



Canadian Tenpin Federation, Inc.
Fédération Canadienne des Dix-Quilles, Inc.

Canadian Tenpin Federation Appeal Policy

Approved by the Board of Directors on May 3, 2021

1. DEFINITIONS:

- Affected Party:** Any individual or entity that could be impacted by a decision resulting as a consequence of the Appeal Process.
- Alternative Dispute Resolution (ADR):**
Refers to the process by which the Parties negotiate with the help of a Facilitator or Mediator to try to reach a mutually acceptable, negotiated settlement with respect to a complaint, dispute or appeal.
- Appeal Application:** The form to be completed to initiate the appeals process, detailing the decision to be appealed, grounds for appeal, respondent(s), witnesses and other pertinent information.
- Appeals Officer:** Refers to the person responsible for overseeing the matter of the appeal process.
- Appellant:** A person who, dissatisfied with the decision of a selection committee, discipline panel, or event panel, asks for a review of the decision.
- Arbitration:** A neutral person called an "arbitrator" hears arguments and evidence from each side and then decides the outcome. Arbitration is less formal than disciplinary panel hearing. In binding arbitration, parties agree to accept the arbitrator's decision as final, and there is generally no right to appeal. In nonbinding arbitration, the parties may request a disciplinary panel hearing if they do not accept the arbitrator's decision.
- CTF:** The brand and operating name of the officially registered and incorporated organization formally known as the Canadian Tenpin Federation Inc.
- Chair:** Refers to the person responsible for chairing the Appeal Panel, and hearing the actual appeal on behalf of CTF.
- Code:** Means the Code of Conduct and Ethics, unless otherwise specified.

Conduct:	The manner in which a person behaves, especially on a particular occasion or in a particular context.
Days:	In the context of the time, refers to total calendar days, irrespective of weekends or holidays.
Ethics:	Moral principles that govern a person's behaviour.
Event:	Means any CTF sanctioned competition, program or bowling-related activity.
Member:	A Local or Provincial Association approved by CTF.
Neutral Individual:	An example of neutral individual is a person who does not take sides in a dispute or disagreement. Someone who is not biased, and does not express an opinion or take actions that support either party.
Parties:	All of the Appellants, Respondents and others party to an appeal.
Policy:	Means the Appeal Policy as set out below in this document.
Registrants:	Those individuals who are engaged in events that are provided, sponsored, supported or sanctioned by CTF and may include, but are not limited to including, recreational and competitive athletes, members of national teams, coaches, officials, event organizers, administrators or provincial/territorial and local associations, and volunteers who serve on club executives, committees and boards of directors.
Representative:	An individual who is representing a Registrant, Member or CTF, providing advice to the individual or entity or is presenting information on behalf of the individual or entity, during an appeals process. The Representative can be, but is not necessarily legal counsel.
Respondent(s):	The person or entity against whom allegations are made or persons who have rendered decisions (i.e., athlete selection) now being appealed.
SDRCC:	The Sport Dispute Resolution Centre of Canada. www.crdsc-sdrcc.ca/eng/home Canada's premier source for tools and information to help prevent and resolve disputes at the highest levels of the Canadian sport system.
Witness:	One who can give a firsthand account of something seen, heard, or experienced, or otherwise has personal knowledge of the incident.
Written Statement:	Respondents will be asked to provide a written statement outlining their decision, process and rationale for the decision and any other pertinent information. If a witness is unable to be available for interview by the Investigator, tribunal panel, discipline panel or appeal panel, they can be asked to provide a written statement of their account of events.

2. OBJECTIVE OF THE APPEAL POLICY

- 2.1 CTF recognizes the right of any Registrant to appeal the decisions of CTF and hereby provides for an appropriate process for addressing appeals that could arise from time-to-time from such decisions of CTF.

