



Appeal Policy

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1. GOAL

1.1. This CC Policy provides a fair, affordable and expedient appeal process.

2. PRINCIPLES

2.1. All appeals within the Field of Application (section 3) of this CC Policy must be filed in accordance with the provisions in this CC Policy. Except where specifically provided by this CC Policy or as otherwise agreed by the Parties, and in accordance with the Canadian Sport Dispute Resolution Code, appeals may only be filed before the Sport Dispute Resolution Centre of Canada (SDRCC) after the procedures in this CC Policy have been exhausted.

3. FIELD OF APPLICATION

3.1. Any Individual who has been affected by a decision of the Board of Directors of CC (Board), of any CC Committee, or of any external organization or individual who has been delegated authority to make decisions on behalf of CC, has the right to appeal that decision, provided that it is a decision that is subject to appeal pursuant to Sections 3.2 and 3.3 of this CC Policy, the conditions indicated in Section 6.2 of this CC Policy (as applicable) have been satisfied, and provided that there are sufficient grounds for the appeal pursuant to Section 6.3.3.2 of this CC Policy (as applicable).

3.2. This CC Policy **will apply** to:

- i. decisions made by CC relating to eligibility, selection, selection criteria or Athlete Assistance Program (“AAP”) carding nominations, carding re-nominations, or de-carding recommendations; and
- ii. decisions arising from the Complaints & Discipline Policy or any other CC Policy that designates this CC Policy as applicable.

3.3. For further clarity, but without limitation, this CC Policy **will NOT apply** to matters relating to:

- i. Complaints that are being managed or have been managed by the Office of the Sport Integrity Commissioner (OSIC) or any successor organization, office or body.
- ii. Matters of general application such as amendments to CC’s By-laws.
- iii. AAP decisions or other related matters, for which CC is not responsible.
- iv. Policies and procedures, selection criteria, and quotas established by any

- organization external to CC.
- v. Except as otherwise provided for in this CC Policy, decisions made by organizations other than CC, such as CC's Members, the Canadian Olympic Committee (COC), the Canadian Paralympic Committee (CPC), the International Olympic Committee (IOC), the International Paralympic Committee (IPC), the Union Cycliste Internationale (UCI) or any other governing body.
 - vi. Infractions for doping offences, which are dealt with pursuant to the Canadian Anti-Doping Program, by the Canadian Centre for Ethics in Sport, the UCI or any other anti-doping organization with authority.
 - vii. Issues of operational structure, staffing, employment or allocation of volunteer leadership opportunities.
 - viii. Issues of budgeting or budget implementation.
 - ix. Disputes over competition or other technical (field-of-play) rules.
 - x. Commercial or contractual matters for which another dispute resolution process exists under a contract or applicable law.

4. DEFINITIONS

- 4.1. **Affected Party:** any Individual or entity, as determined by the Independent Case Manager or SDRCC, who may be affected by a decision rendered under this CC Policy and who may have recourse to an appeal in their own right under this CC Policy.
- 4.2. **Appellant:** the Individual who initiates an appeal.
- 4.3. **CC Committee:** an operational committee of CC or a committee of the Board.
- 4.4. **Days:** Calendar days, including weekends and holidays.
- 4.5. **Independent Case Manager:** an external organization or individual appointed by CC to receive and administer appeals under this CC Policy. The Independent Case Manager shall not be a Member of, or affiliated with, CC or affiliated with a Member, and not be in real or perceived conflict of interest or have a direct relationship with any of the Parties.
- 4.6. **Individual:** Participants as defined in the By-laws of CC and, to the extent not already included in the definition of Participant, all people employed by, contracted by, or engaged in activities with CC including, but not limited to, employees, contractors, athletes, athlete support personnel, coaches, instructors, officials, judges, managers, administrators, parents or guardians, spectators, or directors or officers. For clarity, the By-laws of CC define "Participant" as any individual, in good standing with a Member, who participates in any one of the cycling sports, or who acts as a coach, official, volunteer, support personnel, or committee member with CC or with a Member.
- 4.7. **Major Event Selection Decisions:** decisions regarding selection for the World Championships, Pan Am Championships, Parapan Am Championships, Olympic Games and Paralympic Games.

