

# **BASEBALL PEI POLICY**

## **Appeal Policy**

### **Section 1 – Appeals of Decisions by the Board of Directors**

#### **1.1 Definitions**

- Member: refers to any Director, Coach, Athlete, Official, Manager, Committee member, Volunteer, or any affiliate Association of Baseball PEI.
- Appellant: refers to the member appealing the decision.
- Respondent: refers to the body whose decision is being appealed.

#### **1.2 Policy Statement**

- An appeal may only be heard if there are sufficient grounds for the appeal. Sufficient grounds include the respondent:
  - Making a decision for which it did not have authority or jurisdiction as set out in the governing documents;
  - Failing to follow procedures as laid out in the bylaws or approved policies of Baseball PEI;
  - Making a decision that was influenced by bias;
  - Failing to consider relevant information or taking into account irrelevant information in making the decision;
  - Exercising its decision for an improper purpose;
  - Making a decision which was unreasonable.
- This policy shall not apply to matters relating to the Canada Games team, harassment or suspension appeal policies, which have their own appeal procedures, or the rules of the game of baseball, but may be referred to for extra guidelines if needed.

#### **1.3 Procedures**

- Members who wish to appeal a decision of the Board of Directors of Baseball PEI shall have ten (10) 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, and the appeal must be accompanied by a bond of \$500 to the President of Baseball PEI. This bond will be returned to the member appealing if the said appeal is successful.
- Within ten (10) days of receiving notice of an appeal the President (or designate) shall appoint three (3) persons to constitute a tribunal, in accordance with the following:
  - The tribunal shall be comprised of members in good standing of Baseball PEI who shall have no significant relationship with the appellant, shall have no involvement with the decision being appealed and shall be free from actual or perceived bias or conflict.
  - At least one of the tribunal members shall be from among the appellant's peers (e.g. if the appellant is an athlete, one tribunal member shall be an athlete: if the appellant is a coach, one tribunal member shall be a coach).
  - In appointing a tribunal, consideration shall be given to the geographic location of the appellant and tribunal members, in order to minimize the inconvenience and expense to all parties.
  - The appellant shall be given the opportunity to recommend one of the tribunal members, provided the member satisfies one of the criteria in the points above.
- Within seven (7) days of its appointment, the tribunal shall review the notice of appeal and the reasons for the appeal and shall decide whether or not there are sufficient grounds for an appeal. This decision is discretionary and may not be appealed.
- If the tribunal is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of this decision in writing, stating the reasons. If the tribunal is satisfied that there are sufficient grounds for an appeal, it shall conduct a hearing.



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40 Enman Crescent  
Charlottetown, PE  
C1E 1E6

902-368-4203  
[www.baseballpei.ca](http://www.baseballpei.ca)  
baseball@sportpei.pe.ca

- If the tribunal conducts a hearing, it shall govern the hearing by such procedures as it deems appropriate in the circumstances, provided that:
  - The hearing shall be held within 21 days of the tribunal's appointment;
  - The appellant and the respondent shall be given ten (10) days' notice of the day, time and location of the hearing;
  - Tribunal members shall select from themselves a Chairperson;
  - A quorum shall be all three (3) tribunal members;
  - Decisions shall be by majority vote;
  - Copies of any written documents, which either the appellant or respondent wish to have the tribunal consider, shall be provided;
  - Both the appellant and respondent may be accompanied by a representative or advisor;
    - If a support person is going to be present, the appellant/respondent will need to submit that person's name to Baseball PEI prior to the meeting.
    - The role of the support person will be limited in the appeal process as he/she will refrain from answering questions or providing information. This ensures that the tribunal will understand the appellant/respondent's response from his/her perspective.
    - The appellant/respondent and their support persons must maintain confidentiality respecting the meeting.
- The tribunal may request that any other individual participates and gives evidence at the hearing.
- In order to keep costs at a reasonable level, the tribunal may conduct the hearing by means of a conference call or video conference.
- Within three (3) days of conducting the hearing, the tribunal shall issue its written decision, with reasons. The tribunal may decide:
  - To void, vary or confirm the decision being appealed;
  - To make any decision it feels the respondent should have made;
  - To refer the matter back to the respondent for a new decision, correcting any errors that were made;
  - To determine how the costs of the appeal shall be allocated.
- A copy of the decision shall be provided to the appellant, respondent, and the President (or designate) and Baseball PEI.
- If the circumstances of the dispute are such that this policy will not allow a timely appeal, the President (or designate) may direct that these timelines be shortened. Should this be the case, the appellant, respondent, and members of the tribunal will make every reasonable effort to comply with the revised timelines in order to conclude the appeal in a timely manner.
- If the circumstances of the dispute are such that the appeal cannot be concluded within the timelines of this policy, the President (or designate) may seek agreement from the appellant and respondent to extend the timelines.
- The appellant shall have the right to decline a hearing in favour of a documentary review. Should this be the case, the tribunal shall request both appellant and respondent to provide written submissions, upon which the tribunal shall make its decision. The tribunal may direct such timelines as it deems appropriate under the circumstances in order to conclude the appeal in a timely manner.
- The decision of the tribunal shall be final and not open to any further appeal or intervention by any court.

