

Rights of Appeal

Appealing a Hearing Decision from the MHYSC



Complete O.S.A. Policy and Leave to Appeal Application Form available at:
<http://www.ontariosoccer.net/governing-documents> Operational Procedures - Section 13.0

A copy of Leave to Appeal Application MUST be sent to:
Hamilton & District Soccer Association (H&DSA)
Attn: Discipline and Appeals Panel
64 Melrose Ave N. (Gate #3)
RM #2W-331
L8L0C3

Relevant excerpts from O.S.A. Operational Procedure 13.0 Appeals

Procedure 1.0 – Purpose

1.1 The purpose of this appeals procedure is to enable disputes with registrants and Registered Organizations to be dealt with fairly, expeditiously and affordably, within the OSA. Procedure 2.0 - Scope and Application

2.1 Any Registrant and/or Registered Organization, the Accused or Victim of the accused who is directly affected by a decision of a Governing Organization (H&DSA) or of anybody or individual who has been delegated authority to make decisions on behalf of the Governing Organization (H&DSA), will have the right to seek Leave to Appeal of that decision to the next higher Governing Organization (O.S.A.), provided there are sufficient grounds for the appeal as set out in Procedure 4.2.

2.3 If there is an outstanding fine, fee, bond or penalty related to the decision being appealed that has not been paid prior to the submission of an appeal, the appeal will not proceed except under Operational Procedure 2.4 (refer to OSA website).

Procedure 4.0 - Submission and Timing of Appeal

4.1 Registrants and/or Registered Organizations who wish to seek Leave to Appeal a decision will have fourteen (14) days from the date on which they received notice of the decision together with their rights of appeal, to submit in writing the following: (Note: this is for appeals to the OSA only) a) A completed OSA Leave to Appeal Application Form inclusive of their intention to appeal and grounds for the appeal, b) All evidence that supports these grounds, including all documents c) The remedy or remedies requested, d) A copy of the written decision being appealed, or the Appellant's understanding of the decision (if the decision has not been received, in writing, by the Appellant); e) A signature of the Appellant or authorized representative of the Appellant f) Evidence that any outstanding fine, fee or bond has been paid g) Include the Appeal Fee in accordance with Operational Procedure Section 13.0 Procedure 11.0 in the form of a recorded payment for appeals to the OSA or as per the Governing Organization's published schedule of fees, fines bonds and penalties.

4.2 Not every decision may be appealed. Decisions may only be appealed, and appeals may only be heard, upon the following grounds: a) Making a decision for which the Respondent did not have authority as set out in applicable governing documents; b) New facts (within a time limit) that were not available when the decision was made; c) Failing to properly interpret the relevant Published Rules; d) Failing to follow procedures as laid out in the relevant Published Rules; or e) Making a decision that was influenced by bias f) Alleged excessive fine, fee, penalty or bond.

4.3 If the requirements of Procedure 4.1 are not met within the 14-day period, the request will be ruled out of order and will not be heard.

4.4 Any party wishing to initiate Leave to Appeal beyond the 14-day period must provide a written request stating reasons for an exemption to the requirement of Procedure 4.1. The decision to allow, or not allow Leave to Appeal outside the 14-day period will be at the sole discretion of the (OSA) Governing Organization's Appeals Committee's Administrator or Disposition Manager and may not be appealed.

4.5 The Governing Organization (OSA) receiving the request for Leave to Appeal is required to advise all affected parties about the requests which are to be considered and to provide them with a copy of all relevant documents

4.6 The appeal fee will be refunded to the Appellant if the appeal is successful. Administrative fees as outline in the OSA's Schedule of Fees and Financial Penalties will be applied to the appropriate party based on the outcome of the appeal.

Note: Current Appeal to O.S.A. fee Individual or Organization appealing a decision is \$500.00.