SKI NEW BRUNSWICK

2027 CANADA WINTER GAMES — ALPINE SKIING

SELECTION APPEALS AND SPECIAL CIRCUMSTANCES PANEL – TERMS OF REFERENCE

1. PURPOSE

The purpose of this policy is to establish a clear, consistent, transparent and time-limited process for addressing appeals arising from the selection of athletes to the New Brunswick Alpine Ski Team for the Canada Winter Games.

The appeal process exists to ensure that:

1. the published selection criteria are applied correctly;
2. objective administrative or calculation errors can be corrected;
3. legitimate procedural concerns can be reviewed;
4. exceptional medical circumstances can be considered where an athlete was genuinely unable to participate in a required selection event; and
5. selection decisions are protected from subjective, retrospective or unsupported challenges.

An appeal is not a second selection process. It operates independently of the Selection Committee. While the Panel may direct the Selection Committee to reconsider a decision in accordance with the published selection criteria, the Appeal Panel shall not report to, or be subject to the direction of, the Selection Committee with respect to any appeal.

The Appeal Panel's role is to determine whether the published selection process was properly followed or whether an eligible special circumstance warrants consideration under this policy.

2. SCOPE

This policy applies exclusively to appeals related to selection of athletes to the Ski NB Alpine Canada Winter Games Team.

It does not replace or supersede:

- the Canada Games Council Technical Package;
- Canada Games Council policies;
- Alpine Canada policies;
- Ski NB bylaws;
- Ski NB Safe Sport policies;
- Ski NB Code of Conduct;
- applicable legislation; or
- any mandatory external appeal mechanism.

Where a conflict exists, the applicable governing policy or regulation shall prevail.

The Canada Games Council confirms that athletes are selected to Provincial/Territorial Canada Games teams by their respective Provincial/Territorial Sport Organization.

3. DEFINITIONS

3.1 Appeal

A formal written request for review alleging that the published selection process was not properly followed or that an objective error affected the selection outcome.

3.2 Appellant

The athlete directly affected by the selection decision or, where the athlete is a minor, the athlete's parent or legal guardian acting on the athlete's behalf.

3.3 Selection Committee

The individuals formally designated by Ski NB to conduct the Canada Winter Games athlete selection process.

3.4 Appeal Panel

An independent panel appointed to review an eligible appeal. No member of the Appeal Panel may have participated in the original selection decision.

3.5 Special Circumstance

A documented and legitimate circumstance, including a medically verified injury or illness, that prevented an otherwise eligible athlete from participating in a required selection event.

3.6 Medical Documentation

Documentation provided by a licensed physician that establishes the existence and functional impact of a medical condition.

3.7 Selection Event

The Ski NB derby, planned for January 2nd & 3rd, 2027, as weather permits, and if required an additional day on January 4th, 2027. Event cancellation, modification, postponement or race invalidation shall be managed in accordance with applicable Ski NB policies and the published Selection Criteria. Such circumstances are not, by themselves, grounds for appeal.

4. WHO MAY APPEAL

An appeal may be submitted only by:

4.1 Eligible Athlete

An athlete who:

- meets all applicable Canada Games and Ski NB eligibility requirements;
- participated in or was otherwise subject to the applicable selection process; and
- is directly affected by the selection decision.

4.2 Parent or Legal Guardian

Where the athlete is under the age of majority, a parent or legal guardian may submit an appeal on behalf of the athlete.

The appeal remains the athlete's appeal.

4.3 No Third-Party Appeals

The following individuals may not independently appeal the selection of another athlete:

- another athlete;
- another athlete's parent or guardian;
- club coach;

- club official;
- team coach;
- volunteer;
- other parent;
- or other third party.

Ski NB may request information from such individuals where appropriate, but they do not have standing to initiate an appeal on behalf of another athlete.

5. GROUNDS FOR APPEAL

An appeal may be considered only on one or more of the following grounds.

5.1 Incorrect Application of Published Selection Criteria

The appellant must identify the specific selection criterion that was allegedly applied incorrectly.

Examples include:

- incorrect race result;
- incorrect ranking;
- incorrect calculation;
- incorrect weighting;
- incorrect application of a tie-breaking rule;
- omission of an eligible result;
- incorrect application of an eligibility requirement; or
- failure to apply a published selection provision.

The appellant must identify the specific error and provide evidence supporting the allegation.

