G.

BIATHLON ALBERTA

DISPUTE RESOLUTION AND APPEAL

POLICY

AUGUST, 2025

G. BIATHLON ALBERTA – DISPUTE RESOLUTION AND APPEAL POLICY

Preamble and Purpose

Membership in Biathlon Alberta offers many benefits and privileges. It also entails responsibilities and obligations. All Registered Clubs[1] and Participants of Biathlon Alberta, as defined below, and the organization itself, are expected to comply with all Biathlon Alberta by-laws, rules and policies (e.g., Codes of Conduct, selection criteria), fulfil contracts and agreements they have entered into and abide by all Biathlon Alberta decisions that affect them.

This Dispute Resolution and Appeal Policy provides mechanisms and procedures for resolving internal disputes. It also provides recourse to parties who have valid grounds to appeal certain decisions made by Biathlon Alberta, and the decisions of those to whom decision-making authority has been delegated by Biathlon Alberta. This Policy reflects Biathlon Alberta's corporate commitment to treat all Registered Clubs and Participants fairly and with respect.

This Policy encompasses an integrated process that provides sufficient options to ensure that issues can be resolved with appropriate transparency and timeliness, and in accordance with the principles of natural justice and procedural fairness.

Definitions

1. The following terms have these meanings in this Policy:

a) "Affected Party" – a Participant who may be adversely affected by a decision that is appealed pursuant to this Policy. An Affected Party shall either be accepted as such by the Parties or by the Appeal Manager.

b) "Appeal Manager" – The independent person appointed by the Executive Director of Biathlon Alberta to oversee the application of this Policy and to fulfil the responsibilities described herein. The Appeal Manager must not be a "Participant" as defined in this section and must not be in a conflict of interest or have any direct relationship with the Parties involved with any appeal case.

[1] A Registered Club, as defined in the Biathlon Alberta By-laws.

c) "Appellant" – The Party appealing a decision.

d) "Days" – shall mean calendar days[2]

e) "Director of Sanctions and Outcomes" – Responsible for overseeing the imposition of Provisional Measures, agreed outcomes, Sanctions and appearing before the Safeguarding Tribunal or the Appeal Tribunal in cases arising from a potential breach of the UCCMS (or other conduct rules, as applicable).

f) "OSIC" - functionally independent division of the SDRCC, or its designate, responsible for administering the UCCMS for purposes of the Abuse-Free Sport program, which specific responsibilities include (i) administering the Complaint Management and the Sport Environment Assessment processes; (ii) maintaining the Registry; (iii) monitoring organizational compliance by Abuse-Free Sport Signatories and issuing reports as required, and (iv) acting as the central hub for Abuse-Free Sport. This definition shall take into account the transfer of OSIC outside the structure of the SDRCC, once the transfer becomes effective.

g) "Participants" – Refers to all categories of individual Members and Participants as defined in the By-laws of Biathlon Alberta who are subject to the policies of Biathlon Alberta, as well as all people employed by, contracted by, or engaged in activities with Biathlon Alberta including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, directors or officers.

h) "Parties" – The Appellant, Respondent, and any Affected Parties.

[2] For the purpose of calculating deadlines, the following shall apply: the day of the act is not included in the calculation (i.e., the date of receipt of a decision is not Day 1); instead, the deadline would start on the day following receipt of the decision and would expire at midnight (in the location of the individual seeking to file an appeal) on the last day of the period. If the end date is a Saturday, a Sunday or a legal holiday, the period runs until the next day that is not a Saturday, a Sunday or a legal holiday. For example, if a Participant receives a decision on Thursday December 17, 2020, the 14-day deadline to appeal this decision starts on Friday December 18, 2020 and would expire on Friday January 1, 2021. However, since January 1, 2021 is a legal holiday, January 2, 2021 is a Saturday, and January 3, 2021 is a Sunday, the deadline to appeal would expire at midnight (in the location of the individual seeking to file an appeal) on January 4, 2021.

i) "Respondent" – The body or person whose decision is being appealed.
j) "UCCMS" - Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the relevant instances of Abuse- Free Sport.

Scope and Application of this Policy

2. This Policy applies to all Registered Clubs and Participants. However, it does not apply to any decision related to the application of the UCCMS made by the OSIC, the Director of Sanctions and Outcomes, the SDRCC's Safeguarding Tribunal or any other competent instance within the Abuse-Free Sport program.