## **Section 2 – Appeals Involving Playing/Coaching Suspensions**

### **2.1 Definitions**

- Member: refers to any Director, Coach, Athlete, Official, Manager, Committee member, Volunteer, or any affiliate Association of Baseball PEI.
- Appellant: refers to the member appealing the suspension decision.
- Respondent: refers to the Director/Commissioner whose suspension decision is being appealed.



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## 2.2 Policy Statement

- An appeal to a suspension decision may only be heard if there are sufficient grounds for the appeal. Sufficient grounds include the respondent:
  - Making a decision for which it did not have authority or jurisdiction as set out in the governing documents;
  - Failing to follow procedures as laid out in the bylaws or approved policies of Baseball PEI;
  - Making a decision that was influenced by bias;
  - Failing to consider relevant information or taking into account irrelevant information in making the decision;
  - Exercising its decision for an improper purpose;
  - Making a decision which was unreasonable.
- This policy shall apply only to appeals to suspensions to players, coaches and team officials. Appeals to suspension decisions cannot be made using the Appeal Policy laid out in Section 1.

## 2.3 Procedures

- Members who wish to appeal a decision of suspension by their Director/Commissioner shall have twenty-four (24) hours, from the specific time of 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 entire Board of Directors of Baseball PEI. The appeal must be accompanied by a bond of \$500 to the President of Baseball PEI. This bond will be returned to the member appealing if the said appeal is successful.
- Within seventy-two (72) hours of receiving notice of an appeal, the Board of Directors shall meet and review the appeal and the decision of the Director/Commissioner making the suspension decision. In order to keep costs at a reasonable level, the Board of Directors may conduct the hearing by means of a conference call or video conference, or in-person.
  - The Board of Directors will ask the appellant to come before the Board of Directors to present to them any information and/or evidence they wish to present to the Board of Directors as to why their – the appellant – suspension should be reduced and/or thrown out. After the appellant has presented their information and/or evidence and has answered questions posed to them by the Board of Directors, they will be asked to leave.
    - If the appellant is unable and/or unwilling to be present at the time of the meeting, they will forfeit their rights to present information and/or evidence to the Board of Directors.
  - The Board of Directors will then ask the Director/Commissioner who issued the suspension decision to explain his/her decision.
  - The Board of Directors has the right and option to ask anybody else whom they feel would help them make an informed and proper decision to come before the Board of Directors to give information and/or evidence and to answer questions.
- Within twenty-four (24) hours of conducting the hearing, the Board of Directors shall issue its written decision, with reasons. The Board of Directors may decide:
  - To void, vary or confirm the suspension being appealed;
  - To make any decision it feels the respondent should have made;
  - To refer the matter back to the respondent for a new decision, correcting any errors that were made;
- The Board of Directors decision on the appeal is final. Their final decision on the appeal cannot be further appealed to any other body.
- Please note that when a player, coach or team official appeals a suspension decision, they still are not eligible to play any games or practices while the appeal is being heard.