5.2 Mathematical or Administrative Error

An appeal may be submitted where an objective administrative or mathematical error may have affected the selection outcome.

Examples include:

- incorrect points total;
- incorrect percentage calculation;
- incorrect race result entered;
- incorrect athlete identification;
- omitted result;
- duplicated result;
- incorrect application of a published formula.

The appeal must identify the precise calculation or administrative error.

5.3 Procedural Unfairness

An appeal may be considered where the appellant can demonstrate that a significant departure from the published selection process occurred and that the departure may reasonably have affected the selection outcome.

A procedural concern must be supported by specific facts.

General dissatisfaction with the selection process does not constitute procedural unfairness.

5.4 Actual Conflict of Interest or Material Bias

An appeal may be considered where there is credible evidence that an individual involved in the selection decision had an actual conflict of interest or demonstrated material bias that affected the selection decision.

The appellant must provide specific information supporting the allegation.

A disagreement between an athlete/parent and a coach does not, by itself, establish bias.

6. MEDICAL SPECIAL-CIRCUMSTANCE APPEAL

6.1 Purpose

A medical special-circumstance appeal exists for an athlete who was genuinely unable to participate in a required selection event because of a documented injury or illness.

The provision is intended to address circumstances where an athlete cannot reasonably demonstrate their performance through the normal selection process because a legitimate medical condition prevented participation.

It is not intended to compensate for poor performance.

7. ELIGIBLE MEDICAL CIRCUMSTANCES

Examples of potentially eligible circumstances include:

- acute musculoskeletal injury, such as fracture, dislocation, and/or significant ligamentous or tendon injury;
- medically diagnosed concussion;
- significant infectious illness, such as Influenza and Covid-19,
- hospitalization and/or surgery;
- medically documented condition requiring temporary restriction from alpine skiing;
- other significant medical circumstances that objectively prevented participation.

Eligibility is determined on a case-by-case basis.

8. NON-ELIGIBLE MEDICAL OR PERSONAL CIRCUMSTANCES

The following do not automatically constitute grounds for a special-circumstance appeal:

- fatigue;
- normal post-training soreness;
- minor muscle soreness;
- routine aches and pains;
- poor sleep;
- performance anxiety;
- nerves;
- stress;
- academic commitments;
- family commitments;
- vacation;

- transportation difficulties;
- equipment problems;
- illness without medical assessment;
- an athlete's decision not to compete;
- an athlete choosing to withdraw from an event;
- a parent or coach believing the athlete was unwell;
- an athlete stating retrospectively that they were injured.

The Ski NB Appeals Panel may consider other circumstances only where they are supported by objective evidence and are consistent with the purpose of this policy.

9. MEDICAL DOCUMENTATION REQUIREMENTS

A medical special-circumstance appeal will not normally be considered without contemporaneous medical documentation.

The documentation must be provided by:

- a licensed physician

The documentation must establish, to the extent clinically appropriate:

1. athlete's name;
2. date of assessment;
3. date of onset or injury;
4. diagnosis or clinically appropriate description of the condition;
5. relevant functional limitations;
6. the period during which the athlete was unable to participate;
7. whether participation in the applicable selection event was medically inappropriate or contraindicated; and
8. anticipated recovery timeline, where reasonably determinable (as recovery would be expected prior to Canada Winter Games).

A statement such as:

"Athlete was injured and could not ski."

is insufficient by itself.

The medical documentation must establish a credible connection between the medical condition and the athlete's inability to participate in the Ski NB selection event.

10. INDEPENDENCE OF MEDICAL ASSESSMENT

Medical documentation should originate from a healthcare professional who is independent of the athlete's immediate coaching and selection environment.

Ski NB may request clarification or additional documentation where the information provided is incomplete or unclear.

Ski NB shall not require disclosure of unnecessary private medical information.

Only information reasonably necessary to establish eligibility for the special-circumstance provision should be requested or retained.

11. TIMING OF MEDICAL NOTIFICATION

Where an athlete knows before the required selection event that they are unable to participate because of injury or illness, the athlete or parent/guardian must notify Ski NB before the commencement of the selection event, wherever reasonably possible.

Notification should include:

- athlete name;
- selection event;
- nature of the circumstance;
- whether medical assessment has occurred; and
- intention to seek consideration under the Special Circumstances provision.

Where an injury or illness occurs immediately before or during a selection event, notification must occur as soon as reasonably practicable (with appeals within 48hrs of team selection).

Emergency circumstances may justify a departure from this requirement.