3. SCOPE AND APPLICATION OF THE APPEAL POLICY

- 3.1 Any Registrant of CTF who is affected by a decision of the Board of Directors, of any CTF Committee, or of any body, group or individual who has been delegated authority to make decisions on behalf of CTF or its Board of Directors, will have the right to appeal that decision, provided there are sufficient grounds for the appeal, as set out in Section 4.
- 3.2 This Policy will apply to decisions relating to conflict of interest, eligibility, selection, nomination, discipline, membership or any other matter deemed appropriate by CTF.
- 3.3 Without limiting the scope of section 3.1, this appeal policy will **NOT** apply to decisions relating to:
- a. Decisions made external to CTF;
 - b. Doping offences, which are dealt with under the Canadian Anti-Doping Program, the World Anti-Doping Code and/or Regulations set by the Canadian Centre for Ethics in Sport (CCES);
 - c. The technical rules of bowling, as set out in the CTF rulebook;
 - d. Disputes and disciplinary matters arising during events organized by entities other than CTF, which are dealt with under the policies of these other entities, provided that they have an appeal policy in place;
 - e. Criminal offences;
 - f. Commercial matters for which other appeal processes already exist under applicable law or contract;
 - g. Matters of employment;
 - h. Volunteer appointments and the withdrawal or termination of those appointments;
 - i. Matters of operational structure, committees, staffing, employment or volunteer opportunities;
 - j. Matters of budgeting and budget implementation, including fees, dues and levies;
 - k. Matters relating to the substance, content and establishment of codes, policies, procedures, athlete agreements or criteria; or
 - l. The Athlete Assistance Program (carding) policies and procedures established by Sport Canada.

4. GROUNDS FOR APPEAL

- 4.1 An appeal may be heard only if there are sufficient grounds for the appeal. Sufficient grounds include, but are not limited to, the Respondent:

- a. Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
- b. Failing to follow procedures as laid out in the by-laws or approved policies of CTF;
- c. Making a decision which 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 made on the basis of, or significantly influenced by factors unrelated to the merits of the decision;
- d. Exercising its discretion for an improper purpose; or
- e. Making a decision that was grossly unreasonable or unfair.

4.2 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 4.1 'Grounds for Appeal' section of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

5. TIMING FOR APPEAL

- 5.1 Members who wish to appeal a decision will have 15 days from the date they received notice of the decision, to submit their Formal Appeal Application Form (hereinafter, the Appeal Form) to the Executive Director or President;
- 5.2 Any Member wishing to submit the Appeal Form beyond the 15-day period must provide a written request stating reasons for an exemption to the requirement of section 5.1;
- 5.3 The decisions to allow or not the exemption as provided by section 5.2 will be at the discretion of the Appeal Panel as established in conformity with Section 9.

6. APPEALS OFFICER

- 6.1 CTF will appoint an Appeals Officer, a role which **may** be filled by the Executive Director, to oversee this Policy. The Appeals Officer has an overall responsibility to ensure that procedural fairness and timeliness are respected at all times in the appeals process and more particularly, has a responsibility to:
 - a. Receive appeals;
 - b. Determine if the appeal lies within the jurisdiction of this Policy;
 - c. Determine if appeal is brought in a timely manner;
 - d. Determine if the appeal is brought on permissible grounds;
 - e. Initiate the establishment of the Appeal Panel to hear the appeal;
 - f. Determine, in consultation with the Chair of the Appeal Panel, 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 Appeal Panel as required; and
 - i. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

7. SUBMISSION OF APPEAL

- 7.1 Registrants who wish to appeal a decision of CTF that affects them must apply to the Executive Director to initiate the appeal process using the Appeal Form (See Appendix A). The appeal process does not begin until such application is made.
- 7.2 The Appeal Form will state:
- a. The name(s) of the Appellant(s);
 - b. The contact details of the Appellant(s);
 - c. The name(s) of the Respondent(s);
 - d. The decision being appealed;
 - e. The grounds for the appeal;
 - f. All evidence that supports the reasons and grounds for the appeal;
 - g. A list of the witnesses to be called at the hearing with a summary of the evidence to be provided by them;
 - h. The remedy sought;
 - i. Whether a Representative will be present, (whereby each Appellant is entitled to any one (1) of; **a** representative, or **an** advisor, or **a** legal counsel at their own expense); and
 - j. The request for timing-exemption, as provided by section 5.2, when required;
- 7.3 Upon receiving the Appeal Form, the Appeal Officer will confirm the grounds and circumstances with the Appellant(s) and, without any delay, will notify the Respondent(s) in writing, and forward a copy of the Appeal Form to the Respondent(s);
- 7.4 Before proceeding further, within 3 days, the Appeals Officer will evaluate whether the use of CTF's Alternative Dispute Resolution (ADR) Process would be appropriate for the decision being appealed.
- 7.5 If the use of the ADR Process is deemed appropriate, within 3 days the Appeals Officer will contact all of the Parties to inquire whether they would like to attempt to reach a negotiated settlement. If all parties agree, the processes outlined in the Alternative Dispute Resolution Policy will be invoked.
- 7.6 If the use of the ADR Process is not attempted or is not successful, the appeal will proceed to an Appeal Panel.

