



# **TAEKWON-DO**

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## **NOVA SCOTIA ASSOCIATION**

### **APPEAL POLICY**

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## **DEFINITIONS**

1. The following terms have these meanings in this Policy:
  - a. “TNSA” – CTFI Taekwon-Do Nova Scotia Association;
  - b. “Appellant” – The party appealing a decision;
  - c. “Respondent” – The individual or body whose decision is being appealed;
  - d. “Days” – Days irrespective of weekend and holidays; and
  - e. “Members” – All categories of memberships as defined by the TNSA, as well as all individuals engaged in activities with the TNSA, including but not limited to, athletes, students, coaches, instructors, officials, volunteers, directors, committee members, employees, managers, and administrators.

## **PURPOSE**

2. The purpose of this Policy is to enable disputes with Members to be dealt with fairly, expeditiously, and affordably, within the TNSA and without recourse to external legal procedures.

## **SCOPE & APPLICATION**

3. Any Member who is in good standing with the TNSA will have the right to appeal a decision of the TNSA Board of Directors, of any Sub-Committee, or individual who has been delegated authority to make decisions on behalf of the Board of Directors subject to the limits set out in this Policy.
4. This Policy will apply to decisions made by the TNSA.
5. This Policy will not apply to matters relating to:
  - a. Issues of operational structure, staffing, employment or allocation of volunteer opportunities, Deputy Director appointments, withdrawal, or termination of those appointments;
  - b. Issues of budgeting or budget implementation;
  - c. Disputes over the rules of the TNSA;
  - d. Commercial matters;
  - e. Matters relating to the substance, content and establishment of policies, procedures, or criteria;
  - f. Disputes arising within competitions which have their own appeal procedures; and
  - g. Any other exception pursuant to other TNSA Policies.

## **TIMELINES**

6. The following timelines govern this Policy. The President of the TNSA and TNSA Appeals Sub-Committee reserves the right to modify these timelines to accommodate the circumstances of any appeal:

- a. Notice of Appeal (ref para 7): a Notice of Appeal must be received by the TNSA Board of Directors or the TNSA Disciplinary Sub-Committee within (14) days of the written announcement of the decision being appealed;
- b. A review by the Deputy Director of the Appeals Sub-Committee (ref para 13) within (7) days from receipt of the Notice of Appeal;
- c. Screening of appeal by the Deputy Director of the Appeals Sub-Committee (ref para 16) within (3) days from receipt of the Notice of Appeal;
- d. Appointment of the tribunal by the Deputy Director of the Appeals Sub-Committee (ref para 18) within (3) days from decision that the appeal may proceed to a hearing;
- e. The Deputy Director of the Appeals Sub-Committee upon decision to proceed to tribunal, will schedule a hearing (ref para 19) within (7) days from the decision to appointment a tribunal; and
- f. The Deputy Director of the Appeals Sub-Committee upon decision of the tribunal will release of decision (ref para 22) within (7) days from the conclusion of the tribunal.

## **NOTICE OF APPEAL**

7. Within the appropriate timeline (ref para 6 (a)), Members who wish to appeal a decision shall deliver a written Notice of Appeal which contains the following information:

- a. Name, address, and status of the Appellant;
- b. Identity of the Respondent and any affected Parties;
- c. Date the Appellant was advised of the decision being appealed;
- d. Document of the decision being appealed;
- e. Grounds for appeal;
- f. Detailed reason(s) for the appeal;
- g. All evidence that supports the reasons and grounds for appeal;
- h. The remedy or remedies requested; and
- i. The administrative fee.

8. All appeals must be accompanied by a \$250 administrative fee. If the appeal is not heard for reasons of not meeting the grounds set out (ref para 10), or if the appeal is heard and is upheld, this fee will be returned to the Appellant. If the appeal is not upheld, the Appellant will be assessed this fee, as well as paying the cost associated to the Arbitrator/tribunal.

9. Notices may be delivered in person, emailed documents, which are signed and scanned or by registered mail to the President of the TNSA, any member of the TNSA Disciplinary Sub-Committee.

## **GROUND FOR APPEAL**

10. Not every decision may be appealed. Decisions may only be appealed on procedural grounds where it has been demonstrated that the Respondent did one or more of the following:

- a. Made a decision for which it did not have authority or jurisdiction as set out in governing policies;
- b. Failed to follow procedures as laid out in the bylaws or approved policies of the TNSA;
- c. Made a decision that was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views or that the decision was influenced by factors unrelated to the substance or merits of the decision;
- d. Failed to consider relevant information or considering irrelevant information in making the decision;
- e. Exercised its discretion for an improper purpose; and/or
- f. Made a decision that was grossly unreasonable.

11. The Appellant will bear the onus of proof in the appeal, and thus must be able to demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described (ref para 10).