3. Any Participant or Registered Club who is affected by a decision taken by Biathlon Alberta, including by the Board, by any Committee of the Board or by any body or individual within Biathlon Alberta who has been delegated authority to make decisions, shall have the right to appeal that decision provided that it is a decision that is subject to appeal pursuant to Section 4 of this Policy, that the conditions indicated in Sections 6 or 7 of this Policy (as applicable) have been satisfied, and provided that there are sufficient grounds for the appeal pursuant to Section 8 of this Policy.

4. This Policy will apply only to decisions relating to:

a) Biathlon Alberta eligibility and team selection decisions;
b) Conflict of interest;
c) Disciplinary decisions made pursuant to any of Biathlon Alberta's relevant and applicable policies, including disciplinary decisions made pursuant to Biathlon Alberta's Discipline and Complaints Policy in situations where Biathlon Alberta manages a complaint for one of its clubs;
d) Membership within Biathlon Alberta.

5. This Policy **will not apply** to the following decisions relating to:

a) Reported complaints that were managed by the OSIC;
b) Matters of general application such as amendments to Biathlon Alberta's By-Laws;
c) Biathlon Alberta's operational structure and committee appointments;

d) Issues of budgets and budget implementation;
e) Employment matters or matters of operational structure or staffing or volunteer leadership opportunities;
f) Decisions made by organizations other than Biathlon Alberta, such as Biathlon Canada, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), U Sports, the International Olympic Committee (IOC), the International Paralympic Committee (IPC), World Para Nordic Skiing (WPNS), FIS or the Fédération Internationale du Sport Universitaire (FISU) or any other governing body;
g) Selection and eligibility criteria, quotas, policies and procedures established by entities other than Biathlon Alberta;
h) The Athlete Assistance Program (AAP) policies and procedures established by Sport Canada or the Alberta equivalent;
i) Policy and procedures established by any other agency, association or organization external to Biathlon Alberta;
j) j) Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport and /or FIS or WPNS;
k) Contractual matters between Biathlon Alberta and its staff for which another dispute resolution process exists under the provisions of the applicable contract; or
l) Settlements negotiated pursuant to this Policy.

Timing of Appeal

6. Unless specified otherwise in an applicable selection criteria [3], a Participant or Registered Club that wishes to appeal any of the decisions listed in Section 4 of this Policy has fourteen (14) days from the date on which they received notice of the decision to submit the following to Biathlon Alberta's Executive Director in writing:

a) Notice of the intention to appeal

[3] Often, decisions to select teams that will travel to specific competitions are made only a few days prior to the team's departure for the specific competition, which can make it difficult to respect the timelines otherwise indicated in this Policy to file an appeal. For such circumstances, Biathlon Alberta will indicate the otherwise applicable deadline to file an appeal in relation to the selection of a team

that is scheduled to travel to a competition shortly after a team selection decision has been made. With the exception of the modified appeal deadline, the procedures indicated in this Policy shall be respected, unless otherwise agreed by the parties or decided by the appeal panel, but modified accordingly to ensure that the appeal can be heard in a timely manner and in a manner that is fair for all Parties.

b) Their contact information
c) Name of the Respondent and any Affected Parties, when known to the Appellant
d) Date the Appellant was advised of the decision being appealed
e) A copy of the decision being appealed, or description of the decision if a written document is not available
f) Grounds and detailed reasons for the appeal
g) All evidence that supports these ground
h) Requested remedy or remedies
i) An administration fee of two hundred and fifty dollars ($250), which will be refunded if the parties resolve the matter in dispute resolution prior to arbitration or if the Appellant's appeal is upheld in its entirety [4]

Notwithstanding the above, appeals against any decisions rendered pursuant to the Discipline and Complaints Policy shall be filed with Biathlon Canada's Independent Third Party.

7. A Participant or Registered Club that wishes to initiate an appeal beyond the fourteen (14) day period may only do so if exceptional circumstances prevented them from filing their appeal within the deadline indicated in Section 6 above. Any such Participant or Registered Club must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Appeal Manager appointed by the Executive Director of Biathlon Alberta (or, as appropriate pursuant to Section 6, Biathlon Canada's Independent Third Party) and may not be appealed.

