



CANADA GAMES COUNCIL (“CGC”)

Appeal Policy

DATE OF LAST REVIEW:	April 2021
DATE OF NEXT REVIEW:	December 2022
OVERSIGHT:	Governance Committee
APPROVAL:	Board of Directors

Purpose

1. The purpose of this Policy is to provide direction as to how certain decisions made by the CGC can be appealed in a fair, affordable and expedient manner.

Definitions

2. The following terms have these meanings in this Policy:
 - a. “*Adjudicator*” – Refers to an impartial person appointed to hear and decide an appeal;
 - b. “*Appeal Form*” – Refers to a request submitted by an Appellant;
 - c. “*Days*” – Means total days, including weekends and holidays;
 - d. “*Appellant*” – Refers to a person or organization appealing a decision of the CGC;
 - e. “*Respondent*” – Refers, in this Policy, to the CGC, whose decision is being appealed;
 - f. “*Appeal Officer*” – Refers to the person responsible for receiving the Appeal Form and initiating and documenting the informal dispute resolution process. The individual will be a staff member or volunteer with the CGC and will have no involvement with the decision being appealed;
 - g. “*Case Manager*” – Refers to the person in charge of managing the appeal once informal dispute resolution is unsuccessful. This person will be independent of the parties and will have had no involvement with the decision being appealed;
 - h. “*Individual*” – Refers to any athlete, coach, manager, mission staff, technical official, official, host society volunteer or staff, Host Society corporate entity, Provincial Sport Organization, National Sport Organization or other stakeholder that is affected by a decision of the CGC or of any Committee of the CGC, or of any person who has been delegated authority to make decisions on behalf of the CGC.

Jurisdiction

3. This Policy applies to, but is not limited to, decisions related to:
 - a. regulations for eligibility and residency of competitors;
 - b. sport technical packages;
 - c. the sport selection process;



- d. discipline, as per the *Discipline and Complaints Policy*; and
 - e. the Provincial/Territorial Team Uniform and Sponsorship Policy .
4. This Policy may also apply to matters related to provincial/territorial team discipline (athlete, coach, manager, mission staff, or other) at the time of the Games (14 days prior to the opening ceremonies to 14 days post closing ceremonies), if a specific agreement for such exists between the CGC and the team in question.
5. This Policy does not apply to the following:
- a. Drug-testing or infractions for doping offences, which are governed by the Canadian Anti-Doping Program;
 - b. Competition or “field of play” rules and regulations of National Sport Organizations;
 - c. Selection of athletes, coaches, managers or mission staff to provincial/territorial teams;
 - d. Personnel matters related to the professional staff of the CGC;
 - e. The existence or validity of Board or Committee-approved budgets, policies, procedures, criteria or processes; or
 - f. The awarding of the Canada Games.

Role of the Appeal Officer

6. The CGC Appeal Officer is:

Director, Corporate Services
Canada Games Council
261 - 1200 boul. St. Laurent Blvd.
P.O. Box 72 / C. P. 72
Ottawa, ON K1K 3B8
appealofficer@canadagames.ca
(T): 613-526-2320 (ext. / p. 2703)
(M): 613-362-8058

7. The Appeal Officer has the responsibility to:
- a. Receive Appeal Forms from an Appellant;
 - b. Inform CGC staff and/or Committee that a decision they have made has been appealed;
 - c. Contact the Sport Dispute Resolution Centre of Canada (SDRCC) to initiate an informal dispute resolution process;
 - d. Document outcome of informal dispute resolution process;
 - e. If unsuccessful, progress the appeal to the next stage by forwarding the appeal form and outcome of informal dispute resolution to Case Manager.



Role of the Case Manager

8. The Case Manager has an overall responsibility to ensure procedural fairness and timeliness are respected at all times in the appeal process, and more particularly, has a responsibility to:
 - a. Receive Appeal Forms from the Appeal Officer;
 - b. Determine if appeals lie within the jurisdiction of this Policy;
 - c. Determine if appeals are brought on permissible grounds;
 - d. Appoint an Adjudicator to hear and decide appeals;
 - e. Determine the format of the appeal hearing;
 - f. Coordinate all administrative and procedural aspects of the appeal;
 - g. Provide administrative assistance and logistical support to the Adjudicator as required; and
 - h. Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.

Timelines

9. Except as outlined in the paragraphs below, persons will have 14 days from the date the CGC's decision was communicated, to submit their Appeal Form to the Appeal Officer.
10. Within 60 days from the Games' Opening Ceremony, persons will have 7 days from the date the CGC's decision was communicated, to submit their Appeal Form to the Appeal Officer.
11. Within 14 days from the Games' Opening Ceremony or within 14 days following the Games' Closing Ceremony, persons will have 3 days from the date the decision was communicated, to submit an appeal form directly to the SDRCC via the Appeal Officer. Such appeals will be heard under the rules of the SDRCC.

Informal Resolution of Dispute

12. If a person informally raises concerns with the CGC about a decision, the CGC in its sole discretion may determine if an error occurred and should be corrected. If the CGC determines that an error has not occurred, and the person is not satisfied by the CGC's rationale for the decision, the decision may be subject to a formal appeal.
13. A person may initiate an appeal by submitting an Appeal Form to the Appeal Officer. Upon receiving the Appeal Form, the Appeal Officer will refer the Appellant and the CGC to the SDRCC to attempt to resolve the dispute using the Resolution Facilitation Services. If the dispute is resolved, then the matter will be considered closed. The Appeal Officer will document the outcome of the Resolution Facilitation phase and provide this in writing to both Parties. Upon notice from any of the Parties that the Resolution Facilitation was unsuccessful, the Appeal Officer will move the appeal to the next step by forwarding the



appeal to the Case Manager.

