



BOXING CANADA

APPEAL POLICY

Purpose

1. The purpose of this Policy is to provide participants who are affected by a decision of Boxing Canada with a chance to appeal that decision fairly, expeditiously, and affordably, in accordance with the terms below.

Application

2. This policy applies to all participants who are registered with Boxing Canada, including athletes, coaches, officials, organizers, and volunteers.
3. Subject to the limitations below, this policy applies to operational decisions made by the Board of Directors of Boxing Canada, any Boxing Canada Committee, an External Discipline Panel (appointed under the *Dispute Resolution, Discipline and Complaints Policy*) or by any individual who has been delegated authority to make the relevant decision(s) on behalf of Boxing Canada (hereinafter referred to as a "Decision"). Any participant who is adversely affected by such a Decision may appeal the Decision in accordance with the terms of this policy.
4. This policy does not apply to:
 - a. matters of employment;
 - b. matters that are deemed by Boxing Canada to be within the jurisdiction of a Branch;
 - c. matters that are within the jurisdiction of the International Boxing Association (the "IBA");
 - d. matters relating to the Canadian Policy on Doping in Sport and the Canadian Doping Control Regulations;
 - e. Any matter relating to the Athlete Assistance Program Nomination or "de-carding" (all appeals must follow the Policies and Procedures of Sport Canada's Athlete Assistance Program (the "AAP")); and
 - f. matters involving the interpretation or application of the rules of boxing.
5. This Policy shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

Appeal Process

6. Any participant who wishes to appeal a Decision will have 7 days (including weekends and holidays) 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 Executive Director of Boxing Canada. The written intention to appeal must also be accompanied by payment of a fee to Boxing Canada in the amount of Five Hundred Dollars (\$500), the total amount of which will be returned to the participant should the appeal be successful.
7. Any participant who wishes to initiate an appeal beyond the 7 day period must provide a written request stating the reasons for an exemption to the requirement of Section 5 herein. The decision to allow, or not allow, an appeal outside the 7 day period will be at the sole discretion of the Executive Director.



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Grounds of Appeal

8. A Decision cannot be appealed, nor can an appeal be heard, on the merits of the Decision. Decisions may only be appealed, and appeals may only be heard, on procedural grounds. Procedural grounds are limited to Boxing Canada (or a representative of Boxing Canada):
 - a. rendering a Decision for which it did not have the necessary authority or jurisdiction, as set out in Boxing Canada's governing documents;
 - b. failing to follow the procedures laid out in the By-Laws or the approved policies of Boxing Canada;
 - c. misinterpreting a Boxing Canada rule or policy; and/or
 - d. rendering a Decision in circumstances where there is a reasonable apprehension of bias.

The onus shall rest with the appellant to establish one or more of the grounds noted above.

Screening of Appeal

9. Within 5 business days of receiving the notice of appeal, the Executive Director will decide whether or not the appeal is precluded as a consequence of section 7 herein.
10. If the appeal is precluded as a consequence of section 7 herein, the appellant will be notified of this decision in writing with reasons. The screening decision of the Executive Director is final and binding, and not subject to further review or appeal.

Appeal Panel

11. If the Executive Director is satisfied that there are sufficient grounds for an appeal, the Executive Director will, within 7 days of having received the original notice of appeal, appoint an individual to serve as an Appeal Panel. In extraordinary circumstances, and at the discretion of the Executive Director, an Appeal Panel composed of three persons may be appointed to hear the appeal. In this event, the Executive Director will appoint one of the Panel's members to serve as the Chair.
12. The Appeal Panel will consist of independent individuals who had no prior involvement with the decision and who are not in a conflict of interest or otherwise biased.