12. MEDICAL APPEAL EVIDENCE OF COMPETITIVE STANDARD

Medical documentation establishes that an athlete was unable to participate.

It does not establish that the athlete should have been selected.

To succeed on a medical special-circumstance appeal, the appellant must establish:

A. Medical eligibility

The athlete had a legitimate, documented medical condition that prevented participation.

AND

B. Competitive justification

There is sufficient objective evidence that the athlete had a reasonable likelihood of meeting the published selection standard had they been medically capable of participating.

Both requirements must be satisfied for a medical special-circumstance appeal to succeed.

Relevant evidence may include:

- recent race results;
- head-to-head results;
- season rankings;
- performance against athletes selected to the team;
- results from comparable competitions;
- documented performance trends.

The evidence must be objective wherever reasonably possible.

13. NO AUTOMATIC SELECTION FOLLOWING MEDICAL APPEAL

An athlete who successfully establishes a medical special circumstance is not automatically entitled to a Canada Winter Games team position.

An upheld medical appeal means that Ski NB must reconsider the athlete under the applicable selection criteria and special-circumstance provisions.

The Selection Committee retains responsibility for determining the athlete's selection status, subject to the decision of the Appeals Panel.

14. WHAT CANNOT BE APPEALED

The following are not grounds for appeal where the published criteria have been correctly applied:

- disagreement with the selection methodology;
- disagreement with the number of available positions;
- disagreement with another athlete being selected;
- belief that an athlete deserved a position;
- belief that an athlete has greater potential;
- belief that an athlete will perform better at the Canada Games;
- subjective coaching opinion;
- reputation;
- prior success;
- training performance;
- future potential;
- perceived talent;
- dissatisfaction with weather;
- course conditions;
- course setting;
- equipment;
- travel;
- family circumstances;
- school commitments;
- financial circumstances;
- failure to attend a selection event without an approved special circumstance;
- voluntary withdrawal;
- a parent's belief that an athlete would have qualified;

- a coach's belief that an athlete would have qualified.

Fundamental principle

An appeal is a review of the selection process. It is not a second opportunity to select the team.

15. APPEAL DEADLINE

15.1 Final Selection Appeal

Any appeal relating to final team selection must be submitted in writing to the Ski NB President and/or Board within 48 hours of the official publication of the final team selection.

The deadline begins when the official selection results are published through the communication method identified in the selection criteria.

15.2 Medical Special-Circumstance Appeal

Where an athlete is unable to participate in a required selection event because of injury or illness:

- notification should occur before the event whenever possible;
- the formal special-circumstance request should normally be submitted within 48 hours of the conclusion of the applicable selection event; and
- medical documentation must be submitted with the appeal or as soon as medically reasonably possible.

If the athlete's medical condition prevents timely completion of documentation, the athlete/parent must notify Ski NB within the 48-hour period and explain why the documentation cannot yet be provided.

16. CONTENT OF APPEAL

All appeals must be submitted in writing.

The appeal must contain:

1. athlete's full name;
2. date of birth;

3. club;
4. appellant's name and relationship to athlete;
5. contact information;
6. selection decision being appealed;
7. date and time the decision was communicated;
8. specific ground(s) of appeal;
9. specific selection criterion or process allegedly breached;
10. detailed explanation of the alleged error;
11. supporting evidence;
12. medical documentation, where applicable;
13. requested remedy; and
14. signature of the athlete or parent/guardian.

Incomplete submissions may be returned to the appellant for clarification, provided the original appeal was submitted within the applicable deadline.

17. APPEAL SUBMISSION METHOD

Appeals must be submitted by email to Ski NB.

Appeals shall generally be decided on information available at the time of selection, except where this policy expressly permits subsequent medical documentation relating to a condition that existed during the applicable selection event.

The date and time the email is received by Ski NB shall constitute the submission time.

The appellant is responsible for ensuring that the appeal has been successfully received.

18. INITIAL ADMISSIBILITY REVIEW

Upon receipt, the Appeals Panel Chair shall conduct the initial admissibility review and may dismiss an appeal that clearly fails to meet the requirements of this policy.

An appeal may be rejected without a full hearing where:

- it was submitted after the applicable deadline;
- the appellant does not have standing;
- the matter is not appealable under this policy;
- no specific ground of appeal is identified;
- required evidence is absent;
- the appeal consists solely of disagreement with the selection outcome; or
- the medical circumstance does not meet the minimum requirements of this policy.

