



# Appeal Policy

## **PREAMBLE**

The purpose of this appeals policy is to enable disputes with or between members to be dealt with fairly, quickly and affordably by the Manitoba Cycling Association (MCA), without recourse to legal remedies.

## **DEFINITIONS**

Appellant – means any person, organization or other body who/which chooses to appeal any decision or action of the MCA

Board – means the Board of Directors of the MCA

Days – means total days, regardless of weekends or holidays

Executive Director – means the Executive Director of the MCA

MCA – means the Manitoba Cycling Association, including but not limited to;

- The Board of Directors, including any committees
- The Executive Director and/or any other employees or contract workers
- The decisions of the general membership made at any Annual or Special meetings

Made known – means;

- Posted on the MCA website
- E-Mail sent to the e-mail address provided at the time membership was applied for
- Letter sent to the postal address provided at the time membership was applied for
- Verbal notification, in the presence of at least one witness, by;

- o The Executive Director

- o The Provincial Coach

- o Any member of the Board

Member – means any member of the MCA, whether individual, club or other.

Presented – means personal delivery or proof of receipt such as signature on a postal or courier receipt.

Provincial Coach – means the Provincial Coach of the MCA

Respondent – means the individual or body of the MCA whose decision is being appealed.

## **SCOPE OF APPEAL**

Any member of the MCA who is directly affected by a decision of the MCA has the right to appeal that decision.

This policy specifically does not apply to decisions relating to:

- Matters of employment or contract
- Penalties assessed or actions taken by related bodies, such as but not limited to;
  - o Doping infractions
  - o Rules of the sport
  - o Matters of discipline in non-MCA events

## **TIMING OF APPEAL**

Appellants will have 10 days from the date when the related decision or action of the MCA was

made known to the public or made known to them directly.

## **FORM OF APPEAL**

All appeals must;

- Be in writing
- Clearly state the decision which is being appealed
- Clearly state the grounds for the appeal
- Provide any related evidence supporting their appeal
- Be presented to the President and copied to the Executive Director

## **HANDLING OF APPEAL**

Within 24 hours of receiving an appeal the President shall;

- Provide all members of the Board with copies of the appeal.
- Affix a date and time for a Special meeting of the Board to deal with the appeal, such meeting to be held as soon as possible, but in no case shall this meeting be set more than 7 days from the day on which the President was presented with the appeal

The decision of the Board in relation to the appeal shall be made known to the appellant by way of e-mail or letter sent by Canada Post, courier or personal delivery, within 2 days of the decision of the Board having been made.

Should the appellant not be satisfied with the decision of the Board they may appeal that decision, following the procedure outlined above, and request that the Board take evidence and hear testimony in person from both the appellant and the respondent.

Such meeting to be arranged as soon as it is possible to assemble a quorum of the Board, the appellant and the respondent at one time.

Attendance at such meeting by telephone is acceptable.

Both the appellant and the respondent must be prepared to answer questions directed by members of the Board.

The members of the Board may meet in-camera after all evidence has been heard and presented, however they will be required to render a final decision on that day.

This decision of the Board shall be final and not subject to further question or appeal.

“Approved by the Board of Directors of the Manitoba Cycling Association by motion at a Board meeting held on November 5, 2008”