



N.W.T Biathlon Association Appeal Policy

- Definition:** In this policy.
- Appellant:** Refers to a person appealing a decision.
- Member:** Refers to any director, employee, council member, volunteer or any affiliated member of the N.W.T biathlon association.
- Respondent:** Refers to the body whose decision is being appealed.

1. Any member of the N.W.T Biathlon Association, who is affected by a decision of the board any committee of the board or of any body or individual who has been delegated authority to make decisions on behalf of the board shall have the right to appeal that decision.
2. Members who wish to appeal a decision shall have ten days from the date on which they received written notice of the decision, to submit written notice of their intention to appeal.
3. An appeal may only be heard if there are sufficient grounds of the appeal. Sufficient grounds include the respondent:
 - Making a decision for which it did have authority or jurisdiction as set out in governing documents.
 - Failing to following procedures as laid out in the bylaws or approved policies of the Association.
 - 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 and/or
 - Making a decision, which was unreasonable
4. Within 10 days of receiving notice of an appeal the President [or delegates] shall appoint three persons to constitute a Tribunal in accordance with the following:
 - The Tribunal shall be comprised of members in good standing of the Association who shall have no significant relationship with the appellant, shall have had no involvement with the decision being appealed and shall be free from actual or perceived bias of conflict.
 - At least one of the Tribunal members shall be from among the appointed peers.
 - In appointing the Tribunal considerations shall be given to the geographical location of the appellant, respondent and Tribunal members, in order to minimize the inconvenience and expense at all parties.
 - The appellant shall be given an opportunity to recommend one of the Tribunal members provided the member satisfies the criteria set above.
5. Within 7 days of it's appointment the Tribunal shall review the notice of appeal and 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.
6. If the Tribunal is satisfied that there are not sufficient grounds for an appeal, it shall notify the appellant of the decision in writing, stating reasons. If Tribunal is satisfied that there is significant ground for an appeal it shall conduct a hearing.
7. If the Tribunal conducts a hearing it shall govern the hearing by such procedures as it deems appropriate in the circumstances provided that:
 - The Tribunal shall be held within 15 days of the tribunal's appointment.
 - The appellant and respondent shall be given 10 days written notice of the day, time and place of the hearing.
 - Tribunal members shall select from themselves a chairperson.

- A quorum shall be all three tribunal members.
 - Decisions shall be by majority vote.
 - No Tribunal member shall abstain from voting.
 - Copies of any written document which either the appellant or respondent wish to have the Tribunal consider shall be provided to all parties at least 2 day in advance of the hearing.
 - Both the appellant and respondent may be accompanied a representative or adviser including legal counsel.
 - The Tribunal may request that any other individual participate and give evidence at the hearing.
8. In order to keep costs to a reasonable level the tribunal may conduct the hearing by means of a conference call.
9. Within 3 days of the concluding 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 and/or.
 - To determine how cost shall be allocated.
- A copy of this decision shall be provided to the appellant, the respondent and the President [or alternative] of the Association.
10. If the circumstances of the dispute are such that policy will not allow a timely appeal, the President [or alternative] may direct that these timelines be shortened. Should this be the case the appellant, respondent and members of the Tribunal will make every effort to comply with the revised timeline in order to conclude the appeal in a timely manner.
11. If the circumstance from the disputes are such that an appropriate hearing cannot be concluded within the timeline of this policy, the President [or delicate] may seek agreement from the appellant and respondent to extend the timeline.
12. The appellant shall have the right to decline a hearing in favor of a documentary review. Should this be the case, the Tribunal shall request both appellant and respondent to provide written submission upon which the Tribunal shall make the decision. The tribunal may direct such timeline as it deems appropriate in the circumstances in order to conclude the appeal in a timely manner.
13. The decision of the Tribunal shall be final and binding and not open for further appeal or intervention by any court, with the exception of a review by mediation or and arbitration as set out in the Association's Alternative Dispute Resolution Policy.

The Board of Directors reviewed the Appeal Policy at the 2009 AGM.