



## 6.22 HEO Appeals Committee Procedures/Protocol

**Effective Date:** July 2016

**References:** Section 5.5, Schedule B: Duties and Responsibilities of the Committees and Councils of HEO—HEO Discipline & Appeals Committee

### **Protocol:**

1. The HEO Appeals Committee is structured to review and render decisions on appeals submitted by HEO members in regards to decisions made by Councils and Committees within the jurisdiction of HEO.
2. Members appealing such decisions must be aware that the HEO Appeals Committee is not empowered to re-open a matter to view all of the original material presented with the intent of producing a new decision.
3. Within 96 hours of receiving official notification by email, fax or certified mail, the appeal must be filed to HEO accompanied by the appeal fee established annually by HEO.
4. The HEO Appeals Committee will only review a decision or hear an appeal under one or more of the following conditions:
  - a) New relevant evidence that was not available to those persons who made the decision that is being appealed;
  - b) An appeal may be filed on the grounds of irregularities in the proceedings of the original hearing that may have caused an unjust decision;
  - c) An appeal may be filed on the grounds that the decision of the original hearing was either too lenient or too severe; and/or
  - d) An appeal may be filed on the grounds that there is proof to establish that the decision of the original hearing was reached in an unjust manner.
5. Prior to the scheduling of any appeal, the Appellant is required to provide a copy to the HEO Executive Director of any documentation pertaining to any alleged new information pertaining to any and/or all alleged conditions as listed in paragraph 4 (a) to (d), above.
6. A copy of any materials provided to the HEO Executive Director by the Appellant pursuant to paragraph #5, above, will be forwarded to both the Respondent as well as to the Chair, HEO Appeals Committee in advance of the scheduling of the appeal in question.
7. A copy of any materials provided to the HEO Executive Director by the Respondent as a result of having been afforded the opportunity to review any new materials provided by the Appellant pursuant to paragraph # 6, above, will be forwarded to both the Appellant as well as to the Chair, HEO Appeals Committee in advance of the appeal.
8. If the appeal pertains to a discipline factor, the Respondent should be represented by the Referee-in-Chief for HEO Minor or should, at the very least, be a witness at the appeal and be ready to provide any necessary information pertaining to the incident being appealed.
9. An HEO discipline and/or appeal hearing may be called when a request is properly filed with the HEO Executive Director and is accompanied by the appeal fee established annually by HEO.
10. The appeal hearing will be chaired by the Vice President, HEO.





11. The total membership of the appeal panel shall not be less than three, nor more than five, the majority of whom shall be selected from the present or former members of the HEO Board of Directors (the Chair shall not be included in the numbers).
12. The Vice President, HEO shall make arrangements for each hearing via the office of the HEO Executive Director.
13. Each officially convened HEO Appeals Committee will, for the purpose of the hearing, have a triad as its official participants i.e., they will be:
  - i) The Appellant (i.e., parent, player or lawyer representing the appellant);
  - ii) The designated spokesperson (a member of the HEO Minor Executive or the Referee-in-Chief for HEO Minor) for the Council or Committee whose decision is being appealed; and
  - iii) The members of the Appeals Committee. All other persons who are present will not be deemed to have official standing and may speak only with the permission of the Chairperson.
14. In the event that the Appeals Committee's decision is to uphold the appeal, then one-half of the appeal fee will be returned.
15. If the Appellant wishes to appeal the decision of the HEO Appeals Committee to the National Appeals Committee then he/she is provided with the appropriate instructions by the HEO Executive Director and the Hockey Canada Rules and Regulations pertaining to same must receive strict adherence.
16. If the National Appeals Committee requests that the HEO Appeals Committee review and respond to an appeal made by the original Appellant, the documentation provided by the Appellant will be forwarded to the respective Chairperson of the HEO Minor Discipline & Appeals Committee and, if necessary, to the HEO Minor Referee-in-Chief for his/her input prior to providing the requested response on behalf of the HEO Appeals Committee.
17. Upon receiving the response from the National Appeals Committee, the HEO Executive Director will provide copies of same to both the Chairpersons of the HEO Minor Discipline & Appeals Committee and the HEO Appeals Committee.
18. If the Appellant is not satisfied with the decision rendered by the National Appeals Committee then he/she has the right to render an appeal to the Sport Dispute Resolution Centre for Canada (SDRCC) pursuant to the rules and regulations thereof.

**Procedure:**

At each hearing, the Chairperson will endeavour to have business conducted in the following sequence:

1. Call to order;
2. Ensure that a sign-in sheet is duly signed by the appellant and all participants associated therewith, the Council/Committee representatives and the respective Appeals Committee members for the hearing;
3. Introduction of Committee Members;
4. Identification and introduction of designated spokespersons;
5. Appellant's presentation;
6. Presentation on behalf of the Council/Committee whose decision is being appealed;





7. Committee members question the presenters;
8. Rebuttal opportunities for the presenters;
9. Committee members are offered an opportunity for a second round of questions to the presenters;
10. Summary statements by the presenters;
11. Chairperson advises that the decision of the Appeals Committee will be provided, in writing, to both the Appellant and the respective Council/Committee within the next 48 hours with copies of the decision letter to all members of the hearing Committee; and
12. Adjournment of the hearing followed by the private discussions required for the Committee members to render a decision.
13. Chairperson prepares the letter to the Appellant and provides the reasons why the Appeals Committee has either accepted or denied the appeal; in addition, the Chairperson advises the Appellant in this letter that he/she has 96 hours within which to provide his/her appeal of the HEO Appeals Committee decision to Hockey Canada via the office of the HEO Executive Director.

