



OLA Appeals Process (Revised February 2019)

(OR-X)

OR10.1

- a) All matters pertaining to discipline or release requests are to be held in person.
- b) All related parties must be invited to attend the hearing.
- c) If the party in question does not attend the hearing, a decision will be made in absentia.

OR10.2 - Club / Association Release Hearings

- a) Release request hearings must be held within 10 business days of the Club / Association receiving the request from the Applicant.
- b) All related parties must be invited to attend the hearing.
- c) The hearing will be heard by a minimum of 3 people, one of whom will act as the Chair.
- d) Within 5 business days of the conclusion of the hearing, all parties must receive a written decision which includes the following:
 - i) Issue in question
 - ii) Statement of the facts
 - iii) Decision
 - iv) Reasons for the decision
 - v) Appeal process information
- e) If the written decision is not received within 5 business days of the conclusion of the hearing, the applicant shall automatically have their request granted and the Club / Association will be considered to have no grounds for an appeal.

(OR-XI)

OR11.1 - Zone / League Level Hearings

- a) All appeals must be filed within 5 business days of receipt of a written notification of the decision. The fee for the appeal may not exceed \$100.
- b) Payment must be made prior to the start of the hearing.
- c) The hearing will be heard by a minimum of 3 people, one of whom will act as the Chair.
- d) Within 5 business days of the conclusion of the hearing, all parties must receive a written decision which includes the following:
 - i) Issue in question
 - ii) Statement of the facts
 - iii) Decision
 - iv) Reasons for the decision
 - v) Appeal Process information
- e) If the written decision is not received within 5 business days of the conclusion of the hearing, the appellant shall automatically have their request granted and the Zone/League will be considered to have no grounds for an appeal. The Respondent will not lose their right to appeal.

OR11.2 - OLA Hearings Case Manager

- a) Shall be appointed annually by the Board of Directors.
- b) Shall liaise with all parties to clarify the contents of both OR 10 and OR 11.
- c) Shall help to ensure timelines are met by all parties and communicate with the President and Executive Director.
- d) Shall ensure OR 10 and OR 11 are being followed and recommend amendments, as necessary over time.

OR11.3 - OLA Appeal Evaluation Process

- a)** All appeal documentation must be filed with the President or Designate, Executive Director and OLA Hearings Case Manager, within 5 business days of a written notification of the decision of the first appeal hearing
- b)** In an exceptional circumstance, the Appellant may request an extension beyond the 5 business days. To do so, they must submit the request with all supporting documentation to the President or designate Executive Director and the OLA Hearings Case Manager, who will then notify the Respondent. The President shall make a final ruling on the extension. This decision is non-appealable.
- c)** The President or Designate, in consultation with the OLA Hearings Case Manager and/or OLA staff, shall make a determination if the appeal request has the merits to proceed to a hearing. The determination shall be issued in writing and is non-appealable.
- d)** In making the determination, the President or Designate shall consider the following factors as cause to grant an appeal;
- i) Making a decision for which the Respondent did not have authority or jurisdiction as set out in the applicable governing documents
 - ii) New facts that were not available when the decision was made
 - iii) Failing to consider the relevant Bylaws, Rules and Regulations, or approved policies of the Ontario Lacrosse Association
 - iv) Failing to follow procedures as laid out in the Bylaws, Rules and Regulations, or approved policies of the Ontario Lacrosse Association
 - v) Making a decision that was influenced by conflict of interest or 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 make a decision that was influenced by factors unrelated to the merits of the decision
 - vi) Making a decision that is grossly unreasonable or unfair
 - vii) Alleged excessive fine, fee penalty, bond or suspension
 - viii) Whether an appeal is expressly forbidden by any clause in the Bylaws, Rules and Regulations, or approved policies of the Ontario Lacrosse Association
- e)** In certain circumstances, an appeal may be held via videoconferencing. This request, and the rationale for it, must be made at the time the appeal is filed. The final decision on videoconferencing will be made by the President or Designate as part of their determination. This decision is not appealable.
- f)** The determination must be made within 7 business days of receipt of the appeal request and documentation. If the determination is not made within 7 business days, the hearing will automatically be scheduled.
- g)** Players / Bench Personnel may not participate during the 5-business day appeal period. If an appeal is filed, the player may not participate until a final decision is rendered.

OR11.4 - OLA 1st Level & OLA Final Level Hearings

Where it is determined that a hearing will be scheduled, the following procedure will be utilized;

- a)** All hearings will be held within 10 business days of the appeal being granted.
- b)** The fee for a 1st level appeal shall be \$100. The fee for a Final level appeal shall be \$250. Payment must be received by the OLA within 5 business days of the appeal being granted. If the appellant is successful in their appeal, the fee shall be refunded.
- c)** All parties will be given a minimum of 7 business day's written notice of the date, time and location of the hearing, unless all parties agree in writing to an earlier notification and hearing date.
- d)** 7 Business days prior to the hearing, all documentation shall be provided to the OLA Hearing Case Manager by the Respondent. It will then be disbursed to both parties, within 5 business days and to the Committee who will be hearing the appeal. Any information not provided prior to the hearing, will be determined to be inadmissible.
- e)** All hearings will consist of a 3-member panel which may be made up from members of the following categories, provided they have no conflict of interest in the hearing;
- i) OLA Life Members
 - ii) Board of Directors
 - iii) Past OLA Board of Directors
 - iv) Mr. Lacrosse Award Winners
 - v) Board of Governors

- f)** Should a legal advisor accompany any of the parties, they may not participate. Legal advisors are to be reminded that the hearings are not a legal proceeding and will be conducted per OLA Policies and Procedures.
- g)** No voice or video recorders may be used during the hearing.
- h)** Failure to attend a hearing without sufficient reason will result in the following;
- i) An appellant will lose their appeal
 - ii) A respondent will lose the right to argue the decision being appealed. The hearing will proceed based on the documentation pertaining to the respondents' original decision.
- i)** Witnesses, who have given written statements as part of the submission, may attend the hearing. Witnesses may only speak if called upon by the Chair of the Hearing.
- j)** Any parties under the age of 18 must bring an adult to act as an advisor.
- k)** Recorded evidence is acceptable, provided that it substantiates verbal evidence given by any party. Videotape evidence that shows possible errors in identification by referees/umpires shall be allowed. The use of videotape evidence will not be used for supplemental discipline or to show errors or "missed calls" by officials.
- l)** Within 7 business days of the conclusion of the hearing, all parties must receive a written decision which includes the following:
- i) Issue in question
 - ii) Statement of the facts
 - iii) Decision
 - iv) Reasons for the decision
 - v) Appeal Process information
- m)** If the written decision is not rendered within the timeframe specified, the appellant may request an automatic hearing be granted at the next highest level. If the hearing is already at the highest level, they may request a new hearing be set up with a panel consisting of 3 new members. This hearing will be at no additional charge to the appellant.

OR11.5

If any information provided by any parties, is determined at a later date to be false, misleading or knowingly inaccurate, it may result in a reversal of decision, suspension and /or fines. A determination will be made within 7 business days after the report of the inaccurate information by the President or Designate. The decision will be final and not appealable.

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