- 4.8. **Member:** the Members of CC are the provincial and territorial associations recognized by the Board which have met the prescribed financial and administrative obligations, as indicated in the CC By-laws.
- 4.9. **Other Decisions:** all decisions to which this CC Policy applies, except for Major Event Selection Decisions.
- 4.10. **Parties:** the Appellant, Respondent and any Affected Party.
- 4.11. **Respondent:** the body or person whose decision is being appealed.
- 4.12. **Statement:** the written response submitted by the Respondent.
- 4.13. **SDRCC:** *Sport Dispute Resolution Centre of Canada*, an independent, alternative dispute resolution centre for all participants in the Canadian sport system at the national level.
- 4.14. **Tribunal:** the arbitrator or arbitrators selected by the Independent Case Manager to conduct the Hearing and render a decision in the matter.

5. POLICY STATEMENT

- 5.1. CC is committed to conducting appeals by applying a timely, transparent, affordable, and unbiased process as outlined in this CC Policy.
- 5.2. CC is committed to appointing an Independent Case Manager to oversee this CC Policy on an ongoing basis.

6. PROVISIONS

- 6.1. Whenever possible, all Individuals are encouraged to seek an amicable settlement of disputes through open and frank discussion prior to submitting a formal appeal.
- 6.2. **Procedure for appeals of Major Event Selection Decisions**
 - 6.2.1. **Appeals of all Major Event Selection Decisions will bypass the internal appeal process, and proceed to the SDRCC directly, under the Canadian Sport Dispute Resolution Code: [File an Appeal | Tribunal | SDRCC \(crdsc-sdrcc.ca\)](#).**
 - 6.2.2. An Individual who wishes to initiate an appeal of a Major Event Selection Decision must file a notice of appeal with the SDRCC within 7 days from written announcement of the Major Event Selection Decision being appealed.

6.3. Procedure for appeals of all Other Decisions

6.3.1. **Timelines.** The following deadlines apply to filing appeals of Other Decisions*:

Appeal Process Step (Policy Subsection)	Maximum Duration	Cumulative Days
Filing Notice of Appeal (6.3.2)	7 days from written announcement of the Other Decision being appealed	7
Screening of Appeal (6.3.3)	4 days from receipt of Notice of Appeal	11
Statement by Respondent (6.3.4)	4 days from Screening of Appeal decision that the appeal may proceed to a Hearing	15
Appointment of Tribunal (6.3.6)	4 days from Screening of Appeal decision that the appeal may proceed to a Hearing	15
Conduct of Hearing (6.3.8 -6.3.9)	7 days from appointment of Tribunal	22
Release of Hearing Decision (6.3.10)	7 days from conclusion of a Hearing	29
SDRCC Request for Review (by any Party) (6.3.13)	15 days from release of Hearing Decision. The SDRCC process is not part of this policy.	N/A

*An Individual who wishes to initiate an appeal of an Other Decision beyond the deadlines stated above may only do so if exceptional circumstances prevented them from filing their appeal within the applicable deadline. Any such Individual must provide a written request stating the reasons for which they are seeking an exemption. The decision to allow, or not allow, an appeal outside of the time allocated for Filing a Notice of Appeal (see table above) will be at the sole discretion of the Independent Case Manager and is not subject to further appeal.

6.3.2. **Filing Notice of Appeal.** Individuals who wish to appeal an Other Decision must submit a written Notice of Appeal using the form provided in Appendix A to the Independent Case Manager: Brian Ward (ITP@wwdrs.ca)

6.3.2.1. All such appeals of Other Decisions filed with the Independent Case Manager must be accompanied by a \$250 administrative fees. Please note that appeals required to be filed with the SDRCC will be subject to a different appeal fee.

6.3.3. **Screening of Appeal.** Within the timeline described in Section 6.3.1, the Independent Case Manager shall screen the appeal of any Other Decision to determine if such appeal falls within the jurisdiction of this CC Policy, to determine if the appeal has been brought in a timely manner, and to determine if the appeal has been brought on permissible grounds.

- 6.3.3.1. An Other Decision cannot be appealed on its merits alone or because an Individual disagrees with the Other Decision. Permissible grounds exist only when it is alleged that the Respondent has:
- i. Made a decision for which it did not have authority or jurisdiction as set out in governing documents.
 - ii. Failed to follow CC's own procedures (as laid out in CC's By-laws or approved CC Policies).
 - iii. 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 appears not to have considered other views;
 - iv. Failed to consider relevant information or considered irrelevant information in making the decision.
 - v. Made a decision that was grossly unreasonable or unfair.

6.3.3.2. The Appellant must demonstrate permissible grounds (as described in Section 6.3.3.1) on a balance of probabilities, and the Appellant must establish that they were prejudiced by the Other Decision.

6.3.3.3. Upon receiving the Notice of Appeal, the Independent Case Manager may contact the Appellant and/or the Respondent if the notice is incomplete or to seek clarifications.

