



Your Issue

Your National Sport Organization (NSO) did not nominate you to Sport Canada for AAP support and you believe that you have grounds to appeal this decision.

Sport Canada did not approve your NSO nomination for AAP support and you believe that you have grounds to appeal this decision.

Your NSO has recommended to Sport Canada that your AAP support be withdrawn, and you believe you have grounds to appeal this decision.

Sport Canada has withdrawn your AAP support and you believe that you have grounds to appeal this decision.

Some Background Information on Carding Process

Athletes who are approved for funding and are financially supported through Sport Canada's Athlete Assistance Program (AAP) are referred to as CARDED ATHLETES. AAP support is referred to as CARDING.

Here is a very general overview of the way in which Sport Canada's AAP works.

Sport Canada sets international criteria for senior and development cards in its publication entitled "AAP Policies and Procedures". Athletes who meet these criteria are eligible to be nominated by their NSO for carding.

Each NSO for sports admissible to the AAP must design carding selection criteria that are negotiated with Sport Canada and approved by Sport Canada. The internal carding process for each NSO will be different depending on the NSO's administrative structure.

The NSO is then responsible for evaluating its athletes against the approved sport-specific criteria and for nominating to Sport Canada the athletes eligible for AAP support.

Sport Canada reviews and approves nominations based on the approved sport-specific carding criteria and the policies and procedures of the AAP. Sport Canada will refuse all nominations of athletes who do not meet the required criteria.

Evaluation of your Case

Within the entire carding process, there are several situations in which you may disagree with a decision concerning your carding status. In order to choose the correct path if you wish to appeal the decision, you must first determine at what stage of the process the decision was made. Was it the decision of your NSO to not nominate you to Sport Canada for AAP support, or was it the decision of Sport Canada to not approve the AAP nomination made by your NSO? Was it the decision of your NSO to recommend the withdrawal of your carding status to Sport Canada or was it Sport Canada's decision to withdraw your carding support?

Here are some suggestions from the SDRCC to guide you in evaluating your case:



- Consult the rules of your NSO regarding the nomination process for carding status: a thorough comprehension of the rules is necessary in order to evaluate your chances of success should you decide to appeal the decision of your NSO.
- Consult Sport Canada's Athlete Assistance Program (AAP) Policies and Procedures in order to better comprehend the program's policies and procedures. Information regarding this program is available online at http://www.pch.gc.ca/progs/sc/prog/athlete_e.cfm.
- Communicate with the person in charge of the AAP nomination process within your NSO in order to let him/her know your questions and concerns and open the door to further discussions on the topic. The person in charge will then have the opportunity to explain to you the reasons that led your NSO to make such a decision.
- Consult the decisions rendered by SDRCC arbitrators and *Case Summaries* dealing with similar issues in the "Jurisprudence" database. It is available online at <http://www.sdrcc.ca/eng/dispute-resource-databases-jurisprudence.cfm>. These documents will help you understand the decision-making process of the arbitrators, provide you with a few "lessons learned" from past cases and allow you to evaluate your chances of success should you decide to appeal the decision of your NSO.
- Seek external and objective assistance regarding your potential appeal; it is very common to lose our objectivity when we are personally involved in a potentially litigious matter. In these situations, our reactions are not always rational or justified, although they seem very logical and real to us. This is why it is often useful to obtain the assistance of an individual who has no interest in the case. Consult the table below to find out where you can seek such assistance.

A) FREE SERVICES:

Sport Solution

<http://www.athletescan.com/Content/Programs%20and%20Services/Sport%20Solution.asp?langid=1>

1-888-434-8883

law.sportsolution@uwo.ca

Some **Canadian Sport Centres (CSC)** offer free legal services to certain athletes. In order to learn about the services offered by your CSC, we suggest that you communicate with the athlete services manager of your CSC. For a complete list of CSCs, please consult

http://www.pch.gc.ca/progs/sc/multi-sport/sport_centers_e.cfm

B) PAYABLE SERVICES

Expert fees are payable by the person requesting the services. The SDRCC is not responsible for consultation or representation fees of the parties who solicit these services.

The Centre for Sport and Law Inc.

www.sportlaw.ca



905-682-6098

Legal representatives (a list of legal representatives with particular expertise in the field of Canadian amateur sport law is available online at <http://www.sdrcc.ca/eng/dispute-resource-legal.cfm> in the “Dispute Prevention Resource Centre - Legal Representatives” Section).

C) OTHER RESOURCES

The Program Officer responsible for your sport at Sport Canada 1-866-811-0055

Your provincial/territorial sport federation or governmental body (a list of these provincial governmental bodies is available online at http://www.pch.gc.ca/progs/sc/liens-links/prov-ter_e.cfm).

