



CAPS Appeals Policy, Process and Procedure

Appeals Policy Statement: This document is designed to describe an appeals process that outlines a clear and structured framework to allow individuals or entities to request a review of a decision they believe was incorrect or unfair.

1. Purpose

- The CAPS League strives to ensure all complaints are addressed fairly and in accordance with league policies. If a Reporter or a Respondent disagrees with the outcome of the league's investigation, they have the right to appeal the decision. The following appeals process ensures that the concerns are heard and addressed.
- **Eligibility:** A Reporter and Respondent(s), (identified hereafter as "Appellant(s)") are eligible to file an appeal.
- **Decisions Subject to Appeal:** An appeal can be filed by the Appellant if they believe -
 - The investigation was incomplete or biased,
 - New evidence or information has come to light, and/or
 - The disciplinary action taken was excessive or unfair based on the nature of the incident.

2. Submission Process

- **Timeframe:** The Appellant must file their appeal within five (5) calendar days of receiving the final decision from the CAPS Board.
- **Submission Requirements:** The following items are required to be submitted as part of the appeal -
 - A statement outlining the reasons for the appeal,
 - Any new or additional evidence that supports the appeal, if any, and/or
 - The desired outcome or resolution from the appeal process.
- **Form of Submission:** The appeal must be submitted in writing via email to appeals@capssoftball.org.

3. Acknowledgment of Appeal

- **Confirmation of Receipt: CAPS APPEALS NOTIFICATION 001** - Upon receiving the appeal, the CAPS Board will acknowledge receipt of the appeal within three (3) calendar days of appeal submission. Confirmation shall be labeled,
- **Initial Review: CAPS APPEALS NOTIFICATION 002** - The CAPS Board shall review the appeal to determine if it meets the criteria for further review. The appellant and applicable parties shall receive a copy of this determination within ten (10) calendar days after CAPS APPEAL NOTIFICATION 001 is sent out.

4. Formation of an Appeal Committee

- **Selection of Members:**
 - If the appeal is accepted for further review, the CAPS Commissioner will assemble an independent appeals panel consisting of:
 - a. One CAPS Board member who was not involved in the original investigation will serve as the lead.
 - This Board member may have participated in the voting, but may not have been the lead of the investigation.
 - b. Two CAPS Members selected by the CAPS Commissioner that pose no COI to ensure a balanced and impartial review.
 - The panel will meet to review all relevant documents, evidence, and the original findings.

5. Appeal Hearing (If Applicable)

- **Scheduling:** The lead CAPS Board member shall inform the Appellant of the timeline for when the appeal hearing will take place if a hearing is part of the process.
 - The appeal hearing shall usually take place during the next scheduled monthly CAPS Board meeting, time permitting.
- **Notification:** The lead CAPS Board member shall notify the Appellant at least seven (7) calendar days prior to the scheduled appeals hearing per the CAPS by-laws.
- **Presentation of Evidence:** The Appellant may provide additional information or context related to the complaint.
 - The panel may ask questions to clarify details.
 - Witnesses or additional evidence may be presented, if available and relevant.

6. Deliberation and Decision

- **Review of Evidence:** The appeals panel shall review all submitted materials and evidence.
- **Decision-Making Process:** The panel will make a recommendation based on the evidence and the fairness of the original decision.
- **Timeframe for Decision:** The appeals panel will issue its findings and recommendation within ten (10) calendar days of the hearing to the CAPS Board.

7. Communication of the Outcome

- **CAPS APPEALS NOTIFICATION 003** shall be communicated to the Appellant and all relevant parties in writing by the CAPS Commissioner, and shall include the final decision of the appeal from the CAPS Board. The possible outcomes include:
 - a. Upholding the original decision - The panel agrees with the findings and the disciplinary action remains unchanged,
 - b. Modification of disciplinary action - The panel agrees with the investigation but decides to adjust the penalties imposed, or
 - c. Overturning the original decision - The panel finds that the investigation was flawed or that the evidence does not support the original decision, leading to the reversal of disciplinary actions.
- **Next Steps:** The decision of the CAPS appeals process, after either CAPS APPEALS NOTIFICATION 002 or 003 is final and binding. No further appeals will be accepted after this decision.

8. Record-Keeping

- **Documentation:** The CAPS Board shall ensure that all documents related to the appeal are properly filed and stored for future reference.
- **Confidentiality:** The CAPS Board shall maintain the confidentiality of all parties involved in the appeal process.

9. Review and Improvement of the Process

- **Feedback Mechanism:** The CAPS Board shall allow for feedback on the appeal process from those who have gone through it.
- **Periodic Review:** The CAPS Board shall regularly review and update the appeal process to ensure its effectiveness and fairness.