

Appeal Procedures of Hockey Canada

The jurisdiction and procedures in respect of matters that can be appealed are outlined in Hockey Canada By-laws 52 to 56, and include the consequences for non-compliance with those procedures. This policy details the various types of appeals that can be filed, the procedures for submitting and hearing an appeal, and the manner in which decisions by the National Appeals Committee will be delivered.

Right to Appeal

1. Any Registered Participant of Hockey Canada shall have the right to appeal to Hockey Canada regarding any dispute, difference or question arising from a decision by Hockey Canada or any Member (hereinafter referred to as a "Member") where the By-Law, Regulation, Playing Rule or Policy under which such decision was made grants such a right of appeal. No such appeal to Hockey Canada may be taken until the Registered Participant has exhausted all rights of appeal within the Member in which such Registered Participant resides.
2. Any Registered Participant of Hockey Canada shall have the right to appeal to Hockey Canada when a Member to which the Registered Participant belongs, makes a ruling affecting such Registered Participant and, in that Registered Participant's opinion:
 - a. such decision is in conflict with the Member's or Hockey Canada's By-Laws, Regulations, Policies and Playing Rules;
 - b. the Member committed a procedural error, or failed to provide the aggrieved party with a fair hearing; or
 - c. the Member did not have the authority or jurisdiction to make the decision.

Appeals of a Member Decision

3. In the event of any dispute, difference or question arising from a Hockey Canada or Member decision, and where a right to appeal is granted under the By-Laws, Regulations, Policies or Playing Rules, the procedures as outlined herein, shall be the recourse available to any Member or Registered Participant dissatisfied with such decision.
4. An appeal shall:
 - a. Be brought within seven (7) Working Days of the written decision of the Member appealed from. Working Day is defined as: Monday to Friday both inclusive, with the exception of any statutory holidays;
 - b. Be in writing;
 - c. Describe, in numbered paragraphs, the decision appealed from, the grounds for appeal, and the relevant facts. Pertinent documents, if any, shall be attached;
 - d. Be filed with the Co-ordinator, Administration and Transfers of Hockey Canada, at the address described in paragraph 24;
 - e. Include the fee described in paragraph 23.

5. Hockey Canada shall forward a copy of the Appellant’s appeal materials to the Member which rendered the decision. The Member shall respond to the appeal:
 - a. Within seven (7) Working Days of receipt of the appeal from Hockey Canada.
 - b. In writing;
 - c. By describing, in numbered paragraphs, the position of the Member including the grounds for the decision appealed from, and the facts supporting the decision.
Pertinent documents, if any, shall be attached;
 - d. The Member shall deliver a copy of its response to the Co-ordinator, Administration and Transfers of Hockey Canada who in turn will provide a copy to the Appellant, if the nature of the appeal or the response from the Member, suggests that a further response from the Appellant might be appropriate.

6. After the Member response has been received, the submission of further material by either party shall only be permitted at the discretion of the National Appeals Committee. All parties to the appeal may be requested to respond to any material provided by any party to an appeal within timelines as established by the National Appeals Committee.

Failure by a party to respond within the timelines may be regarded by the Committee as evidence that the non-responding party is in agreement with the material provided by any other party.

7. In order to provide for adequate preparation by the National Appeals Committee, all material shall be submitted to the Co-ordinator, Administration and Transfers of Hockey Canada, no later than four (4) Working Days prior to the scheduled hearing date. Failure to provide material within the four (4) Working Day timeframe may result in a postponement of the hearing until the next scheduled hearing date.

As a general guideline, appeal material filed by the parties should include the following:

Member Decisions

Appellant Materials	Member Position
<ul style="list-style-type: none"> • Grounds for the appeal in accordance with Hockey Canada By-law 52.2. • The decision being appealed. • Rationale for the appeal. • Relevant facts. • Pertinent documents, if any. • Appeal fee. 	<ul style="list-style-type: none"> • Position of the Member on the appeal. • Facts supporting the decision. • Pertinent documents, if any.