8. WRITTEN STATEMENT FROM RESPONDENT

- 8.1 If the attempt to use the ADR Process to resolve the dispute between the Parties does not succeed, the Appeals Officer will request a Written Statement by the Respondent(s) (see Appendix B) outlining the justification for the decision or the practice being appealed;
- 8.2 The Written Statement will contain:
- a. A summary of the evidence that supports the Respondent(s)' case;

- b. The list of witnesses to be called at the hearing and the summary of the evidence to be provided by them; and
 - c. Whether a Representative will be present (whereby each Respondent is entitled to any one (1) of; **a** representative, or **an** advisor, or **a** legal counsel at their own expense).
- 8.3 The Written Statement shall be forwarded to the Appeals Officer within 5 days from the date of receipt of the Appeals Officer's request, or such longer period as the Appeals Officer may specify.
- 8.4 The Appeals Officer must forward a copy of the Written Statement to the Appellant(s) without delay after receipt.
- 8.5 Should the Respondent(s) fail to submit the Written Statement within the time limit provided by Section 8.3, the Appeals Officer will initiate the establishment of the Panel without further delay and notify the parties of such action.

9. APPEAL PANEL

- 9.1 Within 10 days of having received the Appeal Form, the Appeals Officer will initiate the establishment of a Panel as follows:
- 9.1.1 The Panel shall;
- a. Be made up of:
 - i. One (1) panel representative from the CTF Board of Directors (to be picked on a rotational basis),
 - ii. One (1) Panel representative shall be selected by the appellant from their peer group, and is mutually agreed upon between the parties, and
 - iii. One (1) neutral individual as mutually agreed upon between the parties. If a proposed neutral individual is not acceptable to either of the parties, the party opposed shall be required to provide rationale for the exclusion of the proposed neutral individual. The rationale provided shall be directly and specifically relevant to the appeal at hand (i.e., bias, involvement in the issue as a party, witness, etc.).
 - b. Consist of individuals who have no personal or professional involvement in the matter under review;
 - c. Where possible, have a Panel composition that respects the language of the parties involved; and
 - d. The Panel shall independently select from among themselves a Chair.
- 9.2 All 3 members of the Panel must be nominated respecting the following conditions:
- a. They must have no significant relationship with the affected parties;
 - b. They must have no involvement with the decision being appealed;
 - c. They must be free from any actual or perceived bias or conflict of interest. Being a member of the Appellant(s)' or the Respondent(s)' "peer" should not in itself constitute bias or conflict of interest.

- 9.3 As soon as they are nominated, the members of the Panel will be forwarded a copy of the Appeal Form from the Complainant and Written Statement from the Respondent.

10. SCREENING OF APPEAL

- 10.1 Within two working days of the Panel receiving the Appeal Form, the Panel will determine whether there are appropriate grounds for the appeal, as set out in section 4.1 above.
- 10.2 The facts as alleged by the Appellant(s) in the Appeal Form shall be presumed to be correct unless such facts are, to the knowledge of one or more of the Panel members, clearly erroneous.
- 10.3 If the appeal is denied on the basis of insufficient grounds, the Appellant(s) and the Respondent(s) will be notified in writing without delay, but not later than 7 days, of this decision and its reasons.
- 10.4 If the Appellant(s) believe the Panel has made an error in denying the right to appeal a decision, the matter may be referred to Arbitration or Mediation, such Arbitration or Mediation to be administered by the Sport Dispute Resolution Centre of Canada (SDRCC).

11. PRELIMINARY CONFERENCE

- 11.1 Within 7 days of receiving the Appeal Form and Written Statement, the Panel will hold a preliminary conference to consider various preliminary issues, such as, but not limited to, the following ones:
- a. Date and location of the hearing;
 - b. Timelines for exchange of documents;
 - c. Format of the appeal (written or oral submissions or a combination of both);
 - d. Clarification of issues in dispute;
 - e. Clarification of evidence to be presented to the Panel;
 - f. Order and procedure of hearing;
 - g. Any procedural matter;
 - h. Clarification of remedies sought; and
 - i. Any other matter that may assist in expediting the appeal proceedings.
- 11.2 The preliminary conference can be held by conference call or in person, depending on the circumstances. This decision is at the sole discretion of the Panel Chair and may not be appealed.
- 11.3 The participants in the preliminary conference shall be the Panel, the Appeals Officer and may include as necessary the Appellant(s), the Respondent(s), their respective Representative, if any.
- 11.4 The Chairperson and the Appeals Officer shall arrange the preliminary conference and its precise date and time in concert with the participants;

- 11.5 The Panel may delegate to its Chair the authority to deal with these preliminary matters; and
- 11.6 The Appeals Officer shall act as secretary of the preliminary conference and shall confirm in writing to the Appellant(s) and Respondent(s) the appeal procedure established at this preliminary conference within 2 days after the conclusion of such conference, and after having received the written confirmation approved by the Panel.