12. With respect to Grounds of Appeal, (ref 10 (c) and (e)), the Appellant must establish that they were prejudiced because of the matter complained of under that particular ground of appeal, or that the matter complained of had, or may reasonably have had, a material effect on the decision maker whose decision is under appeal.

## **APPEALS SUB-COMMITTEE REVIEW**

13. Before any appeal proceeds, the dispute will be referred first to the President of the TNSA for review. This referral and review will be done within seven (7) days, with the objective of resolving the dispute at an early stage.

14. Should the review by the President of the TNSA not resolve the dispute, the TNSA President and Vice-President will appoint a Deputy Director to oversee management and administration of an appeal under this Policy. The Deputy Director has an overall responsibility

to ensure procedural fairness is always respected in this Policy, and to implement this Policy in a timely manner.

## **SCREENING OF APPEAL**

15. Once appointed, the Deputy Director has a responsibility to:
  - a. Receive appeals;
  - b. Determine if appeals lie within the authority of this Policy;
  - c. Determine if appeals are brought forth in a timely manner;
  - d. Determine if appeals are brought forth on permissible grounds;
  - e. Appoint the tribunal to hear appeals;
  - f. Determine the format of the appeal hearing;
  - g. Coordinate all administrative and procedural aspects of the appeal;
  - h. Provide administrative assistance and logistical support to the Tribunal as required; and
  - i. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.
16. Within the appropriate timelines (ref para 6), the Deputy Director will review the Notice of Appeal and decide whether:
  - a. The appeal falls under the authority of this Policy;
  - b. The appeal has been made in a timely manner; and
  - c. The appeal has been brought forth on permitted ground.
17. If the Deputy Director is not satisfied that the appeal lies within the authority of this Policy, is timely, or is brought on a permitted ground, the parties will be notified of this decision in writing, stating reasons, and the appeal will be considered concluded. If the Deputy Director is satisfied that there are sufficient grounds for an appeal, then a hearing will take place. This decision is at the sole discretion of the Deputy Director and may not be appealed.

## **TRIBUNAL**

18. Within the appropriate timelines (ref para 6), the Deputy Director will function as the Adjudicator for the Tribunal to hear the appeal. In extraordinary circumstances, and at the discretion of the Deputy Director, a Tribunal of three persons may be appointed to hear and decide a case. In this event, the Deputy Director will serve as the Chairperson for the Tribunal.

## PROCEDURE FOR THE HEARING

19. Within the appropriate timelines (ref para 6), the Deputy Director will schedule and determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone or other electronic means, a hearing based on written submissions or a combination of methods.

20. The hearing will be governed by the procedures that the Deputy Director and the tribunal deem appropriate in the circumstances, provided that:

- a. The hearing will be held within the appropriate timeline;
- b. The parties will be given appropriate notice of the day, time, and place of the hearing;
- c. Copies of any written documents which the parties wish to have the tribunal consider will be provided to all parties in advance of the hearing in accordance with the appropriate timeline;
- d. Either party may be accompanied by a representative or adviser, including legal counsel;
- e. The tribunal may request information disclosure from the parties;
- f. The tribunal may request that any other individual participate and give evidence at the hearing;
- g. If a decision in the appeal 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 (an Affected Party), with the right to present evidence and the right to cross examination where allowed, and will be bound by its outcome;
- h. The hearing will be conducted in the official language of choice of the Appellant;
- i. In the situation where the hearing is conducted by a tribunal consisting of three persons, a quorum will be all three persons and decisions will be by majority vote; and
- j. The Tribunal may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate.

21. For reasons of expediency, geographic imperative or cost efficiency, the Tribunal may conduct the appeal by means of a telephone or video conference.

## **APPEAL DECISION**

22. At the conclusion of the hearing, the tribunal will, within the appropriate timeline (ref para 6), issue a written decision with reasons. The Tribunal will have no greater authority than that of the original decision-maker. The Tribunal may decide:

- a. To reject the appeal and confirm the decision being appealed;
- b. To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
- c. To uphold the appeal and vary the decision.

23. The decision of the Tribunal will be considered a matter of public record. A copy of this decision will be provided to the parties and to the President of the TNSA. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow provided the written decision with reasons be rendered within the appropriate timeline.

24. The decision of the Tribunal will be final and binding upon the parties and upon all members of the TNSA.

## **CONFIDENTIALITY**

25. The appeal process is confidential involving only the parties, the Deputy Director, and the tribunal.

26. Once initiated and until a written decision is released, none of the parties or the tribunal will disclose confidential information relating to the appeal to any person not involved in the proceedings.

## **REVIEW & APPROVAL**

1. This policy will be reviewed annually on the date of first approval.
2. This is **Version 1** of the policy and approved by the TNSA on the **7<sup>th</sup> day of August 2022**.

Reviewed by  
Darren MacLeod  
TNSA President  
12 February 2024