

**COACHING ASSOCIATION OF CANADA (CAC)  
PROFESSIONAL COACHING  
APPEAL PROCEDURE**

*Note: This document is separate from the CAC's Appeal Policy which applies to decisions made by the CAC that are unrelated to Professional Coaching*

**Definitions**

1. The following terms have these meanings in this Code:
  - a) "Days" – Days including weekends and holidays
  - b) "Case Manager" – The individual appointed pursuant to this procedure who has an overall responsibility to ensure procedural fairness is respected at all times
  - c) "Individuals" – Licensed and Registered Coaches, and applicants for Licensing or Registration who are affected by a decision made by the License and Registration Committee

**Purpose**

2. This document outlines the procedure that Individuals can use to appeal a decision related to Professional Coaching.

**Application**

3. This *Appeal Procedure* will apply to decisions affecting Licensed and Registered Coaches, decisions of the License and Registration Committee and Professional Practices Chair, and decisions made by individuals who are delegated authority to make decisions on behalf of Professional Coaching.
4. This *Appeal Procedure* will not apply to decisions made by organizations external to the CAC; decisions relating to the rules of a sport; decisions relating to the NCCP; decisions relating to operational structure, staffing or employment; decisions about allocation of volunteer appointments; decisions on budgets or budget implementation; decisions of a commercial nature, and other decisions that are under the jurisdiction of the CAC's *Appeal Policy*.

**Appeal Administration**

5. The Manager of Professional Coaching Services (or designate) will serve as Case Manager to oversee appeals under this *Appeal Procedure*. The Case Manager has an overall responsibility to ensure procedural fairness and timeliness are respected at all times in the appeals process and more particularly, has a responsibility to:
  - a) Receive appeals;

- b) Determine if appeals lie within the jurisdiction of this Procedure;
  - c) Determine if appeals are brought in a timely manner;
  - d) Determine if appeals are brought on permissible grounds;
  - e) Appoint the Tribunal to hear and decide appeals;
  - f) Determine the format of the appeal hearing;
  - g) Coordinate all administrative and procedural aspects of the appeal;
  - h) Provide administrative assistance and logistical support to the Tribunal as required; and
  - i) Provide any other service or support that may be necessary to ensure a fair and timely appeal proceeding.
6. Should the appeal relate to a decision which has been made by the Manager of Professional Coaching Services, or a decision with which the Manager of Professional Coaching Services has had substantive involvement, the CEO of the CAC will appoint an alternate Case Manager.
  7. Persons who wish to appeal under this policy will submit a written Notice of Appeal to the Manager of Professional Coaching Services indicating their intention to appeal, their contact information, the reasons and grounds for the appeal, a summary of evidence to support the appeal, and the remedy requested. This Notice must be submitted within seven (7) calendar days of the decision being issued.
  8. Decisions may only be appealed on procedural grounds, which are limited to the decision-maker: Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
    - a) Failing to follow procedures laid out in its approved policies;
    - b) Making a decision that was influenced by bias;
    - c) Failing to consider relevant information or taking into account irrelevant information in making the decision; or
    - d) Making a decision that was grossly unreasonable.
  9. The Case Manager will review the Notice of Appeal and will determine if the appeal falls within the jurisdiction of this Policy, is brought in a timely manner, and satisfies procedural grounds. If the Case Manager is satisfied that the appeal may not proceed as it is not under the jurisdiction of the *Appeal Procedure*, is not timely, or is without grounds, the parties will be notified in writing, stating reasons.

### **Mediation**

10. If the Case Manager is satisfied that the appeal may proceed, the Case Manager will first attempt to resolve the dispute informally or with the assistance of a mediator. The Case Manager may choose to use the Early Resolution Facilitation service offered by the Sport Dispute Resolution Centre of Canada (“SDRCC”).
11. During mediation, the Case Manager may seek the assistance of the Professional Practices Chair or a member of the Board to help resolve the dispute. Appeals or disputes that are resolved informally or by means of mediation may not be appealed or subsequently re-submitted as a

complaint under the *Discipline Procedure*.

**Hearing Procedure**

- 12. If mediation is not attempted or is not successful in resolving the dispute, then a Hearing before a Tribunal will take place. The Case Manager will appoint a Tribunal, which will at a minimum consist of a single Arbitrator, to hear and decide the appeal.
- 13. The Hearing will be governed by the procedures that the Case Manager and the Tribunal deem appropriate in the circumstances. The Tribunal will have authority to rule in the event of any dispute about procedure.
- 14. If the decision in the appeal may affect another party to the extent that the other party would have recourse to its own appeal, that party will become a party to the appeal in question, will participate in the appeal, and will be bound by its outcome.

**Decision**

- 15. After the Hearing, the Tribunal will issue a written decision with reasons. The Tribunal may decide:
  - a) To reject the appeal and confirm the decision being appealed; or
  - b) To uphold the appeal, identify the error and refer the matter back to the decision-maker; or
  - c) To uphold the appeal and vary the decision but only where the Tribunal has determined that the error or errors cannot be corrected by the decision-maker due to lack of clear procedures, lack of time, or lack of neutrality.
- 16. The Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.
- 17. The appeal process is confidential involving only the parties, the Case Manager and the Tribunal. Once initiated and until a written decision is released, the parties will not disclose confidential information relating to the appeal to any person not involved in the proceedings.
- 18. The decision of the Tribunal will be final and binding upon the parties, subject only to any review that may be permitted under the rules of the Sport Dispute Resolution Centre of Canada.

Review date	Action	Board approval date
June 2018	Policy review – June 7 2018	June 7 2018