12. PROCEDURE FOR THE APPEAL

- 12.1 The Panel shall govern the hearing by such procedures as it deems appropriate, provided that the following directives be applied:
- a. The appeal shall be heard as quickly as reasonably possible, having regard to the nature of the appeal, and the circumstances of the case;
 - b. All three members of the Panel shall hear the appeal, but a majority in favour of the same result shall be sufficient to effect a decision;
 - c. Each party shall have the right to have a Representative, or an advisor, or a legal counsel at the hearing;
 - d. Copies of any written documents which any of the parties would like the Panel to consider shall be provided to the Panel, and to all parties, within the time limits established during the preliminary conference or by the Panel;
 - e. The appeal may proceed on the basis of written submissions and documentation if all parties to the appeal consent;
 - f. 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;
 - g. The Panel may direct that any other person or party participate in the appeal;
 - h. For sake of expediency and cost reduction, a hearing either by way of written submissions, via telephone conference or video conference is to be preferred with such safeguards as the Panel considers necessary to protect the interests of the parties; and
 - i. Unless otherwise agreed by the parties, there shall be no communication between any member of the Panel and any of the parties except in the presence of, or by copy to the other parties.

13. PROCEDURE FOR DOCUMENTARY APPEAL

- 13.1 Where the Panel has determined that the appeal will be held by way of written submissions, it will govern the appeal by such procedures as it deems appropriate provided that:
- a. All parties are given a reasonable opportunity to:
 - i. provide written submissions to the Panel,
 - ii. review written submissions of the other parties, and
 - iii. provide written rebuttal and argument.

- b. The applicable principles and timelines set out in Section 11 are respected.

14. EVIDENCE THAT MAY BE CONSIDERED

- 14.1 As a general rule, the Panel will only consider evidence that was before the original decision-maker. At its discretion, the Panel may hear new material evidence that was not available at the time of the original decision.
- 14.2 Unless a party can prove that they couldn't possibly have been aware of a certain fact or argument at the time of the submission of their Appeal Form or Written Statement, no additional information or argument will be accepted from the Appellant(s) or Respondent(s) by the Panel after the preliminary conference, other than that provided orally by witnesses at the hearing;
- 14.3 The Panel will determine if an additional element of proof should be admitted or rejected where the preliminary conference has taken place;
- 14.4 If a party believes the Appeal Panel has made an error in admitting or rejecting an additional element of proof as provided by section 14.3, an application may be made by the party to the Sport Dispute Resolution Centre of Canada (SDRCC) to have the matter referred for Arbitration or Mediation, with such Arbitration or Mediation to be administered by the SDRCC.

15. APPEAL POLICY DECISION

- 15.1 Within 5 days of concluding the appeal, the Panel will issue its written decision, with reasons. In making its decision, the Panel will have no greater authority than that of the original decision-maker.
- 15.2 The Panel 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;
 - c. To uphold the appeal and vary the decision 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;
 - d. To determine how costs of the appeal will be allocated, if at all (excluding legal fees and legal disbursements of any of the parties). When granting such costs, the Panel shall take into account the outcome of the proceedings, the conduct of the parties and their respective financial resources.
- 15.3 A copy of this decision will be provided to each of the parties and to the Appeals Officer;
- 15.4 In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided that the written decision with reasons is rendered within the timelines specified in section 15.1.

16. MODIFICATIONS OF TIMELINES

- 16.1 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 that the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

17. ARBITRATION AND MEDIATION

- 17.1 All differences or disputes shall first be submitted to appeal pursuant to the appeal process set out in this policy;
- 17.2 Any final decision made by the Panel that may lead to irreversible consequences for one of the parties, may be submitted by way of an application by the Affected Party, to the dispute resolution secretariat of the Sport Dispute Resolution Centre of Canada, which will resolve definitively the dispute by way of application to the SDRCC.
- 17.3 Should a matter be referred to Arbitration or Mediation, all parties to the original appeal shall be parties to this Arbitration or Mediation; and
- 17.4 The award rendered by the dispute resolution secretariat of the Sport Dispute Resolution Centre of Canada or its successor shall be final and binding upon the parties.

18. CONFIDENTIALITY

- 18.1 The appeal process is confidential involving only the parties, the Appeals Officer and the Appeals Panel. Once initiated and until a written decision is released, none of the Parties or the Panel will disclose confidential information relating to the appeal to any person not involved in the proceedings. **This includes no contact with the media, or postings on social media.**

19. JURISDICTION

- 19.1 This policy shall be governed in accordance with the Canada Not-for-Profit Act in the country of Canada.

