

CANADA GAMES COUNCIL (“CGC”) Appeal Policy (The Policy)

DATE OF LAST REVIEW:	June 2025
DATE OF NEXT REVIEW:	Fall 2027
OVERSIGHT:	Governance & Human Resources Committee
APPROVAL:	Board of Directors

Article 1 - Purpose

- 1.1 The purpose of the Policy is to provide direction as to how certain decisions made by the Canada Games Council (CGC) can be appealed in a fair, affordable and expeditious manner.

Article 2 - Definitions

- 2.1 The following terms have these meanings in the Policy:
- a. “*Adjudicator*” – an impartial person appointed to hear and decide an appeal;
 - b. “*Affected Party*” - any Individual or entity, as determined by the Case Manager, who may be affected by a decision rendered under the *Policy* and who may have recourse to an appeal in their own right under the *Policy*;
 - c. “*Appeal Form*” – the form used to submit an appeal by an Appellant;
 - d. “*Days*” – Means total calendar days, including weekends and holidays;
 - e. “*Appellant*” – a person or organization appealing a decision of the CGC;
 - f. “*Respondent*” – to the body or organization whose decision is being appealed, or the Individual who was the subject of a decision that is being appealed;
 - g. “*Appeal Officer*” – 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;
 - h. “*Case Manager*” – 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;
 - i. “*Host Society*” - The organization responsible for the planning and execution of a Canada Games (e.g. The 2025 Canada Games Host Society).
 - j. “*Decisions made by the CGC*” - decisions taken by the CGC Board of Directors, a CGC governance or operational committee, and or decisions made by CGC staff or volunteers who have been granted the explicit authority to make such decisions on behalf of the organization.
 - k. CGC Employee - Individuals employed by the CGC on a full or part time basis as defined by the CGC Human Resources Policies and Procedures as well as individuals or organizations contracted by the CGC.
 - l. CGC Appeal Form - Form to be completed by the Appellant in order to initiate an appeal of a decision made by the CGC.

- m. *“Individual”* – 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 partner that is affected by a decision of the CGC. *“Party (or Parties)”* – the Appellant, Respondent and any Affected Party;
- n. Sport Dispute Resolution Centre of Canada (SDRCC) - An independent not for profit organization with a mandate from the federal government to provide to the sport community
 - a) a national alternative dispute resolution service for sport disputes; and b) expertise and assistance regarding alternative dispute resolution.
- o. SDRCC Form(s) - Forms required to be filled out by the Appellant and Respondent in order to request dispute resolution services from the SDRCC.
- p. *“Urgent”* - how quickly a resolution to an appeal is required. Generally, any appeal of a decision that impacts an individual’s ability to participate in a Canada Games for which the Opening Ceremony is less than 90 days away will be deemed urgent. Other appeals may be deemed urgent at the discretion of the Appeal Officer.
- q. *“Vulnerable Participant”* – as defined in the Universal Code of Conduct to Prevent and Address Maltreatment in Sport and as administered by the Canadian Centre for Ethics in Sport (CCES)

Article 3 - Application of Policy

- 3.1 The Policy applies to all decisions made by the CGC, with the exception of decisions listed in section 3.3.
- 3.2 The Policy may also apply to matters related to provincial/territorial team discipline (athlete, coach, manager, mission staff, or other) during the period of the Games (as defined by the Provincial/Territorial Team), if a specific agreement for such exists between the CGC and the team in question.
- 3.3 The Policy does not apply to the following:
 - a. Decisions rendered by the Canadian Centre for Ethics in Sport related to the implementation of the Canadian Safe Sport Program.
 - b. Drug-testing or infractions for doping offenses, which are governed by the Canadian Anti-Doping Program;
 - c. Competition or “field of play” rules and regulations of National Sport Organizations;
 - d. Selection of athletes, coaches, managers or mission staff to provincial/territorial teams;
 - e. Personnel matters related to CGC employees;
 - f. The existence or validity of Board or Committee-approved budgets, policies, procedures, criteria or processes; or
 - g. The awarding of the Canada Games.

Article 4 - Designation and Role of the Appeal Officer

- 4.1 The Appeal Officer is:

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Canada Games Council

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% House of Sport
Ottawa, ON K1H 7X7

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(T): 613-526-2320

4.2 The Appeal Officer has the responsibility to:

- a. Receive CGC Appeal Form from an Appellant;
- b. Inform CGC staff and/or Committee that a decision they have made has been appealed;
- c. Make a decision as to whether or not a received appeal is Urgent;
- d. If necessary, contact the Sport Dispute Resolution Centre of Canada (SDRCC) to initiate an informal dispute resolution process;
- e. Document outcome of informal dispute resolution process;
- f. If necessary, progress the appeal to the next stage by forwarding the appeal form and outcome of informal dispute resolution to Case Manager;
- g. If necessary, refer the Appellant to the appropriate SDRCC form in order to initiate an appeal through the SDRCC.