[4] The administration fee will not be refunded if the appeal is upheld in part.

Grounds for Appeal

8. A decision cannot be appealed on its merits alone or because a Participant or Registered Club does not like or agree with a decision. An appeal may only be heard if there are sufficient grounds for appeal. Sufficient grounds include where the Respondent:

a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents) to make;
b) Failed to follow its own procedures (as set out in the Respondent's governing documents);
c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views); or
d) Made a decision that was grossly unreasonable or unfair.

Screening of Appeal

9. Upon receipt of an appeal, the Executive Director of Biathlon Alberta or, where applicable, the Independent Third Party will appoint an Appeal Manager, who must confirm that they are not in a conflict of interest or have any direct relationship with the Parties involved with the appeal. In the case that they declare a real or perceived conflict of interest, an alternative Appeal Manager will be appointed by the Executive Director of Biathlon Alberta.

10. The Appeal Manager has the following responsibilities, in addition to those otherwise described in this Policy:

a) To determine if the appeal falls under the scope of this Policy (Sections 2-5)
b) To determine if the appeal was submitted in a timely manner (Sections 6 or 7); and
c) To decide whether there are sufficient grounds for the appeal (Section 8)

11. If the Appeal Manager denies the appeal 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

Appeal Manager will notify the Appellant, in writing, including the reasons for this decision. This decision may not be appealed.

12. If the Appeal Manager accepts an appeal because it falls under the scope of this Policy, there are sufficient grounds and it was submitted in a timely manner, the Appeal Manager will notify the Parties of their decision in writing and will follow the steps described hereunder.

13. Once the Appeal Manager accepts an appeal, they shall engage with the Parties in order to confirm the identity and contact information of any Affected Party (or Parties). Failing the agreement of the Parties regarding the identity of the Affected Party (or Parties), the Appeal Manager may determine whether a Party is an Affected Party in their sole discretion. The Appeal Manager's decision in this regard is not subject to appeal.

Mandatory Dispute Resolution

14. Unless all of the Parties agree otherwise or, if, in the circumstances, there is insufficient time, the Parties, including any Affected Party, must first attempt to resolve their dispute through mandatory early resolution facilitation (i.e., mediation) prior to the matter being adjudicated.
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15. Should the dispute not be resolved through the early resolution facilitation process for any reason, the Appeal Manager will proceed with the steps indicated immediately below.

Appointment of Appeal Panel

16. The Appeal Manager will appoint an appeal panel which shall consist of a single member to hear the appeal. However, at the discretion of the Appeal Manager, an appeal panel composed of three members may be appointed to hear the appeal, for example, based on the nature or complexity of the case. In this event, the Appeal Manager will appoint one of the panel's members to serve as the chair.

17. When appointing the appeal panel, the Appeal Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), who do not have any direct relationship with any of the Parties, and who have not had any prior involvement in the matter under appeal. Although not a strict requirement, the Appeal Manager should attempt to appoint individuals to the appeal panel who have a legal background and who understand the sport of Nordic skiing. When justified by the circumstances, the Appeal Manager may appoint individuals to the appeal panel who have specific areas of expertise
that would assist in resolving the matter.

18. Any member appointed to the appeal panel must complete a declaration form provided by the Appeal Manager declaring their independence from the Parties, and indicating their undertaking to exercise their functions with total objectivity, independence and impartiality and in conformity with any relevant and applicable Biathlon Alberta policy. The member shall also declare any circumstances that could impact their independence or impartiality, including, but not limited to, any prior or current relationship they may have with any of the Parties.

19. The Appeal Manager shall share the declaration form(s) with the Parties, who will have two (2) days to indicate whether they intend to challenge the member(s)'s appointment in writing, providing reasons why they consider that the member cannot discharge their duties objectively, independently or impartially. A Party's failure to challenge any appeal panel member(s)'s appointment within this deadline shall be considered as an acceptance of the appointment of the member(s) by that Party.

20. The Appeal Manager shall have the authority to remove the appointed member from the appeal panel should, either on the basis of any Party's submissions, or by their own assessment of the declaration form, they consider that any declaration made by the member would compromise their objectivity, independence or impartiality. The Appeal Manager's decision in

this regard is not subject to appeal.

