



The New Appeal Policy of the Canada Games Council

February 2011

The SDRCC is proud to have collaborated with the Canada Games Council in the recent revisions of the CGC's Appeal Policy (Policy)¹. In preparation for the Halifax 2011 Canada Games, the SDRCC would like to highlight a few important aspects of this Policy which will affect individuals who may wish to file an appeal to the SDRCC, before or during the Games.

First and foremost, the Policy applies to, but is not limited to, disputes regarding the following CGC policies and procedures:

1. Regulations for eligibility and residency of competitors;
2. Sport technical packages;
3. Sport selection process;
4. Harassment policy;
5. Privacy policy;
6. Commercialization policy.

While the Policy itself does not apply to a certain number of other issues (such as doping, field of play issues, selection to provincial/territorial teams, etc.), it is important to note that the SDRCC may be in a position to offer dispute resolution services if another policy or agreement give it proper jurisdiction. For example, decisions rendered by national sport organizations can be appealed to the SDRCC after their internal appeal process has been exhausted; doping violation assertions are also submitted to the SDRCC pursuant to the Canadian Anti-Doping Program. Individuals interested in seeking a remedy from a Games-related dispute may enquire to their Chef, or directly to the SDRCC, to find out which policy applies to issues not covered by the CGC Appeal Policy.

Secondly, in order to avoid frivolous appeals, the Policy restrict the grounds of an appeal to the following:

1. Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
2. Failing to follow procedures as laid out in the bylaws or approved policies of the CGC;
3. Making a decision that was influenced by bias²;

¹ The Policy can be found at:

http://www.canadagames.ca/Images/Sport/Stakeholder%20Reference%20Manual/CGC%20Appeal%20Policy_2010.09.16.pdf

² The Policy defines bias as "a lack of neutrality to such an extent that the decision-maker is unable to consider other views".



4. Failing to consider relevant information or taking into account irrelevant information in making the decision;
5. Exercising its discretion for an improper purpose or in bad faith;
6. Making a decision that was unreasonable.

Thirdly, it is important for members to understand appeal timelines. The two charts below show where to appeal depending on timing relating to the Games, as well as the delays within which the appeal needs to be filed once the decision has been rendered. **In any case, the earlier is always better!** ■