Member Suspension Decisions

Appellant Materials	Member Position
<ul style="list-style-type: none"> • The specific reason why the appeal is being submitted to Hockey Canada. • Grounds for the appeal in accordance with Hockey Canada By-law 52.2. • The decision being appealed. • Rationale for the appeal. • Relevant facts. • Pertinent documents, if any. • Appeal fee. 	<ul style="list-style-type: none"> • Complete description of the incident that led to the suspension. • Name and position of person (s) who handed out the suspension. • Specific authority used to render suspension i.e. applicable Member Regulations, code of Discipline. • Appeal process used in reviewing suspension i.e. names and positions of people who sat on the appeal board, who was in attendance at the appeal, who was allowed to speak, process followed at the meeting. • The relationship, if any, of the people hearing the appeal to the people who handed out the suspension.

Registration Appeals Including Transfer Requests

8. An appeal may be filed with Hockey Canada in disputes involving:
- a. An Inter-Member transfer; or
 - b. A transfer of a player between Hockey Canada and another IIHF Federation (both incoming and outgoing) including USA Hockey.

When a player has registered for the current season, he may not appeal to secure his release and/or to obtain an Inter-Member transfer, USA Hockey transfer or an International transfer.

9. All Registration appeals must be accompanied by the following:
- a. Notice of Appeal form (see forms attached);
 - b. Detailed rationale for appeal;
 - c. Release from former team, where applicable;
 - d. Letter of Approval from parents (for U18);
 - e. Verification of school registration or exchange, when available and applicable;
 - f. Appropriate transfer form;
 - g. Parent Acknowledgement form; and
 - h. The appeal fee described in paragraph 24. This fee does not include the Inter-Member transfer, USA Hockey transfer or International transfer fee if a request for such a transfer is part of the appeal.
10. The appealing party (the “Appellant”) shall file the appeal setting fully the grounds of the appeal, with the Co-ordinator, Administration and Transfers of Hockey Canada; who shall give notification of such

appeal, and grounds therefore, to the Executive Director of the Member which the player wishes to leave, if applicable, and to the Executive Director of the Member to which the player desires to be transferred. Both Members shall have the opportunity to provide their position regarding the player's transfer request.

In appeals relating to a transfer request, a copy of the Member response will only be provided to the Appellant if the National Appeals Committee determines that it requires further information from that Appellant.

11. Each Member must forward its position on the transfer request by email or by such other means as is appropriate, according to the request of the Co-ordinator, Administration and Transfers. If that position is not received within seven (7) Working Days, or such other period of time as the Co-ordinator, Administration and Transfers may advise, the Member concerned shall lose its right to participate in the appeal.
12. The preceding provision (paragraph 11) concerning timelines for transfer-related appeals shall not be in effect from February 11 to July 31 of each year. Should an appeal for a transfer be received by the Co-ordinator, Administration and Transfers within that time frame, a decision will be rendered by August 15.
13. The National Appeals Committee, upon receiving and verifying information that a player participated in Hockey Canada activities without proper approval from a previous Member, USA Hockey, the IIHF, or the National Appeals Committee, may take, in its sole and unfettered discretion, any of the following actions against the responsible Member or team: issue a warning to the Member or team; assess a fine to the Member or team; or suspend any of the team officials involved.
14. For Minor or Female players, all appeals filed, if granted, shall only be for the current playing season. Minor and Female players shall be required to file a new appeal for any subsequent season, and the National Appeals Committee shall consider any subsequent appeal as a new appeal, and shall not be bound by any previous year's decision. If the player appealed successfully to the National Appeals Committee the previous season, and either wishes to play for the same team or attend the same school in the following season, the player may submit a "Renewal" appeal using the appropriate form, and shall only be required to pay the \$50.00 administrative fee.

Minor to Minor Inter-Member Transfer

Appellant Materials	Member Positions
<ul style="list-style-type: none"> • Notice of Appeal form. • Compelling reason why the move is necessitated over and above hockey, e.g. unique personal circumstance. 	<ul style="list-style-type: none"> • Position of the Member on the appeal. • Specific opportunities for the Player if they remain in their Home Member (e.g. Midget AAA etc.).

