

# **POLICY AND PROCEDURE FOR THE APPEALS OF SELECTIONS**

**I) Right to Appeal:** Any athlete who is not selected shall have the right to appeal a selection in the event that:

1. the selection was not made in accordance with the published policies, procedures, rules and criteria;
- or
2. in the opinion of the Board of Directors, the appeal should be heard because there appears to be good reason to doubt the correctness of the selection in question and the appeal sought involves matters of significant fairness. The Board member on the Appeal Board can't be involved in this decision.

**II) Appeal Board:** The Appeal Board for Selections shall be comprised of three members, identified as follows:

- one member of the CFF Board of Directors who does not sit on the HP Selection Committee and who is appointed at the beginning of the season by the CFF Board of Directors (a replacement shall also be designated in case the Director is absent or is from the same club as the athlete lodging the appeal);
- one athletes' representative, chosen from among the athlete representatives for each weapon and appointed by the CFF Board of Directors upon the recommendation of the Athletes' Representative to the Board of Directors; and
- one coaches' representative, chosen from among the National Coaches and appointed by the CFF Board of Directors upon the recommendation of the HP Director.

In order to maintain neutrality, the Athletes' and Coaches' representative shall not be from the same club or weapon as the athlete lodging the appeal. Therefore, the CFF Board of Directors shall only designate the Athletes' Representative and the Coaches' Representative once an appeal has been lodged.

The CFF Director shall serve as the Chairperson of the Appeal Board. All three members of the Appeal Board are voting members. No member of the HP Selection Committee can be a member of an Appeal Board pertaining to the same selection.

**III) Appeal Procedure:** The athlete shall give written notice to the CFF National Office of his or her request to appeal the selection of the HP Selection Committee within seven (7) days following the Final Selection Date. The notice shall be signed and shall specify the grounds upon which the appeal ought to be granted. If the athlete is under the age of majority, then the notice shall also be signed by their parent or legal guardian. The notice of appeal shall be accompanied by a \$50 deposit which shall be returned to the athlete at the completion of the appeal unless the appeal is found by the Appeal Board to have been frivolous.

The right to appeal expires seven (7) days following the Final Selection Date, as defined above. Written communication may take place by fax, e-mail, or letter (courier or post).

Any documentation pertaining to the Selection Board's decision and the athlete's request to appeal shall be distributed to the Appeal Board, which shall meet and render its decision within eight (8) days following receipt of the appeal by the National Office. The Appeal Board may meet by telephone conference call, if it is not feasible to meet in person.

At his or her request, the athlete may present an oral argument to the Appeal Board, in which event the HP Director (or his or her designate) may also attend and deliver an oral argument in rebuttal. The athlete may have an advisor attend before the Appeal Board. The Appeal Board may, at its discretion, limit attendance before it to the athlete, the HP Director and one advisor each.

The athlete shall assume responsibility for one-third (1/3) of the total costs of transportation for the Appeal Board, the HP Director and the athlete, in the event that the athlete exercises his or her right to present oral argument. If

the appeal is granted, the athlete shall be reimbursed this amount by the CFF, plus compensated for any personal travel expenses incurred in accordance with CFF reimbursement policies.

**IV) Decision of the Appeal Board:** The Appeal Board shall review the published selection policies, the minutes of the HP Selection Committee, any supporting material provided by both parties and the notice of appeal of the athlete to decide if the appeal falls within the appeal policy.

If not, the Appeal Board shall provide written notification of such decision to the National Office and the athlete within three (3) days of taking the decision.

If the Appeal Board determines the appeal falls within the requirements of this policy, then it shall hear the appeal considering the published selection policies, the minutes of the HP Selection Committee, any supporting material, the notice of appeal, and any testimony or argument from the athlete, his or her representative, and the HP Director, and take one of the following decisions:

1. grant the appeal and immediately select the athlete;
2. instruct the HP Selection Committee to review the selection in accordance with any directions, provided by the Appeal Board;
3. reject the appeal;
4. declare itself incompetent and request the CFF Board of Directors to refer the appeal to another authority, to be determined by the CFF Board of Directors.

**V) Communication of Outcome:** The Appeal Board shall, within the eight day period for decision, communicate its decision in writing to the HP Director and the athlete.

**VI) Subsequent Appeal:** Any appeal of this decision shall be handled through independent arbitration as provided through the Sport Dispute Resolution Centre of Canada (SDRCC) with notice being provided to the Board of Directors of the CFF of such appeal in writing within three (3) days of receipt of the decision of the Appeal Board.

Notwithstanding the above, 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 13.1 [http://www.pch.gc.ca/progs/sc/pol/athlete05/1\\_e.cfm](http://www.pch.gc.ca/progs/sc/pol/athlete05/1_e.cfm).

**VII) Time Frames:** For reasons of fairness, any of the time frames provided for in this policy and procedure may be relaxed by the Board of Directors at the request of the HP Selection Committee or Appeal Board, if it feels, at its discretion, that such a change is reasonable and appropriate.

**VIII) Modes of Communication:** Unless otherwise specified within this policy, all communications can take place by e-mail, by fax, or by post.

**IX) Interpretation:** For reasons of fairness, any question of the technical interpretation of the language of this policy (such as calculation of time periods, etc.) should be resolved in favour of the appellant athlete.

Revised and accepted by the Board of Directors January 2008.