Where an appeal is rejected on admissibility grounds, the appellant will be informed in writing.

19. APPEAL PANEL

An admissible appeal will be reviewed by an Appeal Panel consisting of four (4) individuals:

1. The Committee Chair (Ski NB Board Member), (non-voting);
2. One (1) representative from Poley Mountain;
3. One (1) representative from Mont Farlagne;
4. One (1) representative from Crabbe Mountain.

To maintain the integrity and impartiality of the appeals process, Panel members shall not be the parent, guardian, personal coach, primary day-to-day coach of an eligible athlete, Canada Games coach, or have another relationship that could reasonably impair their ability to make an impartial decision.

Any conflict must be declared before the appeal is heard. Where a Panel member declares a conflict of interest or is otherwise unable to serve, Ski NB may appoint an alternate representative.

Quorum shall consist of all three voting members. There will be no voting by proxy. Decisions of the Panel shall be made by majority vote of the voting members present.

20. APPEAL PANEL AUTHORITY

The Appeal Panel may:

1. uphold the original decision;

2. identify an objective error;
3. direct that points or rankings be recalculated;
4. direct the Selection Committee to reconsider a decision (the Appeal Panel does not directly select athletes);
5. accept a legitimate medical special circumstance;
6. require additional objective evidence;
7. obtain independent technical advice; or
8. obtain independent medical advice where appropriate.

The Appeal Panel shall not substitute subjective opinions about athlete ability for the published selection criteria.

21. APPEAL PANEL STANDARD OF REVIEW

The Appeal Panel will determine whether:

- the published selection criteria were properly applied;
- an objective error occurred;
- a material procedural error occurred;
- the selection decision was materially affected by an actual conflict of interest or bias; or
- a legitimate medical special circumstance meets the requirements of this policy.

The appellant bears the responsibility of demonstrating the grounds of the appeal.

The Appeal Panel shall determine all matters on a balance of probabilities.

22. BURDEN OF PROOF

The appellant must provide sufficient evidence to establish the basis of the appeal.

For an objective selection or calculation appeal, the evidence must demonstrate the specific error.

For a medical special-circumstance appeal, the evidence must demonstrate:

1. a legitimate medical condition;

2. inability to participate in the relevant selection event;
3. appropriate medical documentation; and
4. objective evidence supporting a reasonable likelihood that the athlete would otherwise have met the applicable selection standard.

23. APPEAL HEARING

The Appeal Panel may determine an appeal:

- based entirely on written submissions; or
- through a meeting/video conference where the panel determines that further discussion is necessary.

The appellant does not have an automatic right to an oral hearing.

The purpose of the process is to reach a timely, evidence-based determination.

24. APPEAL TIMELINE

Ski NB will make reasonable efforts to meet the following timelines:

Stage	**Target Timeline**
Appeal submitted	Within applicable deadline (48 hrs)
Admissibility review	Within 72 hours of submission
Review completed	Within 7 days of submission, where possible
Written decision	As soon as reasonably possible thereafter

Recalculation/reconsideration, if required immediately following decision.

Where Canada Games registration or other external deadlines require a faster decision, Ski NB may modify these timelines.

25. APPEAL OUTCOMES

The Appeal Panel may issue one of the following decisions:

25.1 Appeal Denied

The original selection decision remains in effect.

25.2 Appeal Upheld — Administrative/Calculation Error

The applicable result, ranking or points calculation shall be corrected.

25.3 Appeal Upheld — Procedural Error

The matter shall be returned to the Selection Committee for reconsideration in accordance with the published criteria.

25.4 Appeal Upheld — Medical Special Circumstance

The athlete shall be evaluated in accordance with the applicable special-circumstance provision. The Appeal Panel may direct the Selection Committee to reconsider the athlete using the objective performance evidence available and any applicable special-circumstance provisions contained in the published selection criteria. An upheld appeal does not automatically guarantee selection.

26. CONFIDENTIALITY

Appeal proceedings shall be treated as confidential.

Medical information shall be handled only by individuals who require access to determine the appeal.

Appeal decisions should communicate the outcome and rationale without unnecessarily disclosing private medical information.

27. RETALIATION

No athlete shall be disadvantaged, penalized or subjected to retaliation for submitting an appeal in good faith.

This provision does not prevent Ski NB from rejecting an appeal that is frivolous, abusive, knowingly false or submitted in bad faith.