The staff of SDRCC

<http://www.sdrcc.ca/eng/about-personnel.cfm>
1-866-733-7767

Appealing the Decision of Your NSO

If, following the evaluation of your case, you conclude that you have valid grounds to appeal your NSO’s decision; these are the steps you must follow:

1. The first step is to submit a request for appeal to your NSO. To do so, you must consult the internal appeal policy of your NSO in order to be familiar with the conditions and deadlines that apply to the internal procedure. Some NSO appeal policies can be found on the SDRCC website at: <http://www.sdrcc.ca/eng/appeal-policies-nso.cfm>.
2. Once the decision of the internal appeal committee is rendered and communicated, you have two choices: accept or contest the decision.
3. If you decide to contest the decision, you must submit a request for appeal of this decision to the SDRCC within the time limits imposed by your NSO appeal policy. In the absence of a time limit, you have 21 days following the communication of the contested decision by your NSO to submit a request to SDRCC, in accordance with section 3.5 of the Canadian Sport Dispute Resolution Code. At this stage in the proceedings, the applicable rules are contained in the Canadian Sport Dispute Resolution Code. An electronic version of the code is available online at <http://www.sdrcc.ca/eng/dispute-resolution-code.cfm> in the “Dispute Resolution Secretariat (Tribunal) - Code” section.
4. Once your complete request for arbitration is received by the SDRCC, the SDRCC will guide you through the following steps of the process.

You can also communicate with SDRC staff members by dialing our toll-free telephone number, 1-866-733-7767, or by sending an email through our website at www.sdrcc.ca.



Appealing the Decision of Sport Canada

If, following the evaluation of your case, you conclude that you have grounds to appeal Sport Canada's decision; these are the steps you must follow:

1. You must submit a request for review of the decision to the manager of the AAP at Sport Canada, according to section 13 of the AAP (Appeal Process).
2. The Sport Canada AAP Review Committee generally renders the decision within 30 days following the receipt of your request.
3. Following the decision of the Sport Canada AAP Review Committee, if you conclude that there are grounds to appeal that decision, you must submit a request for appeal of this decision to the SDRCC. Such request must be submitted within 30 days following the communication of the contested decision by Sport Canada, in accordance with section 13.2 of the AAP Policies and Procedures. At this stage in the proceedings, the applicable rules are contained in the Canadian Sport Dispute Resolution Code. An electronic version of the code is available online at <http://www.sdrcc.ca/eng/dispute-resolution-code.cfm> in the "Dispute Resolution Secretariat (Tribunal) - Code" section.
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Filing your Request with SDRCC

A request form is available online at <http://www.sdrcc.ca/eng/dispute-resolution-forms.cfm> in the "Dispute Resolution Secretariat (Tribunal) - Forms" section.

****Important**** - Your request must be complete in order for the SDRCC to proceed with your appeal. In accordance with the Canadian Sport Dispute Resolution Code, a complete request for arbitration includes the following information:

- Your name, address and contact information as well as those of your NSO;
- A brief statement of the facts and arguments, i.e. the reasons why you believe the decision must be revised and which justify your eligibility to receive financial assistance from Sport Canada (carding status);
- The name of the mediator or arbitrator who you suggest should be appointed to the case (a complete list of mediators and arbitrators and their biographies is available online at <http://www.sdrcc.ca/eng/dispute-resolution-arbitrators.cfm> in the "Dispute Resolution Secretariat (Tribunal) - Arbitrators and Mediators" section);
- Any request for provisional or conservatory measures (in order to suspend the application of the appealed decision while awaiting the final decision, if there is a possibility of irreversible prejudice occurring);
- The identification of any persons whose carding could be affected by the decision to be rendered by the SDRCC and, if available, the coordinates of these persons;



- The date on which the decision being appealed was communicated to you or the date on which the last step in attempting to resolve the issue occurred.

The SDRCC will not process incomplete requests. We will inform you of any missing information and will wait for it before initiating the proceedings.

Your request for mediation or arbitration must be signed and can be sent to the SDRCC by various means of communication: fax, mail, e-mail, or in person. The contact information for SDRCC is:

SDRCC
1080 Beaver Hall Hill, Suite 950
Montreal, QC H2Z 1S8
Fax: 1-877-733-1246
Email contact, through website: www.sdrcc.ca

Late Filing your Request? Should deadlines provided for in your NSO appeal policy, in Sport Canada's AAP or in the Canadian Sport Dispute Resolution Code expire before the SDRCC receives your completed request for arbitration, you will be required to submit an arbitration agreement signed by both yourself and an authorized representative of your NSO or of Sport Canada, as may be applicable. Without this agreement, we will be unable to process your request as we would lack the jurisdiction to do so.

A template of an arbitration agreement is available online at <http://www.sdrcc.ca/eng/dispute-resource-contract-templates.cfm> in the "Dispute Prevention Resource Centre - Contract Templates" section.