



<b>Policy 14.1: Appeals</b>	
<b>Staff Member Responsible for Implementation:</b> Executive Director	
<b>Board Approval:</b> June 29, 2026	<b>Effective:</b> June 29, 2026

**Jurisdiction and Scope**

1. Any Member who is directly affected by a decision of ANB shall have the right to appeal that decision. In determining whether a decision has been made by ANB, the Commissioner shall assess whether the decision relied upon the authority or resources of ANB in order to be made or enforced.
2. This policy shall not apply to any of the following matters.
  - a. Decisions of a General Meeting;
  - b. Decisions made by ANB’s member divisions (Run New Brunswick or Course Sur Sentier NB Trail Running);
  - c. Decisions made by an external entity that ANB is required to implement (e.g. World Athletics, Athletics Canada, Sport New Brunswick, Sport Dispute Resolution Centre of Canada, Sport Integrity Canada);
  - d. Human resource decisions concerning employees;
  - e. Decisions concerning the nomination and recipients of awards;
  - f. The rules of the game (i.e. competition rules and technical rules);
  - g. Any initiative that is subject to its own distinct appeal process; or
  - h. Decisions for which the Member has previously submitted an appeal.

**Submission of an Appeal**

3. Members who wish to appeal a decision shall have 10 days from the date upon which they received notice of the decision, became aware of the decision, or ought to have reasonably become aware of the decision, to submit their appeal in writing. The submission must be made to the President of ANB, and must include the entirety of the appellant’s argument, including its grounds for appeal (as outlined in paragraph 4), and the requested remedy or solution.
4. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include ANB:
  - a. Making a decision for which it did not have proper authority or jurisdiction;
  - b. Failing to follow established procedure;
  - c. Making a decision which was influenced by bias;
  - d. Failing to consider relevant information or taking into account irrelevant information as part of the decision-making process;
  - e. Exercising its discretion for an improper purpose; or
  - f. Making a decision which was unreasonable.

For clarity, the burden of proof for establishing sufficient grounds for appeal is the responsibility of the appellant.

### **Appointment of a Commissioner**

5. Within 10 days of receiving the appellant's submission, the President (or designate) shall appoint a Commissioner. The Commissioner must not have been directly or indirectly involved in the decision that is being appealed, or be in any position of actual or perceived conflict of interest. The President (or designate) shall consider the following qualifications and skills (among others) when selecting a Commissioner:
  - a. Legal, adjudication, arbitration, and dispute resolution experience;
  - b. Understanding of the provincial, regional, and national sport system; and
  - c. Comfort in complex situations, ability to consider multiple perspectives and contexts, strong decision-making record (in sport or other areas), strong ability to communicate for understanding by laypersons, and appreciation of timely decision-making.

### **Assessment of Sufficient Grounds for Appeal**

6. Within 7 days of being appointed, the Commissioner shall review the appellant's submission and decide whether there are sufficient grounds for appeal.
7. If the Commissioner is satisfied that there are no sufficient grounds for an appeal, they shall notify the appellant and the President (or designate) of this decision in writing, stating reasons. If the Commissioner is satisfied that there are sufficient grounds for an appeal, they shall notify the appellant and the President (or designate) of this decision in writing, stating reasons, and proceed to conduct a hearing.

### **Respondent and Affected Parties**

8. If the Commissioner conducts a hearing, the President shall also appoint a representative, who shall represent ANB and act as the respondent in all matters related to the appeal.
9. If the Commissioner conducts a hearing, they shall identify any parties that would experience direct and significant hardship if the decision were to be changed, and recognize them as affected parties.

