

Alberta Chess Association Policy on Dispute Resolution and Appeals

The Alberta Chess Association (ACA) runs most of its activities through a series of committees that are designed to organize and facilitate its regular operations. These committees are also empowered to resolve disputes involving ACA members in a timely and fair manner in the event that they arise.

As a matter of course, any dispute involving ACA members will be resolved by the committee that oversees that aspect of ACA business. For example, a dispute involving a junior player (or tournament) will be resolved by the Junior Committee; a dispute between a player and a director at an ACA tournament will be resolved by the Tournament Committee; a dispute between an ACA member and an accredited ACA coach will be resolved by the Coaching Committee.

In those rare instances where a dispute cannot be resolved by the appropriate committee, the ACA, through its President, will form a committee with the express mandate of resolving this dispute. The President will consult with the entire board in forming this committee.

The following framework document will cover both the process by which disputes are resolved by the ACA, and the process by which any decision of the ACA board, or one of its tournament directors, organizers, coaches, or staff can be appealed by affected parties. As well, where a decision of the committee overseeing ACA activities is appealed, the following document will govern the process by which this decision is appealed.

Definitions

1. The following terms have these meanings in this Policy:

- a) "Appellant" – The Party appealing a decision;
- b) "Respondent" – The body whose decision is being appealed;
- c) "Parties" – The Appellant, Respondent, and any other Members or persons affected by the appeal.
- d) "Member" – Any member of the Alberta Chess Association.

2. The purpose of this Policy is to enable appeals of certain decisions made by the ACA or its tournament organizers, directors, and coaches to be dealt with fairly, expeditiously, and affordably, within the ACA and without recourse to external legal procedures.

Scope and Application of this Policy

3. This Policy applies to all Members. Any Member who is directly affected by an ACA decision shall have the right to appeal that decision; provided there are sufficient grounds for the appeal under the Grounds for Appeal, subject to the limits set out in this Policy.

4. This Policy will apply to decisions made by the ACA or its directors, tournament organizers, and coaches, and relates to any other matter deemed appropriate by the ACA.

Timing of Appeal

5. Members who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit, in writing to the ACA, the following:

- a) Notice of the intention to appeal
- b) Contact information and status of the appellant
- c) Name of the respondent and any affected parties
- d) Date the appellant was advised of the decision being appealed
- e) A copy of the decision being appealed, or description of decision if written document is not available
- f) Grounds for the appeal
- g) Detailed reasons for the appeal
- h) All evidence that supports these grounds
- i) Requested remedy or remedies.

Grounds for Appeal

6. A decision cannot be appealed on its merits alone. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include the Respondent:

- a) Made a decision that it did not have authority or jurisdiction (as set out in the Respondent's governing documents)
- b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
- 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)
- d) Made a decision that was grossly unreasonable.

10. The Appellant bears the onus of proof and must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the Grounds for Appeal.

Screening of Appeal

7. Upon receiving the notice of the appeal and all other information (outlined in Timing of Appeal), the ACA, through its President, will appoint a Case Manager who has sole discretion to decide whether there are sufficient grounds for the appeal. The President can serve as Case Manager, but will not do so when an apparent conflict or interest arises in the matter under dispute.

8. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.

9. If the Case Manager is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel, which will consist of three persons, to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair, and will excuse him or herself from the decision-making process.

Procedure for Appeal Hearing

10. The Case Manager shall notify the Parties that the appeal will be heard. The Case Manager shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

11. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

12. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

a) The hearing will be held within the appropriate timeline determined by the Case Manager

b) The Parties will be given reasonable notice (at least 7 days) of the day, time and place of the hearing

c) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing

d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense

e) The Panel may request that any other individual participate and give evidence at the hearing

f) 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 and will be bound by its outcome

g) The decision to uphold or reject the appeal will be by a majority vote of Panel members.

13. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

14. The Panel shall issue its decision, in writing and with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

a) Reject the appeal and confirm the decision being appealed

b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision

c) Uphold the appeal and vary the decision

d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Panel will take into account the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources. It is very unlikely that the ACA will ever award.

15. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the board of the ACA. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion to the parties involved.

The decision will be considered a matter of public record unless decided otherwise by the Panel.

Confidentiality

16. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

Final and Binding

17. The decision of the Panel will be binding on the Parties and on all Members.

18. No action or legal proceeding will be commenced against the ACA or its Members in respect of a dispute, unless the ACA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in ACA governing documents.