



**Golf Canada**  
Suite 1 – 1333 Dorval Drive  
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## **DISPUTE RESOLUTION AND APPEAL POLICY** *Revised April 2013 by Governance Committee*

### **Policy Statement**

It is the policy of the Royal Canadian Golf Association, operating as Golf Canada, ("Golf Canada") that procedures are available by which disputes or complaints which an individual or organization (the "Appellant") may have with certain decisions, administrative or otherwise, of Golf Canada can be addressed openly, promptly and fairly.

If an Appellant wishes to appeal a decision directly impacting the Appellant made by Golf Canada, or any of its officers, administrators, officials, etc. (an "Appealable Decision"), the Appellant shall have the right to appeal this decision based on the provisions of this Policy as follows.

The following decisions of Golf Canada will not be subject to appeal under this policy:

- Decisions of the Board of Directors;
- Matters that are decided by and within the jurisdiction of the general membership of Golf Canada including enactment of and amendment of the By-Laws and election of Directors and Governors;
- Decisions made based on the Rules of Golf or the Rules of Amateur Status, each of which have their own appeal procedures that must be followed);
- Enactment of and amendment to or repeal of competition rules;
- Those decisions which are required of or imposed upon Golf Canada by outside authorities or agencies (e.g. Sport Canada, Coaching Association of Canada, Canadian Centre for Ethics in Sport, World Anti-Doping Agency, Sport Dispute Resolution Centre, etc.);
- Disciplinary matters arising during events organized by entities other than Golf Canada, which are dealt with under the policies of these other entities;
- Volunteer appointments and the withdrawal of those appointments by the Board of Directors and its appointed committees;
- Matters of budgeting and budget implementation
- Matters of operational structure, employment and staffing.

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Notwithstanding the foregoing, for any matters related to the Athlete Assistance Program Nomination or de-carding, all appeals must follow the Policies and Procedures of Sport Canada's Athlete Assistance Program (AAP) Section 13 <http://www.pch.gc.ca/pgm/sc/pol/athl/114-eng.cfm>

## Appeals

Any Appealable decision may be appealed to the Golf Canada Appeals Panel which shall use its best efforts to hear such appeal within twenty (20) business days of receipt of a notification of the appeal and payment of the required fee for the appeal, unless requested in writing by the Appellant to delay such hearing or unless the Chair of the Appeals Panel determines that a hearing should not be held and denies the appeal. If the Appeal is denied, the Golf Canada CEO will advise the Appellant.

## Composition of Appeals Panel

The Chair of the Appeals Panel shall be a Past President selected by the President. The Chair shall select two (2) other members of the Appeals Panel. No member of the Appeals Panel shall have been involved in the decision being appealed.

## Appeals Process and Timelines

The Chair shall inform the Appellant of the process and anticipated timelines for the Appeal.

Timeline Guidelines are attached as Appendix A.

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## Time Limit for an Appeal

An individual who wishes to appeal a decision will have fifteen (15) business days from the date the decision was made, to submit a Notice of Appeal, addressed to:

Golf Canada  
Golf House  
1333 Dorval Drive, Suite 1  
Oakville, Ontario L6M 4X7  
Attn: CEO

## Notice of Appeal

The Notice of Appeal must:

- be signed by the Appellant;
- state whether all or only part of the decision is being appealed;
- state the grounds upon which the appeal is based; and
- be accompanied by a two hundred dollar (\$200.00) fee, payable to Golf Canada (which fee shall be refunded only if the appeal is successful).

Within three (3) business days of receipt of a Notice of Appeal, Golf Canada's CEO shall advise the President. The President shall appoint a Chair of the Appeals Panel to whom the GC CEO will forward the Notice of Appeal, together with a certification that the requirements of the Notice of Appeal, as stated above, have been complied with and shall acknowledge receipt of the Notice of Appeal to the Appellant.

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## Procedure for the Appeal

### 1. Upon receipt of a Notice of Appeal, the Chair of the Appeals Panel shall:

- Review the grounds upon which the appeal is based and determine whether it warrants a hearing; if the Appeal is deemed warranted, select members of the Appeal Panel; Rule on the status of the Appellant to continue or not to take part in the activities of the Association until the decision of the Appeals Panel is rendered;
- If a hearing is granted, take such action as may be required to ensure that the hearing takes place as soon as reasonably possible, whether in person or by telephone conference call; and
- Notify within fifteen (15) business days of the receipt of the Notice of Appeal, by the quickest means possible (whether by telephone, fax, email, or otherwise), the Appellant, Golf Canada and all interested parties given status to the appeal of the date, time, and location of the hearing; details are to be confirmed in writing if communicated by phone or in person.

### 2. The procedure under which the hearing is conducted shall be the following:

- To the extent possible, the hearing shall be open to all parties granted status by the Appeals Panel following rules determined by the Chair of the Appeals Panel;
- The Appellant and Golf Canada shall have status at the hearing, as a right, and all other parties wishing status at the hearing of the appeal shall request same from the Appeals Panel, who shall determine such status;
- At least three (3) business days prior to the date of the hearing, Golf Canada shall send to the Appellant, to each other party with status, and to each member of the Appeals Panel a statement of its version of the facts relating to the appeal and any written submission it wishes to make;
- At least three (3) business days prior to the date of the hearing, the Appellant shall send to Golf Canada, to each other party with status, and to each

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member of the Appeals Panel, a statement of his/her version of the facts relating to the appeal and any written submission he/she wishes to make;

- All other parties with status shall deliver to each party with status at the hearing and to each member of the Appeals Panel, at least three (3) business days prior to the date of the hearing any written submission setting out their position in the dispute;
- The Appellant may then appear at the hearing, in person and/or by representative and all other interested parties with status may also appear at the hearing in person and/or by representative;
- Parties with status will have the opportunity for rebuttal of other parties submissions prior to or during the hearing;
- The Appellant may request that the appeal hearing be carried out by a telephone conference call and all other interested parties granted status may also request they be heard by a telephone conference call;
- The Appellant may request that the appeal hearing be carried out on the written submissions and all other interested parties granted status may also request that they be heard by written submissions.

3. The Appeals Panel shall have the opportunity to examine or hear such evidence as it requires, and it may call upon any other person or representative of any body to address it on any aspect of a matter before it.

4. No formal procedure shall be followed at the hearing, but all of the relevant parties shall be given, in the opinion of the Appeals Panel, a fair and reasonable opportunity to be heard. Notwithstanding the above, the Appellant shall present his/her evidence first at the hearing before any other parties will be invited to do so.

5. The costs and expenses incurred by any party shall be borne by that party unless the Appeals Panel decides otherwise.

## Appeal Decision

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The Appeals Panel shall render a written decision within ten (10) business days following the conclusion of a hearing and shall deliver a copy of same to the Appellant, to the CEO of Golf Canada, and to any other parties granted status in the matter. The Panel shall have the authority to issue a verbal or summary decision where time is of the essence with the written decision to follow.

In making its decision, the Panel will have no greater authority than that of the original decision-maker.

The decision of the Appeals Panel shall be final and binding subject to the right of the Appellant, Golf Canada and any party granted in the matter to seek a review of such decision pursuant to the alternate dispute resolution services of the Sport Dispute Resolution Centre of Canada.

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