Preliminary Conference

13. If the circumstances of the dispute so warrant, the Panel may conduct a preliminary conference. The matters that may be considered at a preliminary conference include, but are not limited to:
 - a. the format for the appeal (for example, hearing by documentary evidence, oral hearing in-person, oral hearing by telephone or video conference, or a combination of these methods);
 - b. the date and location of hearing;
 - c. the timelines for exchange of documents;
 - d. clarification of issues in dispute;
 - e. clarification of evidence to be presented to the Panel;
 - f. the order and procedure of hearing;
 - g. the remedies being sought;



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- h. the names and contact information of witnesses;
- i. any other matter that may assist in expediting the appeal proceedings.

14. When the panel consists of three people, the panel may delegate its Chairman or to one of its members the authority to deal with these preliminary matters.

Procedure for the Appeal

15. The Panel will govern the hearing through such procedures as it deems appropriate in the circumstances, provided that:
- a. the hearing will be held within 14 days of the Panel's appointment.
 - b. if the Chairman determines the decision of the Panel may affect another party to the extent that the other party could have recourse to an appeal under this policy, that party will become an Affected Party to the appeal in question and will be able to make written submissions and attend and participate in the hearing.
 - c. the appellant, respondent and any Affected Parties will be given 7 days written notice of the date, time and place of the appeal hearing.
 - d. the Panel may request that any other individual participate in the appeal.
 - e. the Panel will not communicate with any of the parties individually. Any communication between the parties to the hearing and the Panel must be conducted collectively.

Procedure for a Documentary Hearing

16. The Panel may, in its sole discretion, inform the parties that the appeal will be conducted by way of documentary evidence alone. Where the Panel has determined that the appeal will be held by way of documentary evidence alone, it will govern the appeals by such procedures as it deems appropriate in the circumstances, provided that:
- a. all parties are given an opportunity to:
 - (i) provide written submissions to the Panel,
 - (ii) review written submissions of the other parties, and
 - (iii) to provide written rebuttal.
 - b. The applicable principles and timelines set out herein are respected.

Evidence that may be considered

17. As a general rule, the Panel will only consider evidence that was available to the original decision-maker. At its discretion, the Panel may hear fresh evidence that is material and that was not available at the time of the original decision.

Appeal Decision

18. Within 7 days of the appeal hearing, the Panel will issue its written decision, which must include sufficient reasons to explain and justify the Panel's decision. In making its decision, the Panel will have no greater



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authority than that of the original decision-maker. The Panel may decide:

- a. to void or confirm the decision being appealed;
- b. to vary the decision where an error occurred and such an error cannot reasonably be corrected by the original decision-maker;
- c. to refer the matter back to the initial decision-maker for reconsideration of the decision; and/or
- d. to determine how costs of the appeal will be allocated, if at all.

19. A copy of this decision will be provided to each of the parties and to the both the President and Executive Director of Boxing Canada.

Timelines

20. If the circumstances of the dispute are such that the timelines prescribed in this policy will not allow for a timely appeal, the Executive Director (and/or Panel) may direct that these timelines be abridged.
21. If the circumstances of the dispute are such that the appeal cannot be concluded within the timelines dictated in this policy, the Executive Director (and/or Panel) may direct that these timelines be extended.
22. Where there is a need to render a decision quickly, the Panel may issue a summary decision with reasons to follow, provided the written decision with reasons is rendered within 5 days of concluding the appeal or such other timeline as may be agreed to by the parties.

Jurisdiction and Confidentiality

23. The appeals process is confidential and involves only the parties, the Executive Director, and the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.
24. The decision of the Panel will be final and binding.
25. There is no further internal appeal procedure within Boxing Canada. Where the subject matter of a dispute falls within the jurisdiction of the Federal Government sponsored Sport Dispute Resolution Centre of Canada (CRDC-SDRCCC) mechanism, a final decision under this Policy may be further appealed (as an application) to CRDSC – SDRCC, in accordance with its terms, conditions, policies and directions.
26. No action or legal proceeding will be commenced against Boxing Canada with respect to a dispute, unless a participant has exhausted all internal avenues, and Boxing Canada has refused or failed to abide by the provisions of appeal of the dispute, as set out in this Policy.