



## **POLICY FOR APPEALS TO TENNIS BC APPEAL PANEL**

### ***Time for Bringing Appeal***

An individual who is the subject of a disciplinary decision by Tennis BC (“Applicant”) has the right to bring an appeal (“Appeal”) to the Tennis BC Appeal Panel (as defined herein).

The Applicant shall bring his or her appeal within thirty (30) working days of receipt of the original disciplinary decision.

### ***Appeal Panel***

Upon receipt of an Appeal, the Board of Directors of Tennis BC will appoint an appeal panel of 3 individuals to hear the appeal (“Appeal Panel”). The members of the Appeal Panel will select from themselves a Chairperson.

Members of the Appeal Panel will not have been a part of the original disciplinary decision.

Having regard to the nature of the discipline matter and the potential consequences of any resulting sanctions, the Appeal Panel will decide, in its sole discretion, to conduct the hearing by way of a review of written submissions and/or by an oral hearing.

The Appeal Panel will hold the review or hearing as soon as reasonably possible, but no later than four (4) weeks after the commencement of the Appeal.

### ***Appeal not a New Trial***

An Appeal shall not be a new trial of the disciplinary issue decided below.

In its discretion, the Appeal Panel may allow the introduction of further evidence on appeal that was not available or was not adduced in the proceeding below.

### ***Documentary Review***

Where the Appeal Panel has determined that the hearing will be held by way of written submissions, the Appeal Panel will govern the hearing fairly and as it sees fit, provided that:

- (a) All parties are given a reasonable opportunity to provide written submissions to the Appeal Panel, to review written submissions of the other parties, and to provide written reply submissions; and
- (b) The applicable principles and timelines set out by the Appeal Panel are respected.

### ***Oral Hearing***

The Appeal Panel may elect, at its sole discretion, to conduct the Appeal by way of an oral hearing.

Where the Appeal Panel has determined that the Appeal will be held by way of an oral hearing, the Appeal Panel will govern the hearing fairly and as it sees fit, provided that:

- (a) All parties will be given five (5) days written notice of the day, time and place of the hearing;
- (b) All parties will be provided with copies of all material to be relied upon;
- (c) Appeal Panel members will refrain from communicating with the parties except in the presence of, or copy to, the other parties;



- (d) The parties may be represented by other individuals;
- (e) The parties will have the right to present argument and evidence;
- (f) Any party potentially affected by the matter may be made party to the hearing by the Appeal Panel;
- (g) The hearing will be held in private;
- (h) Each party will bear their own costs; and
- (i) The Appeal hearing will not be recorded.

### ***Procedure for Appeal***

Within thirty (30) working days of receipt of the original disciplinary decision, the Applicant is required to deliver a summary of the Appeal to Tennis BC's head office, attention Executive Director of Tennis BC.

Tennis BC shall provide a copy of the Appeal to all members of the Board of Directors of Tennis BC and all affected parties. The Board will appoint an Appeal Panel as soon as reasonably possible after receipt of the Appeal.

Within five (5) working days of receipt of the Appeal, the Executive Director of Tennis BC may prepare a written response ("Response") to the Appeal and recommendations on the proposed disposition of the Appeal, with an explanation.

The Response shall be provided to the Appeal Panel and to all parties.

The Appeal and Response should ideally be organized as follows:

- (a) a statement of the relief sought (for example, dismissal of a suspension or a reduction of a penalty);
- (b) a detailed explanation of why the relief should or should not be granted;
- (c) reference to any policies, codes or other authority in support of the party's position;
- (d) inclusion of any documents in support of the party's position (for example, witness statements or doctors' reports); and
- (e) any other information considered relevant.

### ***No Automatic Stay***

The original disciplinary decision will remain in force pending the outcome of the Appeal. The Applicant may apply to stay the decision pending the outcome of the Appeal.

### ***Standard of Review***

The standard to be applied by the Appeal Panel when deciding the Appeal is one of reasonableness.

### ***Appeal Panel Authority***

The Appeal Panel shall have the general authority to conduct the Appeal, as it sees fit and in accordance with the principles of natural justice, including that the Appeal Panel shall have the authority to:



- (a) abridge or extend timelines associated with any aspect of the hearing;
- (b) uphold the original decision to reverse the original decision, to modify the original decision or to remit the matter to the disciplinary panel with directions; and
- (c) make such rulings so as to reasonably achieve fairness among the parties in resolving the dispute.

***Time for Disposition of the Appeal***

The Appeal Panel's written decision, with reasons, will be distributed to all parties and Tennis BC within ten (10) working days of the conclusion of the review or hearing.

***Finality of Decision***

The decision of the Appeal Panel is final.

***Notices***

Any notice or other communication to be given in connection with an Appeal proceeding shall be given in writing and shall be by personal delivery, facsimile, ordinary mail or email or other form of electronic communication, addressed to the recipient if given by personal delivery shall be deemed to have been given on the day following the actual delivery; if given by mail, on the fifth (5<sup>th</sup>) day following mailing; and if given by facsimile, email or other form of electronic communication, on the day following the day on which it was sent.