<ul style="list-style-type: none"> • The minor hockey association and level (e.g. Bantam House, Midget AAA) where the player will be playing. • Playing History – previous two seasons. • Player’s immediate athletic / educational goals. • Summarize the specific living arrangements for the player if the appeal is granted. • Appeal fee. 	
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Minor to Junior Inter-Member Transfer

Appellant Materials	Member Position
<ul style="list-style-type: none"> • Notice of Appeal form. • Compelling reason why this player should be permitted to transfer to another Member. • Academic situation for the player in the “new” location: <ul style="list-style-type: none"> ○ School / Principal name; ○ How academic performance will be reviewed; ○ Position of Parents on the proposed transfer. • Hockey Background of player i.e. <ul style="list-style-type: none"> ○ CHL Draft status or protected list; ○ Verification letter from respective CHL team. • Playing History – previous two seasons. • Player’s immediate athletic / educational goals. • Summarize the specific living arrangements for the player if the appeal is granted. • Appeal fee. 	<ul style="list-style-type: none"> • Specific opportunities available for the player if he remains in his Home Member: <ul style="list-style-type: none"> ○ Name of team with player’s rights. • Letter of intent to sign the player.

Junior to Junior Inter-Member Transfer

Appellant Materials	Member Position
<ul style="list-style-type: none"> • Notice of Appeal form. • Compelling reasons why the move is being requested. • Has the necessary release been obtained? • Is the player in agreement with the move? • Academic situation for the player in the “new” location: <ul style="list-style-type: none"> ○ School / Principal name; ○ How academic performance will be reviewed. • Position of parents on the proposed transfer. • Is the player required to change his residence? • Playing History – previous two seasons. • Player’s immediate athletic / educational goals. • Summarize the specific living arrangements for the player if the appeal is granted. • Appeal fee. 	<ul style="list-style-type: none"> • Specific opportunities available for the player if he remains in his Home Member: <ul style="list-style-type: none"> ○ Name of team with player’s rights; ○ Letter of intent to sign the player.

USA Hockey and International Transfers (Incoming)

Appellant Materials	Member Position
<ul style="list-style-type: none"> • Appropriate Notice of Appeal form. • Academic situation for the player in the “new” location: <ul style="list-style-type: none"> ○ School / Principal name; ○ How academic performance will be reviewed. • Position of parents on the proposed transfer. 	<ul style="list-style-type: none"> • Member support or denial of appeal submission.

<ul style="list-style-type: none"> • Level of hockey in which the player wishes to play. • Playing History – previous two seasons. • Player’s immediate athletic / educational goals. • Summarize the specific living arrangements for the player if the appeal is granted. • Appeal fee. 	
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Tampering

Appellant Materials	Member Position (Incoming and Outgoing)	Alleged Offending Team
<ul style="list-style-type: none"> • Review Tampering Regulation in Hockey Canada Regulations. • Provide written statements or other documentation which will substantiate the charge. • Appeal fee. 	<ul style="list-style-type: none"> • Provide an indication of what release fees are normally paid for players at similar levels in the Member. • Provide an indication as to what action would be taken within Member if one of their teams was found guilty of tampering at the Member or League level. 	<ul style="list-style-type: none"> • Provide a written statement or other documentation which responds to the allegations of tampering.

Other Appellate Jurisdiction

15. If a team requires special assistance through any unusual situation which develops, that team may appeal to the National Appeals Committee to obtain imports in addition to the number of imports allowed under Hockey Canada’s Regulations, provided:
 - a. The appeal is submitted with the written consent of the team’s Member accompanied by majority consent of the teams in the league in which the team operates;
 - b. No such assistance may be granted after January 10 in any year;
 - c. The player or players, if obtained, shall be from the same or lower categories of the same Division or from lower Divisions.
 - d. The player or players, if obtained, shall be signed by the team not later than February 10.

Team Special Assistance

Appeal Submission	Member Position
<ul style="list-style-type: none"> • Written documentation explaining the reason(s) for requesting assistance. • The assistance being requested. • Appeal fee. 	<ul style="list-style-type: none"> • Position of the Member on the appeal. • Written confirmation of League and teams consent.

