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Program Administration Court Challenges Program

Application Guidelines



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Application Guidelines – Program Administration

Court Challenges Program

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Objectives and expected results for the Court Challenges Program

The Court Challenges Program will provide financial support to Canadians to access the courts for the litigation of precedent-setting test cases of national significance that help clarify certain constitutional and quasi-constitutional official language rights and human rights in Canada.

Funding will be targeted toward eligible test case development, test case litigation and legal interventions concerning:

- official language rights under the [Canadian Charter of Rights and Freedoms](#), the [Constitution Act, 1867](#) or [Official Languages Act](#); or
- human rights or freedoms under the [Canadian Charter of Rights and Freedoms](#).

The expected results of the Court Challenges Program include the following:

- Individuals or groups have access to funding to initiate or participate in test cases pertaining to rights and freedoms covered by the Program;
- Perspectives of individuals or groups who receive funding are presented before the courts in test cases;
- Rights and freedoms covered by the Program are clarified; and
- Constitutional rights, including rights under the Canadian Charter of Rights and Freedoms and official language rights, are strengthened.

Program administration

The Department of Canadian Heritage is seeking an independent organization to manage and implement the Court Challenges Program. This organization will ensure that the Program is administered in a transparent and accountable manner and that Program access is maximized through basic promotional activities.

Who can apply

To be eligible for funding to administer the Court Challenges Program, your organization must be an incorporated Canadian organization.

Federal, provincial/territorial and municipal governments are not eligible to apply.

Application deadline

March 6, 2017

Eligible projects

The selected organization will be responsible for the implementation and administration of the Program and for basic promotional activities.

To be eligible for funding, your project must include the following:

General administration of the Program

- Setting up the Program, which includes:
 - preparing a work plan;
 - setting up the governance structure and related resources;
 - supporting the decision-making Expert Panels in the establishment of the funding application process for the Program;
 - ensuring an efficient transfer of active files (former Court Challenges Program legacy cases and current [Language Rights Support Program](#) cases) to the new Program; and
 - conducting a [Privacy Impact Assessment](#).
- Delivering the Program, which includes:
 - providing administrative support for the decision-making Expert Panels, (e.g. receiving applications for funding and conducting initial screening);
 - signing agreements with the applicants approved for funding; and
 - issuing payments as identified by the decision-making Expert Panels.
- Monitoring the Program, which includes:
 - developing a data gathering and reporting strategy encompassing performance management data and demographic data related to Program applicants;
 - conducting a survey of Program users; and
 - fulfilling reporting requirements.

Promotion of the Program

- Developing basic promotional material of the Program, including the development and maintenance of an accessible website available in both official languages.

Eligible expenses

We will fund only project-related cash expenses incurred in the administration and promotion of the Program and for disbursing financial assistance to recipients in accordance with the terms and conditions of the funding agreement. Specifically, eligible expenses may include but are not limited to:

- costs incurred to set up, deliver and monitor the Program;
- costs incurred to review applications;
- costs related to the provision of funding to final recipients;
- costs incurred to deliver services in both official languages, including translation costs;
- costs associated with basic program promotion, including the development and maintenance of an accessible web site;
- costs incurred to prepare reports (e.g. reports on results, financial reports);
- administrative costs that may include:
 - audit, evaluation and overhead costs;
 - costs related to the provision of administrative support to the decision-making Expert Panels, including remuneration and travel costs.

Capital expenditures and costs related to activities with an international dimension are not eligible.

We cannot fund expenses incurred before we receive your application. If you incur expenses before receiving written confirmation of your funding approval, you will be doing so at your own risk.

Eligibility criteria

We are responsible for determining the eligibility of each applicant.

Meeting the eligibility criteria does not guarantee funding.

Limits of government assistance

The maximum amount payable to administer the Program is approximately \$4 million in 2017–2018 and \$4.97 million annually for 2018–2019, 2019–2020, 2020–2021 and 2021–2022:

- A minimum of \$1.5 million annually will be dedicated to the official language rights stream, including administration and promotion.
- Remaining funds will be dedicated to the human rights stream, including administration and promotion.

The maximum level of total government assistance (federal, provincial, territorial and municipal) cannot exceed 100% of your total project-related costs.

Program funding period

Funding to administer the Program will be provided for a maximum of five fiscal years, from 2017–2018 to 2021–2022. Any funding subsequent to 2021–2022 will be dependent on Program evaluation.

How to apply

Read these Application Guidelines and the [Backgrounder – Courts Challenges Program](#) in their entirety before completing your application.

Application package

You must meet all eligibility requirements and submit a complete application package to be considered for funding. A complete application package includes the completed, signed and dated application form and:

- your work plan;
- your most recent certificate of incorporation or a copy of your application for incorporation if you are in the process of incorporating;
- your organization's most recent by-laws;
- the minutes of your organization's last annual general meeting, including approved reports during the meeting;
- a document showing your governance structure;
- a document confirming your organization's signing authority, specified in the organization's by-laws (please indicate the article or regulation number) or in a recent resolution of your Board; and
- your organization's financial reports for the last fiscal year, signed in accordance with the by-laws, and if available, audited financial statements. These statements must include the organization's balance sheets and list its revenues and expenses.

Application process

- Contact us to request an application package;
- Complete, sign and date the application form; and
- Attach all the required supporting documents.

Please submit your application in **only one** format.

Mail or in-person submissions

You can mail, courier or hand-deliver your complete application package to the:
Department of Canadian Heritage
Human Rights Program – Court Challenges Program
25 Eddy Street, 13th Floor
Gatineau, Quebec
K1A 0M5

Your application must be postmarked or hand-delivered no later than the published deadline to be considered.

Email submissions

We encourage you to submit your application package electronically at the following email address: PCH.droits-cirights.PCH@canada.ca

The embedded “sent” date must be no later than 11:59 p.m. local time on the date of the application deadline for your application to be considered eligible.

Please contact us if you wish to submit your application package by fax.

How applications are evaluated

Decisions are based on the quality of applications received. Your application will be reviewed for eligibility and then evaluated based on the criteria below.

Evaluation criteria

The ideal organization is well established, has an excellent reputation and is successful in its area of specialization.

We will evaluate all eligible applications using the following criteria:

- Demonstrated capacity to administer a complex program;
- Sound governance and continued financial viability;
- Demonstrated experience in managing funding programs;
- Demonstrated capacity to communicate with the public in both official languages or demonstrated ability to obtain the capacity to communicate with the public in both official languages from the beginning of its operations;
- Demonstrated interest in Canadian law and legal issues or in social justice issues;

- Demonstrated experience in the development and implementation of program promotion; and
- Sound program administration proposal and costing.

Your application will be evaluated by a Review Committee.

Priority may be given to the applicant who best demonstrates the capacity, or the ability to obtain a capacity, to gather and report on data collected during the implementation of the Program.

We reserve the right to reject any or all of the applications received and modify or re-issue this invitation to submit proposals at any time.

Application processing time

We will acknowledge receipt of your application within two weeks of submission.

Funding decisions

Only one applicant will be selected. Please note that decisions regarding this application process are final.

How funding is provided

We provide funding in the form of a contribution. A contribution is a conditional payment issued to the selected independent organization for a specific purpose, as outlined in a contribution agreement. The contribution agreement is signed by us and the successful applicant and specifies the terms and conditions for receiving payment. At the term of the contribution agreement, the organization must submit a final report.

Funding conditions

The successful applicant is required to submit interim reports. Additional conditions will be included in the contribution agreement. These could include the provision of a variety of financial and non-financial reports (e.g. annual work plans and administrative budgets, cash flows, financial reports, audited financial reports, activity reports, litigation case summaries, progress and results-based reports, etc.) as well as conditions linked to the fact that, as a third-party entity, the successful applicant will further distribute a portion of the contribution to final recipients.