6.3.3.4. If the appeal is denied by the Independent Case Manager on the basis of insufficient grounds, because it was not submitted in a timely matter or because it did not fall within the scope of this CC Policy, the Appellant will be notified in writing, within the appropriate timeline for Screening the Appeal, of this decision and its reasons. The Independent Case Manager's decision is subject to appeal to the SDRCC.

6.3.4. **Statement by Respondent.** If an appeal is deemed admissible following the process outlined in Section 6.3.3, the Independent Case Manager will forward a copy of the Notice of Appeal to the Respondent and will request a written statement by the Respondent that outlines the justification for the decision being appealed. The Statement will contain:

- i. A summary of facts relating to the matter.
- ii. All the evidence supporting the Respondent's position including a list of witnesses and the evidence to which they will testify, if applicable.
- iii. Solutions proposed by the Respondent.
- iv. Any potential Affected Parties, if known by the Respondent.
- v. The name and contact information of the Respondent's representative, if applicable.

6.3.4.1. The Statement must be returned to the Independent Case

Manager within the time limit specified in Section 6.3.1. The Independent Case Manager must forward a copy of the Statement to the Appellant without delay after receipt.

6.3.4.2. If the Respondent submits an incomplete Statement or fails to submit the Statement within the time limit specified in Section 6.3.1, then the Independent Case Manager will initiate the appointment of a Tribunal, without further delay, without a further attempt to settle amicably and will notify the Parties accordingly.

6.3.5. **Redirection.** If the appeal related to an Other Decision which is time sensitive, the Independent Case Manager may refer the appeal directly to SDRCC (6.3.10) for final resolution.

6.3.6. **Appointment of Tribunal.** Within the time limit specified in Section 6.3.1, the Independent Case Manager will appoint a Tribunal consisting of a single Arbitrator to hear the appeal. In extraordinary circumstances, and at the discretion of the Independent Case Manager, a Tribunal of three persons may be appointed to hear and decide a case. In this event, the Independent Case Manager will appoint one of the Tribunal's members to serve as the chair of the Tribunal.

6.3.6.1. When appointing the Tribunal, the Independent Case Manager must select individuals who are impartial, free from any real or perceived conflict of interest (and who shall remain so until a final decision has been rendered or the proceedings have otherwise finally terminated), and who do not have any direct relationship with any of the Parties. Although not a requirement, the Independent Case Manager should attempt to appoint individuals to the appeal panel who have a legal background and who understand the sport of cycling. When justified by the circumstances, the Independent Case Manager may appoint individuals to the appeal panel who have specific areas of expertise that would assist in resolving the matter.

6.3.7. **Determination of Affected Parties.** In order to confirm the identification of any Affected Parties, the Independent Case Manager will engage CC. The Independent Case Manager may determine whether a Party is an Affected Party in their sole discretion.

6.3.8. **Hearing Format.** The Independent Case Manager will determine the format of the hearing, which may involve an oral hearing in person, an oral hearing by telephone or videoconference, a hearing based on written submissions or a combination of these methods. The Hearing will be governed by the procedures that the Independent Case Manager and the Tribunal deem appropriate in the circumstances, provided that:

- i. The hearing will be held within the appropriate timeline.

- ii. The Parties will be given appropriate notice of the day, time and place of the hearing.
- iii. Copies of any written documents which the Parties wish to have the Tribunal consider will be provided to the Tribunal and all Parties in advance of the hearing in accordance with the timeline set by the Tribunal.
- iv. The Parties may be accompanied by a representative, adviser, legal counsel, translator or transcription services at their own expense.
- v. The Tribunal may request that any other person participate and give evidence at the hearing.
- vi. The Tribunal may exclude any evidence filed by the Parties that is unduly repetitious or otherwise an abuse of process. The Tribunal shall otherwise apply relevant and applicable evidentiary rules in relation to the admissibility and weight given to any evidence filed by the Parties.
- vii. Nothing is admissible in evidence at a hearing that: would be inadmissible in a court by reason of any privilege under the law of evidence; or is inadmissible by any statute.
- viii. If a decision in the appeal may affect another Party to the extent that the other Party would have recourse to an appeal in their own right under this CC Policy, that Party will become an Affected Party to the appeal in question, will be permitted to make submission and file evidence and will be bound by its outcome.
- ix. The hearing will be conducted in the official language of choice of the Appellant.
- x. In the situation where the hearing is conducted by a Tribunal consisting of three persons, a quorum will be all three and decisions will be by majority vote.
- xi. In fulfilling its duties, the Tribunal may obtain independent advice.