Procedure for Appeal Hearing

21. The Appeal Manager, in collaboration with the appeal panel, shall decide the format under which the appeal will be heard. This decision is at the sole discretion of the Appeal Manager and appeal panel and may not be appealed.

22. If a Party chooses not to participate in the hearing, the hearing may proceed at the appeal panel's discretion.

23. 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, a hearing based on documentary submissions and evidence alone, or a combination of these methods. The hearing will be governed by the procedures that the Appeal Manager and the panel deem appropriate in the circumstances, provided that:

a) The hearing will be held in a timely manner and within a timeline determined by the Appeal Manager;
b) The Parties will be given reasonable advance notice of the day, time and place of an oral in-person hearing or oral hearing by telephone or electronic communications;
c) Copies of any written documents which the Parties wish to have the panel consider will be communicated to all Parties no later than three days prior to the hearing. This deadline may be extended or shortened by the appeal panel depending on the circumstances of the case, provided that the Parties must nevertheless be provided with any of the aforementioned written documents in advance of the hearing and within a reasonable time period that allows them to review the documents prior to the hearing;
d) The Parties may each be accompanied by one representative or advisor, and may also be represented by legal counsel at their own expense;

e) The appeal panel may request that any other individual participate and give evidence at an oral in-person hearing or oral hearing by telephone or electronic communications;
f) The appeal panel may allow as evidence at the hearing any oral evidence and document or item 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) Any Affected Party shall be permitted to make submissions and file evidence before the appeal panel. The appeal panel's decision is binding on any Affected Party; and
h) Where consensus on decision among the appeal panel members cannot be reached, the appeal panel's decision shall be made by a majority vote, except in cases where the panel consists of a single member.

24. In fulfilling its duties, the appeal panel may obtain independent advice.

Appeal Decision

25. When rendering its decision, the appeal panel must consider whether the Appellant has demonstrated, on a balance of probabilities, that the Respondent has made a procedural error as described in Section 8 of this Policy and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

26. The appeal panel shall issue its decision, in writing and with reasons, within seven (7) days after the hearing's conclusion. In making its decision, the appeal panel will have no greater authority than that of the original decision-maker. The appeal panel may decide to:

a) Reject the appeal and confirm the decision being appealed, in whole or in part;
b) Uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision;
c) Uphold the appeal, in whole or in part, and vary the decision; and
d) Determine whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, may be assessed against any Party. In assessing costs, the appeal panel

will take into account the nature and amount of the costs, the outcome of the appeal, the conduct of the Parties, and the Parties' respective financial resources

27. The appeal panel's written decision, with reasons, will be distributed to all Parties, the Appeal Manager, Biathlon Alberta and Biathlon Canada's CEO. In extraordinary circumstances, the appeal panel may first issue a verbal or summary decision shortly after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record (e.g., posted to the Biathlon Alberta website or made available to those who request it) unless a Party otherwise makes a request to the appeal panel and the panel orders that the decision, in whole or in part, remain confidential.
28. The appeal panel's decision is final and binding on the Parties and shall not be subject to any further appeal before the SDRCC, unless the original Parties to the appeal seize the SDRCC on a fee-for-service basis.

Timelines

29. If the circumstances of the appeal are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the appeal, the Appeal Manager and/or appeal panel may direct that these timelines be revised.

Confidentiality

30. The appeals process is confidential and involves only, as applicable, Biathlon Alberta (Executive Director), the Parties, the Appeal Manager, the appeal panel and any independent advisors to the panel, as well as the relevant Club and Biathlon Canada. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

31. Any failure to respect the aforementioned confidentiality requirement may result in further disciplinary action being taken against the Registered Club or Participant in accordance with Biathlon Alberta's relevant and applicable policies.

Limitations

32. No action or legal proceeding will be commenced against Biathlon Alberta in respect of a dispute, unless Biathlon Alberta has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.

Privacy

33. The collection, use and disclosure of any personal information pursuant to this Policy is subject to usual policies and practices regarding private and/or confidential information.

34. Biathlon Alberta or any of its delegates pursuant to this Policy (i.e., the Independent Third Party, Appeal Manager, appeal panel) shall comply with usual policies and practices regarding private and/or confidential information.

Policy History	
Approved	October 2025
Next Review Date	October 2028