16. Notwithstanding restrictions referred to in any other regulations, the National Appeals Committee shall have the right to hear any appeal received on behalf of any team or individual concerning residential qualifications as stated in Regulation C.5, teams playing in other jurisdictions as stated in Regulation B.9 and replacements for players turned professional under Regulation E.21. Such appeals must be filed in strict compliance with the appeal procedures set out in paragraph 4.

Appeals Related to Regulations B.9, C.5, and E.21

Appeal Submission	Member Position
<ul style="list-style-type: none"> • What is being appealed? • Rationale for the appeal. • Relevant facts. • Pertinent documents, if any. • Appeal fee. 	<ul style="list-style-type: none"> • Position of the Member on the appeal. • Pertinent documents, if any.

17. Any registered player in regular full-time attendance at a recognized university or college who has failed to meet the academic standard at such university or college at mid-term in the current season, may appeal to secure his release and/or Inter-Member transfer under paragraphs 8-14 inclusive, as provided for in By-Law 52.4.
- Such player may only be registered by February 10 with the last team or club with which he was registered prior to registering at the aforementioned university or college.

Mid-Season Return from University or College [By-Law 52.4]

Appeal Submission	Member Position
<ul style="list-style-type: none"> • What is being appealed? • Rationale for the appeal. • Relevant facts. • Confirmation of team's ability to add the player to their roster. • Pertinent documents, if any. • Appeal fee. 	<ul style="list-style-type: none"> • Position of the Member on the appeal. • Pertinent documents, if any.

18. All appeals under paragraphs 15-17 must be accompanied by the appeal fee described in paragraph 23. This fee does not include the Inter-Member transfer, USA Hockey transfer or International transfer fee that may apply.

Hearing Process for Appeals

19. The National Appeals Committee shall conduct all hearings in the manner in which it sees fit, including but not limited to written presentations only, teleconferences, or face to face hearings.
20. The decision of the National Appeals Committee shall be transmitted to any party to the hearing within five (5) Working Days from the time of the decision.
21. After a decision, the National Appeals Committee may reconsider a decision once if any of the interested parties to the decision provides new information to the National Appeals Committee that was not available to a party at the date of the original decision. In order to determine whether to reconsider any decision made by it, the National Appeals Committee must first determine that the new information was not available to the interested party at the time of hearing. The decision as to whether new information exists shall rest solely with the National Appeals Committee and is not subject to review.
22. The National Appeals Committee has jurisdiction to determine whether or not statements made by any interested party to an appeal were misleading or false. If any interested party has provided such information, the National Appeals Committee, in its unfettered discretion, may rescind, or vary any order made by it, and recommend to the Chair of the Board that disciplinary action be considered against said party as set forth herein.

APPEAL FEES

23. Unless otherwise stated in this document, every appeal filed with the Co-ordinator, Administration and Transfers must be accompanied by a cash payment or certified cheque payable to Hockey Canada in the amount of three hundred dollars (\$300.00) which includes a hearing fee of two hundred and fifty dollars (\$250.00) and a non-refundable administrative fee of fifty dollars (\$50.00).

ADDRESS FOR SERVICE

24. All appeal material shall be filed with Hockey Canada to the attention of:

Mr. Josef Scheier
Coordinator, Administration and Transfers
Hockey Canada
c/o House of Sport, RA Centre
2451 Riverside Drive
Ottawa, Ontario K1H 7X7

Appeal material may also be filed with Hockey Canada electronically at:

jscheier@hockeycanada.ca



NOTICE OF APPEAL FORM



Appeal to Transfer – International, US/Canada or Inter-Member

To: Hockey Canada National Appeals Committee (pursuant to Hockey Canada By-Law Fifty-Six).
All appeals must be filed with the Co-ordinator Administration and Transfers of Hockey Canada.

Date Submitted (D/M/Y): _____ Member (incoming):

Appeal of Regulation: _____

Name of Appellant: _____ Birth Date (D/M/Y)
_____ Surname First Name

Contact Info: Phone () _____ Email: _____

Former Member or Federation: _____

Team requesting Appeal: _____ Division/Category: _____

School Information: _____
School Name City Province

The following **MUST** be included in this appeal or it will **NOT** be brought forward to the Hockey Canada National Appeals Committee:

- This Form
- Specific detailed rationale for appeal, including all facts and information concerning the uniqueness of this request
- Release from former team
- Letter of Approval from parents (if under 18 years of age)
- School Registration (if applicable)
- Appropriate transfer form
- \$300.00 fee (payable to Hockey Canada)
- Completed Parent Acknowledgement form (if applicable)
- Any further information deemed to be appropriate for the appeal

Please forward the completed appeal package to: National Appeals Committee c/o Josef Scheier, Hockey Canada Ottawa Office, fax: 613-562-5676 or jscheier@hockeycanada.ca

Hockey Canada will subsequently request the former Federation or Member position following the appeal submission to the National Appeals Committee. The National Appeals Committee may request further information from the Appellant or the Member.

Player is **NOT eligible** to participate in any Member/Federation activity until such time as a decision is made to approve this appeal. The decision will be communicated to the Member and the player within five (5) Working Days after it has been made.



NOTICE OF REGISTRATION APPEAL RENEWAL FORM



This form should only be used if:

- (1) The player appealed successfully to the National Appeals Committee during the last hockey season to play away from his/her usual place of residence; and
- (2) The player wishes to either:
 - (a) play for the same team in the following hockey season; or
 - (b) attend the same school that he/she attended the previous year.

Renewal appeals by Canadian players who wish to continue playing within Canada (but outside their home Member), or foreign players who wish to continue playing within Canada can be filed directly with Hockey Canada.

(Please Print)

Date Submitted: _____ Member: _____

Appeal of Regulation: _____ Date of Birth (D/M/Y): _____

Name of Applicant: _____
Surname First Name Initial

In the previous season the player was approved by the National Appeals Committee to play with the:

Team: _____ Division/ Category: _____

Minor Hockey Association, : _____

City: _____ Province: _____

New Division/Category this year, if applicable: _____

The following **MUST** be included in this appeal or it will **NOT** be brought forward to the Hockey Canada National Appeals Committee:

- This form
- \$50.00 non-refundable fee (payable to Hockey Canada)
- Any further information deemed appropriate to explain any differences in the application this year as compared to the past year.

Hockey Canada will subsequently request the former Federation or Member position following the appeal submission to the National Appeals Committee. The National Appeals Committee may request further information from the Appellant or the Member.

- Player is **NOT eligible** to participate in any Member/Federation activity until such time as a decision is made to approve this appeal.
- The decision will be communicated to the Member and the player within five (5) Working Days after it has been made.

Please forward the completed registration appeal renewal package to: National Appeal Committee c/o Josef Scheier, Hockey Canada Ottawa Office, fax: 613-562-5676 or jscheier@hockeycanada.ca



NOTICE OF APPEAL FORM
Appeal of Member Decision



Date Submitted:

Appellant:

Contact Information:

Appeal Member Decision:

- Such decision is in conflict with the Member or Hockey Canada’s Articles, By-Laws or Regulations
- The Member committed a procedural error, or failed to provide the aggrieved party with a fair hearing:
or
- The Member did not have the authority or jurisdiction to make the decision

Please briefly outline why you feel your appeal falls within one of the above criterion:

The following **MUST** be included in this appeal or it will **NOT** be brought forward to the Hockey Canada National Appeals Committee:

- This form
- Relevant facts
- Reason
- Relief being sought
- \$300.00 fee (payable to Hockey Canada)
- Pertinent documents, if any, shall be attached

Please give a brief description as to the reasoning behind your appeal:

Please give a brief description on the relief being sought:

Please forward the completed appeal package to: National Appeals Committee c/o Josef Scheier, Hockey Canada Ottawa Office, fax: 613-562-5676 or jscheier@hockeycanada.ca

Hockey Canada will subsequently request the Member’s position following the appeal submission to the National Appeals Committee. The National Appeals Committee may request further information from the appellant. Decision will be communicated to the appellant and/or to the respective Member within five (5) Working Days after the decision has been made.