### **Conducting of a Hearing**

10. If the Commissioner conducts a hearing, they shall govern it via such procedures as they deem appropriate in the circumstances, provided that:
  - a. The hearing shall be held within 21 days of the Commissioner being appointed;
  - b. The appellant, respondent, and affected parties shall be given no less than 7 days written notice of the time, date, and place of the hearing;
  - c. Copies of any documents which the appellant, the respondent, or affected parties wish to rely upon in the hearing or otherwise have the Commissioner consider shall be accepted up to 3 days in advance of the hearing, and subsequently provided by the Commissioner to all parties at least 2 days in advance of the hearing;
  - d. Copies of any additional documents which the appellant, the respondent, or affected parties wish to submit to support arguments made in the hearing (i.e. no new arguments

- may be made following the hearing) shall be accepted by the Commissioner for 24 hours immediately following the hearing;
- e. The appellant, the respondent, and affected parties each have the right to be accompanied by a representative or advisor (which may include legal counsel); and
  - f. The Commissioner may request the attendance of other individuals at the hearing, to provide evidence or expert testimony.

For clarity, ANB strongly recommends that appellants, respondents, and affected parties under the legal age of majority be accompanied by a parent/guardian in any hearing. In such situations, the attendance of a parent/guardian shall be in addition to the one representative/advisor specified in paragraph 10(e).

11. The Commissioner may conduct the hearing via digital/electronic means (e.g. phone call, video call, conference call).
12. The Commissioner shall have the right to record the hearing, for purpose of assistance when preparing their final decision. Such recording shall not be shared with the appellant, the respondent, or affected parties.
13. The appellant or respondent may request that the Commissioner conduct a documentary review in substitution of a hearing. Should the opposing party consent, and the Commissioner grant the request, the Commissioner shall proceed with a documentary review and direct the appellant, the respondent, and affected parties to provide written submissions, upon which the Commissioner shall rely on in making its decision. The Commissioner may direct such timelines and opportunities for rebuttals as it deems appropriate in the circumstances in order to conclude the appeal in a timely manner.

### **Final Decision**

14. Within 3 days of concluding the hearing, the Commissioner shall notify the appellant, the respondent, affected parties, and the President (or designate) of its final decision in writing, stating reasons. The Commissioner has the authority to:
  - a. void, alter, or confirm the decision being appealed; or
  - b. refer the matter back to ANB for a new decision, correcting any errors that were made and abiding by any terms set out by the Commissioner
15. The decisions of the Commissioner shall be final and binding, and not open to any further appeal or intervention under any ANB policy or process.

### **Withdrawal and Settlement**

16. Appellants have the right to withdraw their appeal at any time prior to the Commissioner issuing its final decision. In such circumstances, the appellant must notify the Commissioner in writing. Upon receipt of such notice, the Commissioner shall immediately terminate the appeal process, notify the President (or designate), respondent, and affected parties, and issue no further decisions in the matter. An appeal that has been withdrawn may not be resubmitted by the appellant.

17. Appellants and respondents have the right to resolve their dispute via settlement at any time prior to the Commissioner issuing its final decision. In such circumstances, both the appellant and the respondent must notify the Commissioner in writing. Upon receipt of such notices, the Commissioner shall immediately terminate the appeal process, notify the President (or designate) and affected parties, and issue no further decisions in the matter. An appeal that has been resolved via settlement may not be resubmitted by the appellant.

#### **Alterations to Timelines and Process**

18. If the circumstances of the dispute are such that this policy will not allow for a timely appeal, the President (or designate) may direct that the timelines associated with such be shortened. Should this be the case, the appellant, the respondent, affected parties, and the Commissioner shall make every reasonable effort to comply with the revised timeliness in order to conclude the appeal in a timely manner.

19. If the circumstances of the dispute are such that an appeal cannot reasonably be concluded within the timelines set out in this policy, the President (or designate) may direct that the timelines associated with such be lengthened, while ensuring that the appeal concludes in a timely manner.

20. If an appeal concerns a decision that has been made by the President, than all such uses of the term ‘President’ in this policy shall be read as ‘Vice-President’ for the purposes of that matter.

Adopted by BOD, June 2, 1996

Amended by BOD, March 6, 2019

Amended by BOD, June 29, 2026