28. FRIVOLOUS OR BAD-FAITH APPEALS

Ski NB reserves the right to reject an appeal where there is evidence that it is:

- knowingly false;
- deliberately misleading;
- abusive;
- submitted solely to delay the selection process; or
- submitted in bad faith.

Nothing in this section limits an athlete's legitimate right to appeal.

29. FINALITY

The decision of the Appeal Panel shall be final and binding within Ski NB, subject to any applicable external appeal process or policy that has jurisdiction over the matter.

Decisions of the Appeal Panel shall be communicated in writing and shall include brief reasons for the decision.

30. ATHLETE/PARENT ACKNOWLEDGEMENT

All athletes and parents/guardians participating in the Canada Winter Games selection process shall be provided with this policy and shall acknowledge that they understand:

- the selection criteria;
- the limited grounds for appeal;
- the 48-hour appeal deadline;
- the medical documentation requirements;
- that an appeal is not a second selection process; and
- that selection decisions may become final when the appeal period expires.

APPENDIX A

CANADA WINTER GAMES SELECTION APPEAL FORM

Athlete Information

Athlete Name: _____

Date of Birth: _____

Club: _____

Parent/Guardian: _____

Email: _____

Telephone: _____

Appeal Information

Date of Selection Decision: _____

Selection Event/Decision Being Appealed:

Grounds for Appeal

Check all that apply:

☐ Incorrect application of published selection criteria

☐ Mathematical/administrative error

☐ Procedural unfairness

☐ Conflict of interest/material bias

☐ Medical special circumstance

☐ Other — must be specifically identified:

Specific Selection Criterion

Identify the specific section of the published selection criteria that you believe was incorrectly applied:

Description of Appeal

Please describe the specific facts supporting the appeal.

Do not simply state that you disagree with the selection decision.

Supporting Evidence

Please identify all supporting documentation attached:

☐ Race results

☐ Points/ranking calculations

☐ Official race documentation

☐ Medical documentation

☐ Other objective evidence

Other:

Medical Special Circumstance

Complete only if applicable.

Date of injury/illness: _____

Selection event missed: _____

Date medically assessed: _____

Healthcare professional: _____

Professional designation: _____

Medical documentation attached:

☐ Yes

☐ No

The appellant acknowledges that Ski NB may require sufficient medical documentation to establish that the athlete was medically unable to participate in the applicable selection event.

Requested Remedy

What specific outcome are you requesting?

Declaration

I confirm that the information contained in this appeal is accurate and complete to the best of my knowledge.

I understand that:

1. an appeal is not a second selection process;
2. unsupported disagreement with the selection decision is not sufficient grounds for appeal;
3. medical circumstances must be appropriately documented;
4. an upheld appeal does not automatically guarantee selection; and
5. Ski NB may reject an appeal that does not meet the requirements of the Selection Appeals and Special Circumstances Policy.

Athlete Signature: _____

Date: _____

Parent/Guardian Signature (if applicable): _____

Date: _____

APPENDIX B

MEDICAL SPECIAL-CIRCUMSTANCE CHECKLIST

Before submitting a medical appeal, the athlete/parent should confirm:

☐ Ski NB was notified of the injury/illness as soon as reasonably possible.

☐ The athlete was medically assessed.

☐ Medical documentation identifies the relevant medical condition.

☐ Medical documentation establishes functional inability to participate.

☐ The medical documentation relates to the applicable selection event.

☐ The appeal was submitted within the required timeline.

☐ Objective performance evidence has been provided.

☐ The evidence demonstrates a reasonable likelihood that the athlete would have met the selection standard.

☐ The requested remedy & timeline is clearly identified.

APPENDIX C

CORE PRINCIPLE FOR ATHLETES AND PARENTS

The Ski NB Canada Winter Games selection process is designed to identify athletes according to the published selection criteria.

An athlete may appeal where there is evidence that:

the rules were not correctly applied, an objective error affected the outcome, the process was materially unfair, or a legitimate medically documented circumstance prevented the athlete from participating in a required selection event.

An athlete may not appeal simply because:

they, their parent, their coach or another person believes they should have been selected.

Medical circumstances are considered to protect athletes who were genuinely prevented from demonstrating their performance—not to provide an alternative pathway around the published selection criteria.

BOARD APPROVAL

Approved by Ski New Brunswick Board of Directors:

Date: October 16, 2026

Ski NB President: Clarence Bennett

Signature:

