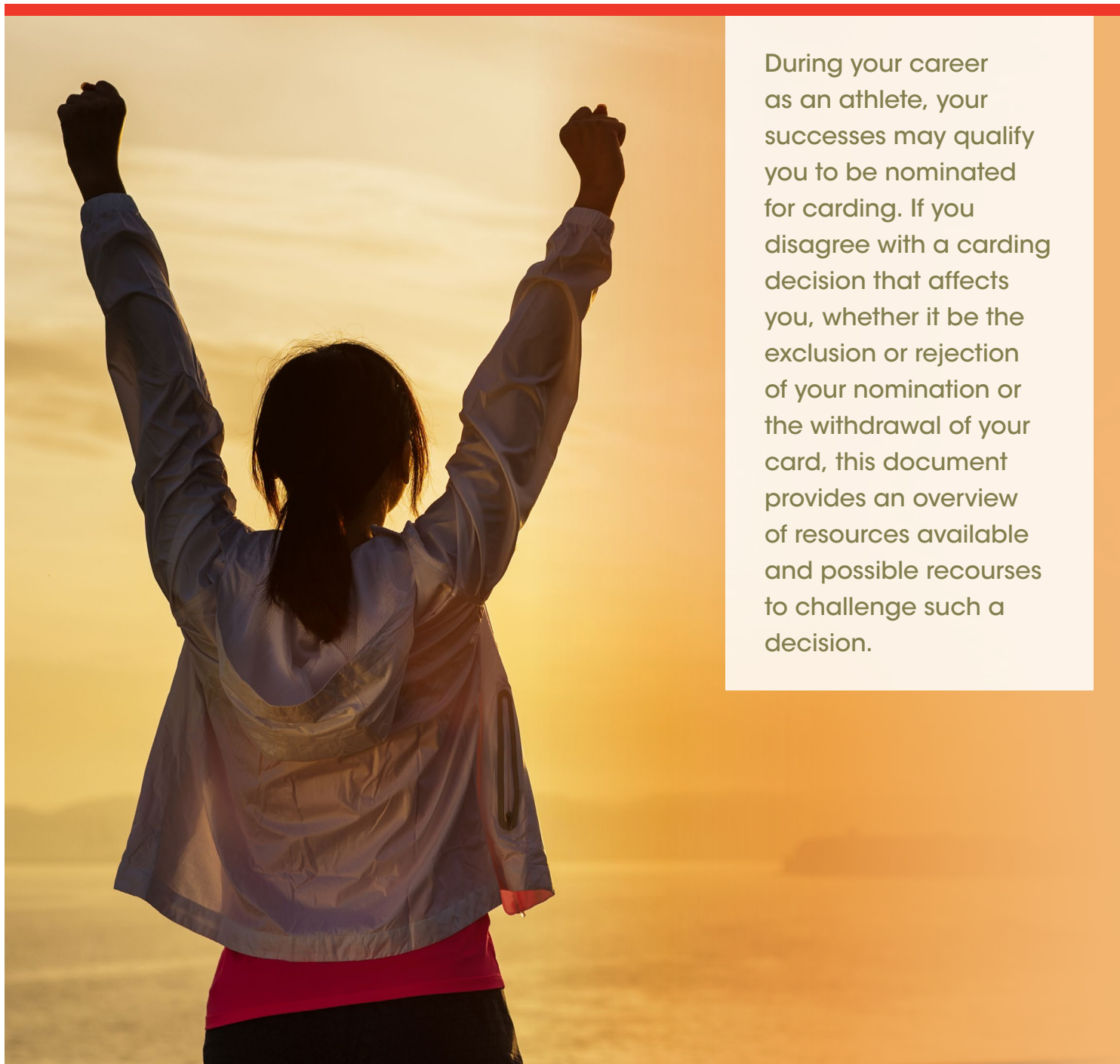


# ATHLETE CARDING Appeal Process



During your career as an athlete, your successes may qualify you to be nominated for carding. If you disagree with a carding decision that affects you, whether it be the exclusion or rejection of your nomination or the withdrawal of your card, this document provides an overview of resources available and possible recourses to challenge such a decision.

## OVERVIEW OF CARDING PROCESS

Carding refers to direct financial assistance which may be provided to athletes through Sport Canada's Athlete Assistance Program (AAP). Athletes who are approved for funding through the AAP are referred to as *Carded Athletes*. In a nutshell, these are the steps leading to Canadian athletes becoming *carded*:

WHO	WHAT	IMPLICATIONS
<b>Sport Canada</b>	Publishes the "AAP Policies and Procedures".	Athletes who meet minimum criteria outlined in this document are <u>eligible</u> to receive carding.
<b>Sport Canada</b>	Evaluates the number of cards to be granted to each National Sport Organization (NSO) in any given one-year cycle.	The number of cards per NSO may vary for each cycle and will depend on each sport's <u>international results</u> and a <u>review of the NSO</u> .
<b>NSO</b>	Drafts a "Carding Policy" that establishes the criteria used to nominate athletes from its sport to receive a card.	The "Carding Policy" is intended to communicate to athletes (and their coaches) what they need to accomplish in order to be <u>nominated</u> for a card.
<b>Sport Canada</b>	Reviews the draft "Carding Policy" to validate that it is compliant with the "AAP Policies and Procedures".	The sport-specific carding criteria are <u>negotiated</u> between Sport Canada and the relevant NSO until satisfactory to both sides.
<b>NSO</b>	Adopts and publishes the final "Carding Policy".	Athletes and their coaches should read the criteria carefully in order to try to meet all the <u>performance standards</u> required to be nominated. Carding may, in certain sports, be tied to national team status.
<b>NSO</b>	Evaluates the performance of its athletes against the criteria set out in the "Carding Policy" and establishes which athletes will be nominated for carding.	If more athletes in that sport meet the minimum criteria than there are cards available, the NSO will rely on a ranking system designed in the "Carding Policy" to <u>prioritize which eligible athletes</u> will be nominated.
<b>NSO</b>	Sends to Sport Canada a list of athletes nominated for carding.	At this stage, if an athlete's name is not put forward to Sport Canada, <u>an appeal may be lodged</u> pursuant to the internal appeal process of the NSO.
<b>Sport Canada</b>	Reviews the nominations, to ensure that they meet the minimum standards in its "AAP Policies and Procedures" and decides to accept or reject the nominations.	If an athlete's name has been put forward by the NSO and Sport Canada rejects that nomination, <u>an appeal may be lodged</u> by the athlete pursuant to the appeal procedure outlined in the "AAP Policies and Procedures".