Article 5 - Role of the Case Manager

5.1 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 the 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.

5.2 The Case Manager is to be appointed by the Appeal Officer, taking into account the following:

- The Case Manager shall not be an employee or volunteer of the CGC or have any contractual relationships with the CGC beyond their role as Case Manager;
- The Case Manager shall have the appropriate skill set to act as a Case Manager, typically defined as a background in mediation and arbitration, such as a lawyer, paralegal, mediator, arbitrator or facilitator.

Article 6 - Timelines

6.1 Except as outlined in the paragraphs below, Individuals will have 14 Days from the date CGC communicates the decision to submit their Appeal Form to the Appeal Officer.

- 6.2 Notwithstanding Article 6.1, within 60 Days from a Canada Games' Opening Ceremony, Individuals will have 7 Days from the date CGC communicates the decision to submit their Appeal Form to the Appeal Officer.
- 6.3 Notwithstanding Article 6.1 and 6.2, within 14 Days of a Canada Games' Opening Ceremony and within 14 Days of a Canada Games' Closing Ceremony, all decisions communicated by the CGC that are subject to the Policy will stipulate an appeal deadline between 8 and 72 hours. This deadline will be determined by the relevant CGC employee or committee and will be communicated with the decision.
- 6.4 The Appeal Officer will initiate responses and next steps in the appeal process as quickly as possible after receiving an appeal. Appeals will be dealt with in a timely manner, as required by the circumstances.
- 6.5 Unless otherwise specified by the Appeal Officer, Appellants will have 48 hours to respond to requests from the Appeal Officer pertaining to filing specific forms or providing additional information required to move the appeal process forward. Should an Appellant not respond within the 48 hour window (or deadline otherwise specified by the Appeal Officer) the Appeal Officer will consider the appeal closed. The Appeal Officer will consider whether the Appellant's failure to respond within the stated deadline was impacted by extenuating circumstances on a case by case basis; any decisions rendered by the Appeal Officer to accept or reject responses beyond the specified deadline shall not be subject to appeal.

Article 7 - Filing an Appeal

- 7.1 Appeals filed more than 14 Days before the Opening Ceremony or more than 14 Days after the Closing Ceremony of a Canada Games must be filed through 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](#). See appendix A for appeal flowchart.
- 7.2 Appeals filed less than 14 Days prior to the Opening Ceremony or less than 14 Days after the Closing Ceremony of a Canada Games are to be filed directly with the SDRCC by using the SDRCC Request for Ordinary Tribunal form available here: <http://www.crdsc-sdrcc.ca/eng/file-an-appeal>. See Appendix A for appeal flowchart.

Article 8 - Informal Resolution of Dispute

- 8.1 For appeals filed more than 14 Days before the Opening Ceremony or more than 14 Days after the Closing Ceremony of a Canada Games the Appellant and the CGC must first attempt to resolve any disputes using the SDRCC resolution facilitation services before moving forward in the appeal. The exceptions to this are appeals deemed urgent by the Appeal Officer. See Appendix A for appeal flowchart.
- 8.2 Appeals filed less than 14 Days prior to the Opening Ceremony or less than 14 days after the Closing Ceremony of a Canada Games will be heard under the rules of the SDRCC.

Article 9 - Screening of Appeal

- 9.1 If appeals are deemed Urgent by the Appeal Officer, or are received less than 14 Days prior to the Opening Ceremony or less than 14 Days after the Closing Ceremony of a Canada Games they will be referred to the SDRCC for final and binding arbitration.
- 9.2 If appeals are not deemed Urgent by the Appeal Officer, or are received more than 14 Days before the Opening Ceremony or more than 14 Days after the Closing Ceremony of a Canada Games the Appeal Officer will initiate the resolution facilitation process with the SDRCC.
- a. If a dispute is resolved through resolution facilitation, no further action is taken under the Policy.
 - b. If a dispute is not resolved through resolution facilitation, the appeal is referred to the Case Manager for next steps.
- 9.3 Upon receiving appeals from the Appeal Officer, the Case Manager will make a determination whether an appeal falls within the jurisdiction of the Policy and whether it is raised on permissible grounds.
- 9.4 If the Case Manager is satisfied that an appeal may be dealt with under the Policy and is raised on permissible grounds for an appeal, they will appoint an Adjudicator to conduct a hearing and render a decision.
- a. If agreed to by both parties, an appeal may be referred to the SDRCC as a request for an Ordinary Tribunal. If this action is taken, an appeal will be heard under the rules of SDRCC and the decision will be final and binding.
- 9.5 If the Case Manager determines that an appeal does not fall within the jurisdiction of the Policy or it is not raised on permissible grounds, then the Appellant and the CGC will be notified in writing, with reasons.