Screening of Appeal

14. According to the timelines in Appendix A, once notified that Resolution Facilitation of the dispute was not successful, the Case Manager will review the Appeal Form and will determine whether the appeal falls within the jurisdiction of this Policy, and whether there are possible grounds for the appeal.
15. If the Case Manager is satisfied that the appeal may be dealt with under this Policy and that there are possible grounds for an appeal, he or she will appoint an Adjudicator to conduct a hearing.
16. If the Case Manager determines that the appeal does not fall within the jurisdiction of this Policy or that there are insufficient grounds, then the Appellant and the CGC will be notified in writing, with reasons.

Appointment of Adjudicator

17. Appeals under this policy will be heard by a single Adjudicator, whose appointment will be facilitated by the Case Manager. The Adjudicator will be independent from the CGC and will have had no involvement with the matter in dispute or with the Parties in dispute.
18. For the period beginning 14 days before the Opening Ceremony of a Games to 14 days following the Closing Ceremony of a Games, the SDRCC shall resolve disputes in accordance with its Code of procedure with no opportunity for further appeal of decisions taken in this time period. Such decisions, in this time period, are in place of the Adjudicator. The SDRCC Code shall take precedence over this Policy.

Disclosure and Confidentiality

19. The appeal process is confidential involving only the Appellant, the CGC, the Case Manager, and the Adjudicator. Once initiated and until any written decision is publicly released, these persons will not disclose confidential information relating to the appeal to anyone not involved in the proceedings. Decisions rendered under this Policy will be released to the public, if requested by a Party, unless the Adjudicator determines otherwise.

Grounds for Appeal

20. An appeal may only be granted if one of the permissible grounds is established by the Appellant. The permissible grounds are that the CGC:
 - a. made a decision for which it did not have authority or jurisdiction as set out in governing documents;



- b. failed to follow procedures as laid out in the bylaws or approved policies of the CGC;
- 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 is unable to consider other views;
- d. failed to consider relevant information or took into account irrelevant information in making the decision;
- e. exercised its discretion for an improper purpose or in bad faith; and
- f. made a decision that was unreasonable

Authority

- 21. The Adjudicator has the authority to intervene in the decision of the CGC being appealed but has no greater scope of authority than the CGC had in making the initial decision. The Adjudicator can make any decision the CGC could have made, including any decision the Adjudicator considers the CGC should have made in the circumstances.
- 22. The Adjudicator may decide:
 - a. To void, vary, or confirm the decision being appealed;
 - b. To make any decision they determine the CGC should have made; and/or
 - c. To refer the matter back to the CGC for a new decision, to correct any errors that were made.

Affected Parties

- 23. If the CGC is of the view that the Adjudicator's decision may affect another person to the extent that they would have recourse to an appeal in their own right under this Policy, that person may become a Party to the appeal in question, will be provided the opportunity to participate in the appeal proceedings, and will be bound by the outcome of the appeal.

Decision

- 24. The Adjudicator will provide their decision, with reasons, as soon as reasonably possible. Where the circumstances are such that an urgent decision is required, the Adjudicator may issue a verbal or summary decision, with a written decision to follow.
- 25. The decision of the Adjudicator will be final and binding, subject only to the jurisdiction of the SDRCC.

Costs

- 26. Any Party to an appeal may request that the Adjudicator award costs for reasonable expenses incurred (up to a maximum of \$2,500) to participate in the appeal. Such a request will be made in writing, and all other Parties will have an opportunity to respond to the request in writing, and the Adjudicator will render a decision on the request within 15 days.



Costs may not be awarded on a punitive basis, or for intangibles such as for pain and suffering, hardship or loss of reputation.

Sport Dispute Resolution Centre of Canada

27. Decisions of Adjudicators or the Case Manager under this policy are final and binding upon the Parties and upon all members of the CGC, subject to the right of any Party to seek a review of the decision permitted under the rules of the SDRCC. Parties who use the services of an SDRCC resolution facilitator to attempt informal dispute resolution will be exempted from the mandatory resolution facilitation process provided for in the Canadian Sport Dispute Resolution Code.

Appeal Form

28. In order to file an appeal please complete the CGC Appeal Form linked below. Once complete, a notification will be automatically sent to the Appeal Officer who will confirm receipt and inform the Appellant of next steps. [CGC APPEAL FORM](#)

Review

29. CGC will conduct a review of this Policy every two (2) years or as decided by the CEO or CGC Board. Every time the Policy is reviewed or amended, CGC shall ensure CGC stakeholder input is considered.



Appendix A – Appeal Policy Timelines

	More than 60 days prior to Opening Ceremonies	Less than 60 days, but Greater than 14 days prior to Opening Ceremonies	Less than 14 days prior to Opening Ceremonies or Less than 14 days after Closing Ceremonies
Step	Timeline (days) from the previous step	Timeline (days) from the previous step	Timeline (days) from the previous step
I. Decision	1	1	1
II. Filing of Appeal Form with appeal officer	14	7	3
III. Informal Resolution of Dispute	7*	3*	Appeal is filed directly with Sport Dispute Resolution Centre of Canada (SDRCC) through Canada Games appeal officer. Appeal is heard under rules of SDRCC
IV. Screening of Appeal	3*	1*	
V. Appointment of Adjudicator	5*	2*	
VI. Hearing	As decided between appellant and adjudicator	As decided between appellant and adjudicator	
VII. Decision	As soon as possible	As soon as possible	

* The Appeals Officer/Case Manager may alter these timeline items as required, based on the period of time prior to the Opening Ceremony.