20. REVIEW AND APPROVAL

- 20.1 The CTF Board of Directors and Executive Director shall review this policy every four (4) years.

Approved:
Review: 2025

21. ADDITIONAL RELEVANT POLICIES:

- CTF Alternative Dispute Resolution Policy
- CTF Athlete Agreement
- CTF Code of Conduct and Ethics
- CTF Complaint and Disciplinary Policy
- CTF Equity and Inclusion Policy
- CTF Harassment and Abuse Policy
- CTF Social Media Policy

APPENDIX A - FORMAL APPEAL APPLICATION

Date: _____
MM - DD - YYYY

APPELLANT

Name of the Appellant: _____

Address of Appellant: _____

Telephone Numbers of Appellant: Home: () - -
Work: () - -
Other: () - -

Fax Number of Appellant: () - -

E-Mail of Appellant: _____

REPRESENTATIVE

Name and Contact Information of the Representative, advisor, or legal counsel, if any (including name of firm or organization if applicable): _____
Home: () - -
Work: () - -
Fax: () - -
E-mail: _____

DECISION

What decision or practice do you wish to appeal? _____

Why do you think the decision is wrong or unfair? _____

When was that decision taken? _____
MM - DD - YYYY

RESPONDENT

Name of Individual, Committee Chair, etc. who made the decision? _____

GROUNDS AND SUMMARY OF EVIDENCE

Grounds for the Appeal (arguments) _____

Summary of the evidence that supports these grounds (documents, pictures, rules & by-laws, audio-visual, etc.). _____

Summary of evidence:

Witness N° 4:

Name:

Coordinates:

Summary of evidence:

Witness N° 5:

Name:

Coordinates:

Summary of evidence:

REMEDY

What action or decision, do you want CTF to take or make, to correct the situation?

EXEMPTION

If the decision was taken more than 15 days ago, why haven't you filed this Notice of Appeal before the 15 day time limit as provided by CTF's Appeal Policy.

WITNESSES

- List of Witnesses to be called at the hearing;
 - Coordinates of these witnesses (including phone numbers);
- and
- Summary of evidence to be provided by each of them.

Witness N° 1:
 Name: _____
 Coordinates: _____

Summary of evidence:

Witness N° 2:
 Name: _____
 Coordinates: _____

Summary of evidence:

Witness N° 3:
 Name: _____
 Coordinates: _____

Summary of evidence:

Witness N° 4:
 Name: _____
 Coordinates: _____

Summary of evidence:

Witness N° 5:
 Name: _____
 Coordinates: _____

Summary of evidence:

Annex - Reference Tool – Actions and Timelines

Timing for Appeal	Members who wish to appeal a decision will have 15 days from the date they received notice of the decision, to submit their Formal Appeal Application Form.
Option 1: determine if suitable for ADR	Within 3 days, the Appeals Officer will evaluate whether the use of CTF's Alternative Dispute Resolution (ADR) Process would be appropriate for the decision being appealed.
Approach parties to use ADR	Within 3 days the Appeals Officer will contact all of the Parties to inquire whether they would like to attempt to reach a negotiated settlement.
Option 2: use of appeal process	If the use of the ADR Process is not attempted or is not successful, the appeal will proceed to an Appeal Panel. Appeals officer requests written statement from respondent.
Written statement	The Respondent's Written Statement shall be forwarded to the Appeals Officer within 5 days from the date of receipt of the Appeals Officer's request.
Constitution of panel	Within 10 days of having received the Appeal Form, the Appeals Officer will initiate the establishment of a Panel
Screening of appeal	Within two working days of the Panel receiving the Appeal Form, the Panel will determine whether there are appropriate grounds for the appeal.
If appeal denied on grounds	If the appeal is denied on the basis of insufficient grounds, the Appellant(s) and the Respondent(s) will be notified in writing without delay, but not later than 7 days, of this decision and its reasons.
Preliminary conference	Within 7 days of receiving the Appeal Form and Written Statement, the Panel will hold a preliminary conference to consider various preliminary issues.
Confirmation of procedures for appeals conference	Appeals Officer shall confirm in writing to the Appellant(s) and Respondent(s) the appeal procedure established at this preliminary conference within 2 days after the conclusion of such conference.
Holding the appeal	The appeal shall be heard as quickly as reasonably possible, having regard to the nature of the appeal, and the circumstances of the case.
Appeal Decision	Within 5 days of concluding the appeal, the Panel will issue its written decision, with reasons.