In addition, if you are the successful applicant, you will be required to:

- establish policies reflecting Government of Canada policies in the following areas: services in both official languages, handling and safeguarding of private information, financial management, conflict of interest, reporting and accountability, service standards and [Federal Identity Program](#);
- develop a data gathering and reporting strategy, including both performance management data and demographic data from Program applicants;
- following the completion of a case, share certain information (e.g. name of the case, nature of the case, amount of the funding awarded, etc.) with the Department of Canadian Heritage;
- sign an agreement with applicants approved for funding;
- collect feedback from applicants on the availability and quality of the services offered in both official languages;
- keep documents related to the cases for five years following their resolution; and
- conduct a Privacy Impact Assessment, in consultation with the Department of Canadian Heritage, once administrative processes have been established and before the Program is operational.

Official languages requirements

We are committed to taking positive measures to enhance the vitality of official language minority communities and to foster the full recognition and use of English and French in Canadian society.

If you are the successful applicant, you will be required to provide services to the public in both official languages. If successful, you agree to comply with the official languages requirements set out in the contribution agreement.

Acknowledgement of financial assistance

If you receive funding, you must publically acknowledge – in English and in French – the financial support received from us in all communications materials and promotional activities. Additional requirements may be included in your contribution agreement.

For additional information, please refer to our [Guide on the public acknowledgement of financial support](#).

Access to information requests

We are subject to the [Access to Information Act](#) and the [Privacy Act](#). The information you submit in your application may be disclosed in accordance with these acts.

Disclosure of information

By submitting your funding application, you authorize us to disclose any information submitted with this application within the Government of Canada or to outside entities for the following purposes only:

- To reach a decision;
- To evaluate the results of the project; and
- To support transparency, accountability and citizen engagement.

Audits of recipients and evaluation of the Program

If you are the successful applicant, we reserve the right to audit your accounts and records to ensure compliance with the terms and conditions of your contribution agreement. We may also conduct periodic Program evaluations, during which you may be required to present additional documentation.

You must keep any records, documents, or other information that may be required to perform the audit or the evaluation for five years. Demonstrated failure to maintain such records may result in the repayment of amounts previously received.

Contact us

For further information, please contact us:

Department of Canadian Heritage
Human Rights Program – Court Challenges Program
25 Eddy Street, 13th Floor
Gatineau, Quebec
K1A 0M5

Email

PCH.droitsic-cirights.PCH@canada.ca

Telephone

1-866-811-0055 (toll-free)

TTY

1-888-997-3123 (toll-free)

Agents are available to answer your questions Monday to Friday, 8:30 a.m. to 5 p.m. (EST).

Glossary

Audited financial reports

An audited financial report is prepared by professional accountants who are independent and shall clearly include all of the revenues realized and expenditures incurred by the recipient for the given period with regard to the project.

Audited financial statements

A complete set of financial statements including a statement of financial position; a statement of operations; and a statement of changes in financial position. Audited financial statements are completed by a certified accountant who is not part of your organization. The certified accountant performs auditing activities in accordance with generally accepted auditing standards.

Cash flow

A presentation of all anticipated revenues and planned expenses that will occur over the life of the contribution agreement. Initially, cash flow is only forecasted revenues and expenses. Subsequently, cash flow will reflect actual revenues and expenses.

Final report

A final report is submitted based on the requirements in the contribution agreement. A final report provides the results of the activities undertaken for the duration of the period in question and includes a final report of actual revenues and expenses.

Interim reports

Interim reports are submitted based on the requirements in the contribution agreement. Interim reports provide the results of the activities undertaken for a specific period, a report on the status of work to be accomplished and include updated revenue and expense reports.

Official language minority communities

The official language minority communities are the English-speaking communities residing in Quebec and the Francophone communities residing outside of Quebec.

Precedent-setting decision

A precedent-setting decision is a final decision in a court case that serves as an authoritative rule or pattern in future similar or analogous cases.

Test case

A test case is a legal action taken with a special view to determining the position of the law on some matter, such as the constitutionality of a statute. It is a court decision that may be interpreted as a precedent for application in future similar cases.