

**COACHING ASSOCIATION OF CANADA (CAC)
LICENSED AND REGISTERED COACH
APPEALS POLICY**

Note: This document is separate from the CAC Appeal Policy, which applies to decisions made by the CAC

Application

1. This policy will apply to decisions made by the Professional Practices Committee under the CAC's *Code of Conduct with Disciplinary Procedures*, decisions of the License and Registration Committee when approving or rejecting *Applications for License or Registration*, and decisions made by individuals who are delegated authority to make decisions on behalf of Professional Coaching.
2. This policy 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 scope of the CAC's *Appeal Policy*.

Appeal Administration

3. The Executive Director of Professional Coaching will serve as Case Manager to oversee appeals under this policy. 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 Policy;
 - 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.
4. Should the appeal relate to a decision which has been made by the Executive Director, or a decision with which the Executive Director has had substantive involvement, the CAC's Chief Executive Officer (CEO) will appoint an alternate Case Manager.
5. Persons who wish to appeal under this policy will submit a written Notice of Appeal to the Executive Director of Professional Coaching 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.

6. Decisions may only be appealed on procedural grounds, which are limited to the decision-maker:
 - a) Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
 - b) Failing to follow procedures laid out in its approved policies;
 - c) Making a decision that was influenced by bias;
 - d) Failing to consider relevant information or taking into account irrelevant information in making the decision; or
 - e) Making a decision that was grossly unreasonable.

7. 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 this Policy's jurisdiction, is not timely, or is without grounds, the parties will be notified in writing, stating reasons.

Hearing Procedure

8. If the Case Manager is satisfied that the appeal may proceed, 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 Adjudicator, to hear and decide the appeal.

9. 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.

10. 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

11. 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.

12. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow.

13. 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.

14. The decision of the Case Manager rendered under Section 7, and the decision of the Tribunal rendered under Section 11, 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.