6.3.9. **Hearing Confidentiality.** The appeal process is confidential involving only the Parties, the Independent Case Manager and the Tribunal. Once initiated and until a written hearing decision is released, none of the Parties or the Tribunal will disclose confidential information relating to the appeal to any person not involved in the proceedings. Any failure to respect the aforementioned confidentiality requirement may result in disciplinary action being taken against the Individual(s) in accordance with CC's relevant and applicable policies.

6.3.10. **Hearing Decision.** At the conclusion of the hearing, the Tribunal will, within the appropriate timeline (specified in section 6.3.1), issue a written decision with reasons. The Tribunal will have no greater authority than that of the original decision-maker. The Tribunal may decide:

- i. To reject the appeal and confirm the decision being appealed; or

- ii. To uphold the appeal, in whole or in part, and refer the matter back to the initial decision-maker for a new decision; or
- iii. To uphold the appeal, in whole or in part, and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedures, lack of time, or lack of neutrality.

6.3.11. **Hearing Costs.** The Tribunal will also decide whether costs of the appeal, excluding legal fees and legal disbursements of any Parties, will be assessed against any Party. In assessing costs, the Tribunal will consider the outcome of the appeal, the conduct of the Parties and their respective financial resources.

6.3.12. **Release of Hearing Decision.** A copy of the hearing decision will be provided to the Parties and to the CEO. Where time is of the essence, the Tribunal may issue a verbal decision or a summary written decision, with reasons to follow provided the written decision with reasons is rendered with the appropriate timelines.

6.3.12.1. Unless the matter involves a vulnerable participant, once the deadline to appeal to the SDRCC (where applicable), as indicated in the Canadian Sport Dispute Resolution Code, has expired, CC shall publish the outcome of the appeal on its website. Publication 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 published by CC.

6.3.12.2. If the appeal panel dismisses the appeal, the hearing decision may only be published with the Respondent's consent. If the Respondent does not provide such consent, the decision will be kept confidential by the Parties, the Independent Case Manager and CC 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 this CC Policy.

6.3.12.3. Where necessary in order to implement a hearing decision, other persons or organizations, including but not limited to, Members, may be advised of the outcome of any decisions rendered in accordance with this CC Policy.

6.3.12.4. Any hearing decision rendered pursuant to this CC Policy shall apply automatically to and must be respected by CC and its Members.

6.3.12.5. Records of all hearing decisions will be maintained by CC in

accordance with applicable privacy legislation.

6.3.13. SDRCC Appeal Process:

6.3.13.1. The decision of the Tribunal will be final and binding upon the Parties, subject to the right of any Party to appeal the decision to the SDRCC pursuant to the Canadian Sport Dispute Resolution Code: [File an Appeal | Tribunal | SDRCC \(crdsc-sdrcc.ca\)](#)

- 6.4. **Final and Binding.** No action or legal proceeding will be commenced against CC in respect of a dispute, unless CC has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in governing documents.
- 6.5. **Privacy.** The collection, use and disclosure of any personal information pursuant to this CC Policy will be conducted in accordance with applicable privacy legislation. CC or any of its delegates pursuant to this CC Policy (i.e., Independent Case Manager, Tribunal), shall comply with applicable privacy legislation in the performance of their services under this CC Policy.

7. REVIEW AND APPROVAL

- 7.1. Original policy development leads: Kevin Baldwin, Bill Kinash, Greg Mathieu
- 7.2. Current policy development leads: Mathieu Boucher, Lara Check, Denise Ramsden



APPENDIX A – APPEAL SUBMISSION FORM

Individuals who wish to formally appeal an Other Decision, under the terms of Cycling Canada’s Appeal Policy, must submit the following information to the Independent Case Manager, Brian Ward, at this email address: I, (ITP@wwdrs.ca) The Independent Case Manager will provide instructions regarding the payment of the administrative fees (see s. 6.3.2.1).

Appellant’s Name: _____ Email Address: _____

Telephone Number: _____

Address: _____

Appellant’s Representative (if applicable) _____

Email Address: _____ Telephone Number: _____

Address: _____

Official Language in which the Appellant wished to communicate: _____

Name of the Respondent: _____

Text of the decision and/or summary of notification of the decision, as applicable: _____

Detailed reason(s) for the appeal: _____

Grounds for the appeal: _____

Summary of the evidence to support these reason(s) and grounds for the appeal: _____

The suggested remedy or remedies requested: _____