*In order to be eligible for AAP support, athletes must meet the criteria of **both** Sport Canada and their NSO.*

## YOU DID NOT GET CARDED?

### UNDERSTAND YOUR OPTIONS

The following resources can provide you with useful information and insight into deciding whether you will appeal and/or in evaluating your chances of success:

- **Relevant Policies:** Consult your NSO's "Carding Policy" as well as Sport Canada's "AAP Policies and Procedures" in order to better understand how the decision was made. This will help you determine whether you have sufficient grounds to appeal the decision;
- **Trusted People:** Your coach, the NSO high performance staff members or other trusted people in your entourage who are aware of the AAP nomination process can help you better understand the carding criteria and, possibly, why you were deemed not to have met them;
- **SDRCC Jurisprudence:** Previous decisions rendered by SDRCC arbitrators dealing with similar issues can help you evaluate your own case and see how arbitrators have ruled in similar circumstances. All SDRCC decisions are available online at: <http://www.crdsc-sdrcc.ca/eng/dispute-resource-databases-jurisprudence>;
- **Legal Guidance or Advice:** Seek external and objective assistance in evaluating a potential appeal. The assistance of someone who is distant emotionally or professionally from your case can provide an objective opinion of whether an appeal would be rational or justified. Consult the table to the right to see where you can find suitable assistance.

#### DID YOU KNOW?

**Early Resolution Facilitation** is an informal dispute resolution process, offered at no cost by the SDRCC, which can take place before the NSO internal appeal. If you are considering filing an appeal, speak to your NSO about it or call the SDRCC for more information on how to take advantage of this service.

#### IMPORTANT FACT:

When a carding appeal is filed with the SDRCC by an athlete, other athletes who are already carded may be affected by the outcome of the appeal. If so, they will be invited to take part in the proceedings. If this is your situation, you may refer to the document "**So, I'm an Affected Party?**" to better understand your role.

### ASSISTANCE FOR ATHLETES

#### FREE OF CHARGE:

##### Sport Solution

Sport Solution is a program of AthletesCAN that provides assistance to Canada's national team athletes in resolving a wide variety of sports-related issues, including carding, and offers support throughout the dispute resolution process.

<https://athletescan.com/en/athlete-zone/programs/sport-solution> / 1-888-434-8883 / [sportsolution@athletescan.com](mailto:sportsolution@athletescan.com)

##### SDRCC Pro Bono Program

The SDRCC provides a list of lawyers who can help in your case **free of charge**. You can view their credentials and contact information at:

<http://www.crdsc-sdrcc.ca/eng/probonoprogram>

##### SDRCC Staff

The staff members at the SDRCC cannot provide legal advice, but they can answer your questions about the appeal process and the steps required to initiate a procedure.

1-866-733-7767 / [tribunal@crdsc-sdrcc.ca](mailto:tribunal@crdsc-sdrcc.ca)

##### AAP Manager

The Athlete Assistance Program Manager is responsible for your sport's carding matters at Sport Canada and can be reached by telephone at 1-866-811-0055 or by email at [PCH.programmedaideauxathletes-athleteassisprogram.PCH@canada.ca](mailto:PCH.programmedaideauxathletes-athleteassisprogram.PCH@canada.ca)

#### PAYABLE SERVICES:

##### Legal Representatives

The SDRCC provides a list of legal representatives who have an expertise in sport law, who are available for a representation fee. You can view their credentials and contact information at:

<http://www.crdsc-sdrcc.ca/eng/lawyers>

# FILING YOUR APPEAL

Who made the decision?

Your NSO did not nominate you OR recommended withdrawal of your card.

Sport Canada rejected your nomination OR withdrew your carding.

**Important:** Always refer to the procedures and rules in the appeal policies of your NSO or Sport Canada, as applicable.

You can file an appeal pursuant to your NSO's Internal Appeal Process.\*

You have 15 days from the date of the decision to file an appeal to the AAP Panel.

You accept the decision.

You believe there were procedural errors in the appeal, or facts or circumstances that warrant a further appeal.

You accept the decision.

You can file a *Request* form to the SDRCC in the timeframe provided in the relevant appeal policy or, if no timeframe is specified in the NSO appeal policy, no later than 30 days after the decision was rendered.

\* Your notice of appeal must be filed in accordance with your NSO's Internal Appeal Policy, which should be available on your NSO website. If you have difficulty finding it, contact your NSO. Some of the NSO appeal policies can also be found on the SDRCC website at: <http://www.crdsc-sdrcc.ca/eng/appeal-policies>



## TO CONTACT US

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