Article 10 - Appointment of Adjudicator

- 10.1 Appeals under the Policy will be heard by a single Adjudicator, who will be appointed by the Case Manager. The Adjudicator will be independent from the CGC and the Parties and will have had no involvement with the matter in dispute.
- 10.2 Appeals deemed urgent or appeals filed less than 14 Days before the Opening Ceremony of a Games or less than 14 Days following the Closing Ceremony of a Games will be managed by the SDRCC in accordance with the Canadian Sport Dispute Resolution Code (SDRCC Code) and shall be final and not subject to any further appeal. In such circumstances, the SDRCC Code shall take precedence over the Policy.

Article 11 - Procedure for Appeal Hearing

- 11.1 The Case Manager shall notify the Parties that the appeal will be heard. The Case

Manager, in collaboration with the Adjudicator, shall then decide the format under which the appeal will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

- 11.2 If a Party chooses not to participate in the hearing, the hearing will proceed in any event.
- 11.3 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 alone, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Adjudicator deem appropriate in the circumstances, provided that:
- a. The hearing will be held in a timely manner within a timeline determined by the Case Manager;
 - b. The Parties will be given reasonable 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 Adjudicator consider will be provided to all Parties in advance of the hearing;
 - d. The Parties may be accompanied by a representative, advisor, translator, transcription services, or legal counsel at their own expense;
 - e. The Adjudicator 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 Adjudicator may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The Adjudicator shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties
 - g. Nothing is admissible in evidence at a hearing that:
 - i. would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - ii. is inadmissible by any statute.
- 11.4 In fulfilling their duties, the Adjudicator may obtain independent advice.

Article 12 - Disclosure and Confidentiality

- 12.1 The appeal process is confidential involving only the Parties, the Appeal Officer, the Case Manager, and the Adjudicator. Once initiated and until any written decision is rendered, these Individuals will not disclose confidential information relating to the appeal to any third party not involved in the proceedings.
- 12.2 Subject to Article 12.3 below, unless the matter involves a Vulnerable Participant, once the deadline to appeal to the SDRCC (where applicable), as indicated in the SDRCC Code, has expired, the CGC may publicly release the outcome of the appeal if requested by a Party. Any such public release shall be limited to, where applicable, the provision(s) of any relevant policies that have been violated, the name(s) of the Individual(s) involved, the sanction(s) or order imposed, if any. Identifying information regarding Minors or Vulnerable Participants will never be publicly released by the CGC.

- 12.3 If an appeal is dismissed, the decision may only be publicly released, as provided for in Article 12.2, with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Case Manager, the Adjudicator, the Appeal Officer and the CGC, and shall be retained and discarded in accordance with the relevant and applicable privacy legislation. Failure to respect this provision may result in disciplinary action being taken pursuant to the Discipline & Complaints Policy.

Article 13 - Grounds for Appeal

- 13.1 An appeal shall only be heard if it is brought on, and limited to, one or more of the following permissible grounds:
- 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 grossly unreasonable.

Article 14 - Authority

- 14.1 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.
- 14.2 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.

Article 15 - Affected Parties

- 15.1 If the Case Manager 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 the 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.

Article 16 - Decision

- 16.1 The Adjudicator will provide their decision in writing, 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.

- 16.2 The decision of the Adjudicator will be final and binding, subject only to the jurisdiction of the SDRCC.

Article 17 - Costs

- 17.1 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. In assessing costs, the Adjudicator 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.

Article 18 - Sport Dispute Resolution Centre of Canada

- 18.1 Decisions of Adjudicators or the Case Manager under the 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 SDRCC Code.

Article 19 - Final and Binding

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

Article 20 - Privacy

- 20.1 The collection, use and disclosure of any personal information pursuant to the Policy is subject to the CGC's Privacy Policy.
- 20.2 CGC or any of its delegates pursuant to the Policy (i.e., Appeal Officer, Case Manager, Adjudicator), shall comply with the CGC's Privacy Policy in the performance of their services under the Policy.

Article 21 - Review

- 21.1 CGC will conduct a review of the Policy every two (2) years or as decided by the President & CEO or the CGC Board.

Appendix A – Appeal Flowchart

