



Excerpt from OMHA Policy and Procedure Manual

5. RISK MANAGEMENT

5.3 Complaints, Investigations & Appeals

5.3.3 Appeals

5.3.3.1 Appeals Officer

OMHA will designate a member to manage all appeals, except for as provided herein, and for this purpose will be called the Appeals Officer. In the course of conducting an appeal, should the Appeals Officer find themselves in conflict, or acknowledge a declaration of conflict, they shall immediately disqualify themselves, and the Executive of OMHA will designate a replacement within seven (7) days.

5.3.3.2 Appeals Board

The Executive will designate a minimum of six (6), and a maximum of twelve (12), members of the OMHA to assist in the adjudication of appeals, and these members will be called the Appeals Board Members. When an appeal is brought forward, the executive will nominate four (4) Appeal Board Members to hear the appeal along with the Appeals Officer. The selection process shall account for, and thus avoid, any and all bias or positions of conflict that may confront the Appeal Board Members nominated to adjudicate the said appeal.

5.3.3.3 Appeals Documents

The Appeals Officer will be charged with retaining all original documents and disseminating true reproductions as he/she sees fit. All parties will respect that the confidentiality of all documents or testimony is paramount. Breach of this confidentiality shall be deemed as unsportsmanlike conduct enabling the President to suspend and/or disqualify the said persons.

5.3.3.4 Appellant(s)

Any current member of the OMHA may file an appeal. An appeal that directly relates to "releases" as defined under Hockey Alberta Regulations Section A (Sub-Section 7.0) may be filed by any member of the preceding season.

5.3.3.5 Qualifying of Appeals

Appeals may be filed in relation to any matter or matters arising from a decision or decisions, ruling or rulings, or portion of any decision or ruling that were made under and relevant to the current:

- OMHA Bylaws and Regulations
- Hockey Alberta Bylaws and Regulations
- Canadian Hockey Safety Program of the Canadian Hockey Association

Appeals relating to disciplinary action applied by OMHA will be allowed on the alleged breach of either:

Just Cause

- a) was a fair and impartial investigation conducted
- b) was substantial evidence of wrong doing discovered
- c) did the individual have opportunity to represent themselves
- d) were any extenuating circumstances justifiable

Severity of Punishment

- a) did the punishment fit the "crime"
- b) could or should a graduated scale of discipline been followed
- c) was the judgement applied on a basis consistent with related incidents

5.3.3.6 Effect of Appeal

An appeal does not operate as a "stay" of the decision, ruling, or disciplinary action.

5.3.3.7 Notice of Appeal

All appeals shall be initiated by notice in writing ("Notice of Appeal") addressed to either the Appeals Officer or the President of OMHA. The Appellant must file the Notice of Appeal within seven (7) days of the date of the decision or ruling being appealed. A Notice of Appeal may be filed by mail, courier, fax, or e-mail. The Notice of Appeal shall include and contain the following:

- a) a statement of the decision which is being appealed, including a copy of the written decision, if any;
- b) concise statements of the grounds for appeal in numbered paragraphs;
- c) concise statements of the facts, in numbered paragraphs, alleged by the Appellant;
- d) detailed summary of the evidence which the Appellant intends to produce, whether the evidence is documentary or voice evidence.

5.3.3.8 Appeal Fees

In the event that OMHA or Hockey Alberta directs that the appeal must be heard in a quasi-judicial format, a fee of One Thousand Two Hundred and Fifty dollars (\$1,250.00) will be payable by the Appellant. The Appellant will have 7 business days to pay the fee. The appeal process will be suspended until the fee is paid.

5.3.3.9 Appeals Procedure

The procedure for the hearing of all appeals, unless otherwise directed, will be at the sole discretion of the Appeals Officer **and** may be in one of the following formats:

- a) A meeting of the Appeals Committee to evaluate the Notice of Appeal and other documents or information to determine if an Appeal shall proceed;

- b) An informal meeting of all parties and with the evidence and arguments produced as the Appeals Officer or Appeals Committee determine to be necessary;
- c) Quasi-judicial, in which case the procedure as set out in Hockey Alberta Bylaws and Regulations, Appendix “VII”, Section 13 shall apply.

5.3.3.10 Hearing Date

Upon receiving a Notice of Appeal, the Appeals Officer shall set a date for a meeting of the Appeals Committee which shall be no later than seven (7) days following the date of receipt of the Notice of Appeal. Should the Appeals Committee determine that grounds for Appeal exist and that a hearing is warranted, the Appeals Officer shall set the hearing date which shall be no later than seven (7) days following the Committee meeting. This date shall be communicated to all parties of the hearing date by mail, courier, fax or email.

5.3.3.11 Decision of Adjudicators

The decision of the appeal shall be given in writing within ten (10) days from the date that the hearing concluded and may:

- a) allow the appeal;
- b) dismiss the appeal;
- c) give any decision or ruling which ought to have been made;
- d) make an order as to costs as it seems just.

All parties shall be informed that they may seek a higher level of adjudication by appealing the decision of the OMHA Appeals Board to the Appeals Officer of Hockey Alberta, pursuant to Appendix “VII” of the Hockey Alberta Bylaws and Regulations.

5.3.3.12 Court Actions

All Members, Teams, Team Officials, On-Ice and Off-Ice Officials, by virtue and because of their status as such, acknowledge that any recourse to the law courts of any jurisdiction before all rights and remedies as provided by the Bylaws, Regulations and Policies of OM HA, Hockey Alberta and Hockey Canada have been availed and utilized, shall be prohibited and deemed be unsportsmanlike conduct enabling the President to suspend and/or disqualify the said persons.