

# Terms of Reference Funding Decisions Official Language Rights Expert Panel

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## 1. PROGRAM OBJECTIVES

- 1.1. Provide financial support to help Canadians gain access to the courts for the litigation of test cases of national significance; and
- 1.2. Help assert and clarify certain constitutional and quasi-constitutional official language rights and human rights in Canada.

## 2. ROLE AND RESPONSIBILITIES OF THE EXPERT PANELS

- 2.1. To ensure that the cases funded by the Program are chosen independently, decisions regarding Program funding are rendered by two independent expert panels: an Official Language Rights Expert Panel and a Human Rights Expert Panel.
- 2.2. The expert panels are independent of the Minister of Canadian Heritage and report only to the University of Ottawa.
- 2.3. Members of the expert panels observe the policies and rules of operation adopted by their committee.
- 2.4. Members of the Official Language Rights Expert Panel assess the merits of each case and approve only cases that can further the Program's objective of clarifying rights while ensuring that the eligibility criteria, the terms of reference and the Program's terms are complied with.
- 2.5. Funding decisions are the exclusive responsibility of the expert panels.
- 2.6. The expert panels undertake to make funding decisions with transparency, integrity, independence and objectivity.

## 3. ROLE AND RESPONSIBILITIES OF CCP STAFF TOWARD THE EXPERT PANELS

- 3.1. Provide administrative support to the expert panels.
- 3.2. Receive funding applications, analyze applications in accordance to the eligibility criteria established by the expert panel in charge of the decision, and present a recommendation to the expert panel.
- 3.3. Execute a funding agreement with each applicant approved for funding, hereafter referred to as the recipient.
- 3.4. Issue payments to the trust accounts of the recipient's lawyer in the amounts approved by the expert panels.
- 3.5. Manage the recipients' files, including ensuring that they submit their reports, and approve the recipients' expenses and the disbursement of their expenses from their lawyers' trust accounts.

#### 4. OFFICIAL LANGUAGE RIGHTS EXPERT PANEL DECISION-MAKING METHOD AND PROCESS

- 4.1. Funding applications are received and analyzed by CCP staff.
- 4.2. Funding applications and their analyses are made available to members of the expert panel through the LiquidFiles interface one week before the panel meets.
- 4.3. Every funding application and its analysis is presented to the Official Language Rights Expert Panel at the expert panel meeting by the legal counsel responsible for the analysis of the application.
- 4.4. The members deliberate each funding application to determine whether the funding will be granted. The decision-making method is as follows:
  - 4.4.1. The members evaluate the applications according to the eligibility criteria;
  - 4.4.2. The members discuss the applications by comparing their merit according to the eligibility criteria; and,
  - 4.4.3. The members consider the budgetary limits of the CCP fiscal year.
- 4.5. The decision to grant or not to grant funding is made by a majority of the members present at the meeting.
- 4.6. The decision, with reasons, is moved, adopted and recorded in the minutes of the meeting of the expert panel.

#### 5. MAXIMUM FUNDING GRANTED TO RECIPIENTS

- 5.1. Maximum amount granted per funding category:
  - 5.1.1. Development of test cases: \$15,000
  - 5.1.2. Litigation
    - 5.1.2.1. Trial: \$125,000
    - 5.1.2.2. Motion for leave to appeal: \$10,000
    - 5.1.2.3. Appeal : \$35,000
  - 5.1.3. Legal Interventions
    - 5.1.3.1. Request for leave to intervene: \$10,000
    - 5.1.3.2. Intervention : \$40,000
- 5.2. The amount granted to a funding applicant by the Official Language Rights Expert Panel will be the amount requested by the applicant subject to the maximum amount given in paragraph 5.1.