



Ontario Taekwondo Association

2355 Keele Street, Suite 201
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OTA APPEAL POLICY

1. Purpose

- 1.1 The purpose of this appeal policy is to enable disputes with members and participants to be dealt with fairly, expeditiously and affordably, within the Ontario Taekwondo Association (OTA), without recourse to external legal procedures.

2. Scope of Appeal

- 2.1 Any Member of the OTA who is affected by a decision of the Board of Directors, of any Committee of the Board of Directors, or of any body or individual who has been delegated authority to make decisions on behalf of the Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Paragraph 4.1 of this policy. Examples of decisions that may be appealed include, but are not limited to, those relating to eligibility, harassment, team selection, discipline and entitlements and obligations under any athlete agreement.
- 2.2 This policy will not apply to decisions relating to:
 - i. Matters of employment;
 - ii. Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program (CAPD);
 - iii. The rules of amateur Taekwondo, which may not be appealed;
 - iv. Matters relating to the substance, content and establishment of team selection criteria, which may not be appealed;
 - v. Volunteer appointments and the withdrawal of those appointments by the Board of Directors, which may not be appealed;
 - vi. Matters of budgeting and budget implementation, which may not be appealed;
 - vii. Matters of operational structure and staffing, which may not be appealed; and
 - viii. Any decisions made under Paragraphs 3.2 and 6.2 of this policy.

3. Timing of Appeal

- 3.1 The appeal must be submitted, in writing, to the attention of the President, c/o Ontario Taekwondo Association, within 14 days of the incident (or decision) which is the object of the appeal.
- 3.2 Any party wishing to initiate an appeal beyond the 14-day period must provide a written request stating reasons for an exemption to the requirement of Paragraph 3.1. The decision to allow, or not allow an appeal outside the 14-day period will be at the sole discretion of the President, and may not be appealed.

4. Grounds for Appeal

- 4.1 An appeal may only be lodged if the appellant feels that OTA procedures (as laid out in the bylaws or approved policies of the OTA) have not been followed, or that there was bias in the decision.



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5. Submission of Appeal

- 5.1 The Appeal must be submitted in writing as per Paragraph 3.1, and it must include the following:
- i. The decision which is the object of the appeal;
 - ii. The reasons the appellant objects to the decision;
 - iii. The decision the appellant feels should be substituted and which would be a better and fairer decision; and
 - iv. The relevant written information or written versions of witnesses which support the appellant's position.

6. Screening of Appeal and Establishment of Appeals Panel

- 6.1 The President will establish an Appeals Panel (hereafter referred to as the "Panel"), within 14 days of having received the original notice of appeal, as follows:
- i. The Panel will be comprised of three individuals who will have no significant relationship with the affected parties, will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict.
 - ii. The President, or designate, may name one of the Panel members to serve as Chairperson of the Panel. In the event the President, or designate, does not name a Chairperson, the members of the Panel will select from themselves a Chairperson.
- 6.2 The Panel will determine whether there are appropriate grounds for the appeal to proceed as set out in Paragraph 4.1. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the Panel, and may not be appealed.

7. Preliminary Conference

- 7.1 The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:
- i. Appeal Format (hearing by documentary evidence, oral hearing or a combination of both);
 - ii. Timelines for exchange of documents;
 - iii. Clarification of issues in dispute or evidence to be presented to the Panel;
 - iv. Procedure of hearing, and location where the hearing is an oral hearing;
 - v. Identification of witnesses; and
 - vi. Any other procedural matter that may assist in expediting the appeal proceedings.
- 7.2 The Panel may delegate to its Chairperson the authority to deal with these preliminary matters on behalf of the Panel.



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8. Procedure for the Hearing

- 8.1 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
- i. The hearing will be held within 21 days of the Panel's appointment.
 - ii. The Appellant and Respondent will be given 10 days written notice of the date, time and place of the hearing.
 - iii. A quorum will be all three Panel members. Decisions will be by majority vote, where the Chairperson carries a vote.
 - iv. If the decision of the Panel may affect another party to the extent that the other party would have recourse to an appeal in their own right under this policy, that party will become a party to the appeal in question and will be bound by its outcome.
 - v. A representative or advisor, including legal counsel, may accompany any of the parties.
 - vi. The Panel may direct that any other person participate in the appeal.
- 8.2 In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference.

9. Procedure for Documentary Appeal

- 9.1 Where the Panel has determined that the appeal will be held by way of documentary submissions, it will govern the appeal by such procedures as it deems appropriate, provided that:
- i. All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and,
 - ii. The applicable principles and timelines set out in Paragraph 8.1 are respected.

10. Appeal Decision

- 10.1 Within 30 days of concluding the appeal, the Panel will issue its written decision, with reasons.
- 10.2 In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
- i. To reject the appeal and confirm the decision being appealed; or
 - ii. To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - iii. To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality; and
 - iv. To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, will be allocated, if at all.



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- 10.3 The decision will be considered a matter of public record. A copy of the decision will be provided to each of the parties and to the President, or designate.
- 10.4 In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Paragraph 10.1.

11. Timelines

- 11.1 If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

12. Location

- 12.1 The appeal will take place in the location designated by the President, or designate, unless the Panel decides the appeal is to be held by way of telephone conference, or unless, at the specific request of a party, a different location is mandated by the Panel as a preliminary matter.

13. Final and Binding Decision

- 13.1 The decision of the Appeals Panel shall be final and binding and shall not be reviewable by prerogative writ, writ of evocation, or any other judicial process.

14. Urgent Appeals

- 14.1 Where the appeal does not relate to a decision arising during a tournament or competition but is nonetheless of an extraordinary and urgent nature, upon receiving notice of the appeal the President will respect the principles set out in this policy but may, in his or her sole discretion, adapt procedures and timelines to ensure that the appeal is heard and decided in a fair and timely manner.

15. Costs of Appeal

- 15.1 The written appeal shall contain all pertinent details and arguments indicating that there are sufficient grounds to consider an appeal. The appeal request shall be accompanied by a \$100.00 appeal bond. If the appellant is successful and the appeal is upheld, the bond will be returned. If the appellant is not successful, the bond shall not be returned.