

Athletics Yukon Appeals Policy

General Procedures

The following general procedures will apply to all appeals heard by the Board of Directors of Athletics Yukon (the "AY Board"):

1. The AY Board has the discretion to assist the parties with procedural issues without becoming an advocate for either party.
2. The AY Board will determine all deadlines, at all times respectful of the urgency of the situation. Deadlines may be changed at the discretion of the AY Board, with notice to all parties.
3. In cases where either party is a group or organization (such as Sport Yukon), the group or organization will name an individual to be the contact person during the dispute.
4. Each party is permitted to have a representative appear for the party during the dispute.
5. Additionally, a party who is a minor has the right to have a parent or guardian act for the party and/or attend an in-person or conference call hearing.
6. When an in-person hearing or conference call hearing is held, and Sport Yukon is not one of the parties, Sport Yukon is permitted to have an observer attend the hearing.
7. To have the jurisdiction to hear and determine the appeal, the AY Board must have quorum as defined in the Athletics Yukon Bylaws.
8. If a member of the AY Board, the decision-maker shall not participate as part of the AY Board in the hearing and determination of the appeal.
9. All documents and arguments submitted during an appeal are considered to be confidential and may not be communicated to groups or individuals not involved in the appeal.
10. When the AY Board issues a decision, the reasons for the decision will be communicated orally or in writing to all parties.

Appeal Procedure

1. Appeals of Athletics Yukon decisions must be in writing. The appeal must contain:
 - a. The date the decision was made;
 - b. A description of the decision;
 - c. The identity and contact information of the Appellant;
 - d. The identity of any affected parties if the decision were to be changed (if known);

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- e. The Appellant's reasons why the decision made was improper or incorrect;
and
 - f. The requested remedy or solution.
2. The appeal must be submitted to the AY Board within 7 days of the date of decision. Upon receiving the appeal, the AY Board must determine if it was submitted within 7 days, or if a reasonable explanation has been provided for granting an extension.
 3. If the AY Board decides that the appeal has not been submitted within a reasonable timeframe, or if a reasonable explanation for requesting an extension has not been provided, then the appeal may be dismissed.
 4. Upon receiving the appeal, the AY Board may determine that the appeal is frivolous or vexatious, outside of the jurisdiction of the AY Board, or that the Appellant's appeal is incomplete or inaccurate. Such appeals will be dismissed unless the AY Board permits the appeal to be resubmitted with more complete or accurate information.
 5. The decision-maker will be provided with the content of the appeal and may submit a response to the AY Board.
 6. By communicating with each of the parties (the Appellant and the decision-maker), the AY Board will first determine if it is possible to reach a resolution to the dispute by mediation.
 7. If mediation fails or is not possible, the AY Board must determine which (if any) parties or athletes may be affected by the appeal. Affected parties may be provided with the appeal and the response and will be offered the opportunity to submit a response that will be shared with the other parties.
 8. The Appellant will be provided with the decision-maker's response and will be permitted to submit a short rebuttal document to the AY Board. The rebuttal document will be provided to the other parties.
 9. The AY Board, in consultation with the parties, will determine if an in-person hearing, a conference call hearing, or a hearing on documentary evidence alone is the most effective method to share and consider the evidence relating to the appeal.
 10. If an in-person hearing or conference call hearing is necessary, the parties (along with any affected athletes, and other interested individuals identified by the AY Board) will be invited to participate alongside a representative (if desired).

11. The hearing will take a form specified by the AY Board wherein the parties and/or the AY Board may ask questions about the evidence submitted by any party.
12. Following the hearing (if held) or the conclusion of the documentary submissions, the AY Board will issue an oral or written decision with reasons. The written decision will:
 - i. Reject the appeal and confirm the decision being appealed;
 - ii. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - iii. 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.