



PGA of Canada Appeals Policy

Purpose

This Policy is to make available procedures by which disputes may be addressed openly, promptly and fairly. PGA of Canada Professionals, Apprentices, Applicants or Participants in the PGA of Canada's programs, events, and activities, who may be affected by decisions of the PGA of Canada.

Scope

This Policy applies to decisions made by the PGA of Canada, by committees of the PGA of Canada, and by individuals who are delegated authority to make decisions on behalf of the PGA of Canada. For further clarity, this section will apply to all decisions of the PGA of Canada

except:

- a) Decisions made by the Independent Third Party (ITP) for Maltreatment and Code of Professional Conduct violations
- b) Decision made based on Rules of Golf;
- c) Matters that are decided by and within the jurisdiction of the general membership of the PGA of Canada, such as enactment and amendment of the Bylaws, and approval and revision of Competition Rules;
- d) Those decisions which are required of or imposed by outside authorities or agencies such as (but not limited to) Sport Canada, Coaching Association of Canada, Canadian Centre for Ethics in Sport, World Anti-Doping Agency, Sport Dispute Resolution Centre of Canada, or Industry Canada;
- e) Matters arising during events organized by entities other than the PGA of Canada or a Zone which are dealt with by the policies of those entities;
- f) Decisions relating to operational structure, staffing or employment;
- g) Decisions about allocation of volunteer appointments and the withdrawal of those appointments;
- h) Matters of budgeting and budget implementation, and
- i) Decisions of a commercial nature for which another dispute resolution mechanism exists.

Disputes within a Zone Association may be heard under this section based on procedural grounds, where the parties to such a dispute and the PGA of Canada, in its sole discretion, agree.

Should a member wish to appeal a decision related to section a) above they must follow the PGA of Canada's Safe Sport Appeals process.

Process

The PGA of Canada Privacy Officer will administer appeals under this policy.

The Privacy Officer has an overall responsibility to ensure procedural fairness and timeliness are always respected in the appeals process and more particularly, has a responsibility to:

- a) Receive appeals;
- b) Determine if appeals lie within the jurisdiction of this Policy;
- c) Determine if appeals are brought within 14 days of the decision;
- d) Determine if appeals are brought on permissible procedural grounds;
- e) Inform the Appeal Committee to hear and decide appeals;
- f) Provide administrative assistance and logistical support to the Appeal Committee as required, and
- g) Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

Persons who wish to appeal under this policy will submit written notice to the Privacy Officer indicating their intention to appeal, the reasons and grounds for the appeal, a summary of evidence to support the appeal, and the remedy requested. This notice must be submitted within 14 days of notification of the PGA of Canada's decision that is being appealed.

Decisions may only be appealed on procedural grounds, which are limited to:

- a) Failing to follow procedures as set out in the PGA Discipline Procedures;
- b) Making a decision which was influenced by bias;
- c) Exercising discretion for an improper purpose;
- d) Making a decision which was grossly unreasonable;

If the Privacy Officer is satisfied that the appeal may proceed, then a Hearing, either documentary or oral, as determined by the Appeal Committee, will take place. The Appeal Committee will consist of the three (3) members of the National Board of Director's Executive Committee (President, Vice President and Secretary).

The Hearing will be governed by the procedures and timeliness that the Appeal Committee deem appropriate in the circumstances. The Appeal Committee will have authority to rule in the event of any dispute about procedure, timeliness, format of the appeal, disclosure of documents and participation of witnesses and other persons in the hearing.

After the Hearing, the Appeal Committee will issue a written decision with reasons. The Appeal Committee may decide:

- a. To reject the appeal and confirm the decision being appealed, or
- b. To uphold the appeal, identify the error and refer the matter back to the PGA of Canada for a new decision, or
- c. To uphold the appeal and vary the decision

Where time is of the essence, the Appeal Committee may issue a verbal decision, or a summary written decision, with reasons to follow. Decisions will be rendered within 21 days of the appeal

being accepted by the Privacy Officer. The Appeal Committee has the authority to adjust (reduce or extend) the deadline if required and when this occurs the party(ies) will be notified of the adjusted timeline.

The appeal process is confidential involving only the party(ies), the Privacy Officer, and the Appeal Committee. Once initiated and until a written decision is released from the Appeal Committee to the party(ies) involved, the party(ies) will not disclose confidential information relating to the appeal to any person not involved in the proceedings.

The decision of the Appeal Committee rendered under will be final and binding upon the party(ies) and upon the PGA of Canada, subject only to any review that may be permitted under the rules of the Sport Dispute Resolution Centre of Canada.