
| <input type="checkbox"/> Grounds for the appeal in accordance with Hockey NL By-law | <input type="checkbox"/> Position of the Member on the appeal. |
| <input type="checkbox"/> The decision being appealed. | <input type="checkbox"/> Facts supporting the decision. |
| <input type="checkbox"/> Rationale for the appeal. | <input type="checkbox"/> Pertinent documents, if any. |
| <input type="checkbox"/> Relevant facts. | |
| <input type="checkbox"/> Pertinent documents, if any. | |
| <input type="checkbox"/> Appeal fee. | |

8. An appeal may be filed with Hockey NL involving:
 - a. An Inter-Member registration transfer.

9. All Registration appeals must be accompanied by the following:
 - a. Notice of Appeal form (see forms attached)
 - b. Detailed rationale for appeal;
 - c. Release from former team, where applicable;
 - d. Letter of Approval from parents (for U18);
 - e. Verification of school registration or exchange, when available and applicable;
 - f. Appropriate transfer form;
 - g. Parent Acknowledgement form; and
 - h. the appeal fee

10. The appealing party (the “Appellant”) shall file the appeal setting fully the grounds of the appeal, with the Executive Director of Hockey NL; who shall give notification of such appeal, and grounds therefore, to the Member which the player wishes to leave, if applicable, and to the Member to which the player desires to be transferred. Both Members shall have the opportunity to provide their position regarding the player’s transfer request.

In appeals relating to a transfer request, a copy of the Member response will only be provided to the Appellant if the Provincial Appeals Committee determines that it requires further information from that Appellant.

11. Each Member must forward its position on the transfer request by email or by such other means as is appropriate, according to the request of the Executive Director. If that position is not received within five (5) Working Days, or such other period of time as the Executive Director may advise, the Member concerned shall lose its right to participate in the appeal.
12. For Minor or Female players, all registration appeals filed, if granted, shall only be for the current playing season. Minor and Female players shall be required to file a new appeal for any subsequent season, and the Provincial Appeals Committee shall consider any subsequent appeal as a new appeal and shall not be bound by any previous year’s decision. If the player appealed successfully to the Provincial Appeals Committee the previous season, and either wishes to play for the same team or attend the same school in the following season, the player may submit a “Renewal” appeal using the appropriate form and shall only be required to pay the \$50.00 administrative fee.
13. Notwithstanding restrictions referred to in any other regulations, the Provincial Appeals Committee shall have the right to hear any appeal received on behalf of any team or individual concerning residential qualifications as stated in Hockey Canada Regulation C.5, teams playing in other jurisdictions as stated in Hockey Canada Regulation B.9.

Appeals Related to Regulations B.9, C.5,

Appeal Submission

- What is being appealed?
- Rationale for the appeal.
- Relevant facts.
- Pertinent documents, if any.
- Appeal fee.

Member Position

- Position of the Member on the appeal.
- Pertinent documents, if any.

Hearing Process for Appeals

14. The Provincial Appeals Committee shall conduct all hearings in the way it sees fit, including but not limited to written presentations only, teleconferences, or face to face hearings.

15. The decision of the Provincial Appeals Committee shall be transmitted to any party to the hearing within Two (2) Working Days from the time of the decision.
16. After a decision, the Provincial Appeals Committee may reconsider a decision once if any of the interested parties to the decision provides new information to the Provincial Appeals Committee that was not available to a party at the date of the original decision. To determine whether to reconsider any decision made by it, the Provincial Appeals Committee must first determine that the new information was not available to the interested party at the time of hearing. The decision as to whether new information exists shall rest solely with the Provincial Appeals Committee and is not subject to review.
17. The Provincial Appeals Committee has jurisdiction to determine whether statements made by any interested party to an appeal were misleading or false. If any interested party has provided such information, the Provincial Appeals Committee, in its unfettered discretion, may rescind, or vary any order made by it, and recommend to the President of Hockey NL that disciplinary action be considered against said party as set forth herein.

APPEAL FEES

18. Unless otherwise stated in this document, every appeal filed must be accompanied by a cash payment or certified cheque payable to Hockey NL in the amount of two hundred dollars (\$200.00) which includes a hearing fee of one hundred and fifty dollars (\$150.00) and a non-refundable administrative fee of fifty dollars (\$50.00).

ADDRESS FOR SERVICE

19. All appeal material shall be filed with Hockey NL to the attention of:

Mr. Craig Tulk
Executive Director, Hockey NL
P.O. Box 176
Grand Falls-Windsor, NL A2A 2J4
or ctulk@hockeynl.ca



NOTICE OF APPEAL FORM

Appeal of Member Decision

Date Submitted:

Appellant:

Contact Information:

Appeal Member Decision:

- Such decision is in conflict with the Member or Hockey NL 's Articles, By-Laws or Regulations
- The Member committed a procedural error, or failed to provide the aggrieved party with a fair hearing:
or
- The Member did not have the authority or jurisdiction to make the decision

Please briefly outline why you feel your appeal falls within one of the above criteria:

The following MUST be included in this appeal, or it will NOT be brought forward to the Hockey NL Provincial Appeals Committee:

- This form
- Relevant facts
- Reason
- Relief being sought
- \$200.00 fee (payable to Hockey NL)
- Pertinent documents, if any, shall be attached

Please give a brief description as to the reasoning behind your appeal:

Please give a brief description on the relief being sought:

Please forward the completed appeal package to: Provincial Appeals Committee c/o Craig Tulk ,

Hockey NL fax: 709 489 2273 or ctullk@hockeynl.ca

Hockey NL will subsequently request the Member's position following the appeal submission to the Provincial Appeals Committee. The Provincial Appeals Committee may request further information from the appellant. Decision will be communicated to the appellant and/or to the respective Member within two (2) Working Days after the decision has been made.