



Manitoba Organization of Disc Sports

Title	MODS Appeals Policy
Owner	MODS Board of Directors
Approved By	MODS Board of Directors

Originally Approved 2017	Last Reviewed: February 24, 2026	Last Approved: February 24, 2026
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Purpose

1. The purpose of this policy is to provide Participants with a fair and expedient Appeal process.

Application of this Policy

2. This policy applies to all Participants. Any Participant who is directly affected by an Organization's or the Independent Third Party's (ITP) decision shall have the right to Appeal that decision; provided there are sufficient grounds for the Appeal under the 'Grounds for Appeal' section of this policy.
3. This policy will apply to decisions relating to:
 - a. Eligibility
 - b. Selection
 - c. Conflict of Interest
 - d. Breaches of Code of Conduct
 - e. Membership
4. This Policy will not apply to decisions relating to:
 - a. Employment
 - b. Infractions for doping offenses
 - c. The rules of the sport
 - d. Selection criteria, quotas, policies, and procedures established by entities other than the Organization
 - e. Substance, content, and establishment of team selection criteria
 - f. Volunteer/Coach appointments and the withdrawal or termination of those appointments

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In partnership with:





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- g. Budgeting and budget implementation including but not limited to funding decisions
- h. The Organization's operational structure and committee appointments
- i. Decisions or discipline arising within the business, activities, or Events organized by entities other than the Organization
- j. Commercial matters for which another appeals process exists under a contract or applicable law
- k. Decisions made under this policy

Timing and Notice of Appeal

5. Participants who wish to Appeal a decision have seven (7) Days from the date on which they received notice of the decision to submit, in writing to the Organization or the ITP, if it was a Maltreatment Complaint, the following:
 - a. Notice of the intention to Appeal
 - b. Contact information and status of the Appellant
 - c. Name of the original decision maker(s) and any Affected Parties
 - d. Date the Appellant was advised of the decision being appealed
 - e. A copy of the Decision Report being appealed
 - f. Grounds for the Appeal
 - g. Detailed reasons for the Appeal
 - h. All evidence that supports these grounds
 - i. Requested remedy or remedies
6. A Participant who wishes to initiate an Appeal beyond the seven (7) Day period must provide a written request stating the reasons for an exemption.

Grounds for Appeal

7. A decision cannot be appealed simply because one disagrees with its outcome. Sufficient grounds include:
 - a. Made a decision without proper authority
 - b. Failed to follow procedures
 - c. Decision influenced by bias
 - d. Failed to consider relevant information
 - e. Decision was grossly unreasonable



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8. The Appellant must demonstrate, on a balance of probabilities, that the original decision maker(s) has made a procedural error as described in the 'Grounds for Appeal' section of this policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

Screening of Appeal

9. Upon receiving the notice of the Appeal, and all other information (outlined in the 'Timing of Appeal' section of this policy), the Organization or ITP in the case of Maltreatment Complaints, will appoint an independent Appeal Manager. The Appeal Manager will propose the use of the Organization's Alternate Dispute Resolution Policy, if appropriate.
10. Should the Appeal not be resolved by using the Alternate Dispute Resolution Policy, the Appeal Manager has the following responsibilities:
 - a. Determine if the Appeal falls under the scope of this policy
 - b. Determine if the Appeal was submitted in a timely manner
 - c. Decide whether there are sufficient grounds for the Appeal
11. If the Appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this policy, the Appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
12. If the Appeal Manager is satisfied there are sufficient grounds for an Appeal, the Appeal Manager will appoint an Appeal Hearing Panel which shall consist of a single adjudicator, to hear the Appeal. In extraordinary circumstances, and at the discretion of the Appeal Manager, a panel of three persons may be appointed to hear the Appeal. In this event, the Appeal Manager will appoint one of the panel's members to serve as the chair

Determination of Affected Parties

13. If determined necessary to confirm the identification of any Affected Parties, the Appeal Manager may speak with the Organization or previously identified Affected



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Parties. The Appeal Manager may determine whether a party is an Affected Party in their sole discretion.

Procedure for Appeal Hearing

14. The Appeal Manager shall notify the Parties that the Appeal will be heard. The Appeal Manager shall then decide the format under which the Appeal will be heard. This decision is at the sole discretion of the Appeal Manager and may not be appealed.
15. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
16. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the Appeal Hearing Panel deem appropriate in the circumstances, provided that:
 - a. The hearing will be held within a timeline determined by the Appeal Manager
 - b. The Parties will be given reasonable notice of the day, time, and place of the hearing
 - c. Copies of any written documents which the Parties wish to have the Appeal Hearing Panel consider will be provided to all Parties in advance of the hearing
 - d. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - e. The Appeal Hearing Panel may request that any other individual participate and give evidence at the hearing
 - f. The Appeal Hearing Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the Appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - g. If a decision in the Appeal may affect another party to the extent that the other party would have recourse to an Appeal in its own right under this policy, that party will become a party to the Appeal in question and will be bound by its outcome



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- h. The decision to uphold or reject the Appeal will be by a majority vote of Appeal Hearing Panel members
17. In fulfilling its duties, the Appeal Hearing Panel may obtain independent advice.

Appeal Decision

18. The Appeal Hearing Panel shall issue its decision, in writing and with reasons, within fourteen (14) Days after the hearing's conclusion. In making its decision, the Appeal Hearing Panel will have no greater authority than that of the original decision-maker. The Appeal Hearing Panel may decide to:
- a. Reject the Appeal and confirm the decision being appealed
 - b. Uphold the Appeal and refer the matter back to the initial decision-maker for a new decision
 - c. Uphold the Appeal and vary the decision
19. In extraordinary circumstances, the Appeal Hearing Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter.
20. The Appeal Hearing Panel's Decision Report must provide notice of the decision rendered and reason for the decision. At the discretion of the Appeal Manager, the report may also include additional information such as:
- a. Overview of the submitted Appeal and relevant background information
 - b. Overview of the decision including any sanctions imposed and conditions for reinstatement
21. For Appeals involving Maltreatment, the ITP must provide a decision summary including:
- a. The name of the Appellant



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- b. A brief overview of the Appeal
 - c. Findings including whether Maltreatment occurred and sanctions imposed
 - d. The date of the Appeal Hearing Panel's decision
22. For Appeals involving Maltreatment against a Young Athlete by a Coach or Athlete Support Personnel, notice must be given to all Organizations including:
- a. The name of the individual
 - b. The sport involved
 - c. Sanctions or decisions imposed, including suspension end date
 - d. Date of the decision
23. If sanctions are overturned or altered, notice of the reversal must be sent to all Organizations.

Timelines

24. If timelines in this policy do not allow timely resolution, the Appeal Manager or Panel may revise them.

Confidentiality

25. The Appeal process is confidential and involves only the Parties, Appeal Manager, Panel, and advisors

Final and Binding

26. The decision of the Appeal Hearing Panel is binding on all Participants.
27. No legal proceeding may be commenced unless the Organization fails to provide the Appeal process as outlined.