

Terms of Reference Funding Decisions of the Official Language Rights Expert Panel

(Current as of 15 September 2026)

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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 with 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 in the amounts approved by the expert panels.
- 3.5. Manage recipients' files, including ensuring that they submit their reports, and approving recipients' expenses and the reimbursement of their expenses.

4. POLICY AIMED AT AVOIDING CONFLICTS OF INTEREST AND A REASONABLE APPREHENSION OF BIAS

- 4.1. The members of the Expert Panel act in the public interest; they will perform their duties honestly, with a heightened sense of ethics, and in accordance with the highest standards in order to maintain and increase public confidence in the Expert Panel's independence and objectivity, as well the integrity of the Program as a whole.
- 4.2. Members of the Expert Panel will arrange their affairs in such a way as to avoid real or apparent conflicts of interest or that one could reasonably believe compromises their judgment. As such, a member of the Expert Panel will not:
 - 4.2.1. Act in a manner that favours their personal interests, or unduly favours the interests of an organization, a group or community with which they are affiliated, or the interests of any other person or entity;
 - 4.2.2. Use their position to influence the decision of another person in a manner that favours their personal interests, or unduly favours the interests of an organization, group or community with which they are affiliated, or the interests of any other person or entity;
 - 4.2.3. Use or disclose information obtained in the performance of their duties, and which is not generally available to the public, to favour their personal interests, or unduly favour the interests of an organization, group or community with which they are affiliated, or the interests of any other person or entity;
 - 4.2.4. Participate in deliberations on a matter in which they have a personal interest;
 - 4.2.5. Vote on a matter in which they have a personal interest; or
 - 4.2.6. Take any action the purpose of which is to circumvent the obligations set out in this conflict of interest policy.
- 4.3. Members of the Expert Panel will disclose, as soon as possible, either verbally or in writing, the nature of any personal interest they have in any matter before the Expert Panel or involving the CCP. This obligation applies throughout a member's term on the Expert Panel. If a member subsequently becomes aware of any personal interests that should have been disclosed under this section, they shall disclose them without delay.
- 4.4. Any member of the Expert Panel who is an employee, a stakeholder, or an individual who has received a benefit directly or indirectly, through a contract or sub-contract signed with an individual, organization or law firm whose application is currently before the Expert Panel, shall disclose to the Expert Panel their connection with the individual, organization or law firm applying for CCP funding.
 - 4.4.1. The Expert Panel will discuss the situation and whether it constitutes a real, potential or apparent conflict of interest or gives rise to a reasonable apprehension of bias;
 - 4.4.2. In light of that discussion, if the member's connection with the applicant constitutes a real, potential or apparent conflict of interest or could give rise to a reasonable apprehension of bias, the member shall:

- 4.4.2.1. Refrain from participating in any discussions of that application; and
- 4.4.2.2. Refrain from voting on the funding application.
- 4.5. While serving on the Expert Panel, and for one (1) year after the end of their term, members commit to refrain from:
 - 4.5.1. Submitting or participating in the submission of an application for funding, whether as applicant, lawyer, or on behalf of any organization with which the member is or has been closely involved; or
 - 4.5.2. Getting involved in a matter funded by the Program, particularly if the member would derive a benefit, personal or financial, from such involvement.
- 4.6. While serving on the Expert Panel, members shall exercise appropriate reserve in taking a public position on cases that have been considered by the Expert Panel, as well as on the legal issues central to matters funded by the Official Languages Branch.
- 4.7. If, with respect to a funding application, a member is in a situation, or believes that circumstances exist, that could give rise to a reasonable apprehension of bias, the member must:
 - 4.7.1. Disclose to the Expert Panel the circumstances giving rise to the concern;
 - 4.7.2. If need be, the Panel will consider whether the member should refrain from deliberations and voting on the application in question.
- 4.8. The Expert Panel recognizes the importance of having Panel members with significant experience and community involvement, including within their linguistic communities. Such involvement, in itself, will not suffice to establish an apparent conflict of interest or a reasonable apprehension of bias.

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

- 5.1. Funding applications are received and analyzed by CCP staff.
- 5.2. Funding applications and their analyses are made available to members of the Expert Panel through the LiquidFiles interface one week before the Panel meets.
- 5.3. 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.
- 5.4. The members deliberate each funding application according to the eligibility criteria to determine whether funding will be granted. In making their decision, the members consider the budgetary limits of the CCP fiscal year.
- 5.5. The decision to grant or not to grant funding is made by a majority of the members present at the meeting.

- 5.6. The decision, with reasons, is moved, adopted and recorded in the minutes of the meeting of the Expert Panel.
- 5.7. The Expert Panel's decisions are final and without appeal.
- 5.8. An applicant may re-apply for funding if there has been a significant change in circumstances or if there is new information that was not reasonably available at the time of the first application.

6. MAXIMUM FUNDING GRANTED TO RECIPIENTS

- 6.1. The Expert Panel cannot grant more than the following maximum amounts per funding category:

6.1.1. Development of test cases	\$20,000
6.1.2. Litigation	
Trial ¹	\$150,000
Application for leave to appeal	\$25 000
Appeal	\$60 000
6.1.3. Legal interventions	
Application for leave to intervene	\$10,000
Intervention	\$40,000
6.1.4. Accessibility funding	\$5,000

- 6.2. Any funding received to develop a test case, other than accessibility funding, will be deducted from the maximum amount available for litigation.
- 6.3. In most situations, 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 6.1.
- 6.4. The Expert Panel may grant an amount lesser than the amount requested by the applicant. The recipient will be provided with reasons for the reduced amount of funding. Unless otherwise stated by the Expert Panel, this provision does not prevent the funding recipient from submitting an application for additional funding, should it be necessary.

7. REVIEWING FILES IN WHICH FUNDING HAS BEEN GRANTED

- 7.1. Where the circumstances require CCP staff to request that the Expert Panel review funding granted to a recipient, the Expert Panel will review the request, along with any explicative documents provided by the recipient, at their next scheduled meeting.

¹ In exceptional circumstances, funding recipients pursuing litigation cases at the trial level may apply for and be granted extraordinary funding of up to \$50,000. See section 5 of the *Official Language Rights Funding Guidelines*.

- 7.2. The Expert Panel has the sole discretionary power to make decisions about reviewing the funding granted by the CCP, including but not limited to the following:
- 7.2.1. Issuing a directive to the funding recipient;
 - 7.2.2. Reducing the amount of funds available for the remainder of the file;
 - 7.2.3. Ordering that the funding be revoked and that the recipient return any unused funds;
 - 7.2.4. Ordering that the funding be revoked and that the recipient return the total amount granted by the CCP; or
 - 7.2.5. Any other reasonable and appropriate measure required to maintain the integrity and fulfil the objectives of the CCP.