

IN THE NEUTRAL ZONE

News and Events of the Sport Dispute Resolution Centre of Canada



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February 2023

Overview of Recent Changes to the AAP (2022)

by Jérôme Fontaine-Benedetti and Maude Trevisan | SDRCC

This article is not meant to provide a comprehensive list of all amendments made to the latest version of the [Athlete Assistance Program \("AAP"\) Policies and Procedures](#). Sport Canada's AAP staff or AAP Senior Program Analysts are qualified to answer questions.

The Government of Canada adopted recent changes to its [Athlete Assistance Program \("AAP"\)](#), to further alleviate the financial pressure on Canadian high-performance athletes in their preparation for and participation in international sport. More than 1,900 athletes in over 90 sport disciplines benefit from this direct financial support in Canada each year.

This article summarizes some significant changes impacting athletes and National Sport Organizations ("NSOs"), which came into effect on November 1, 2022. Please do note that further amendments are expected to be implemented in the near future.

Section 2.2 (Eligibility Requirements for NSOs) – The Sport Funding Framework is being reviewed by Sport Canada and the modifications could potentially affect the eligibility requirements for NSOs. However, for the time being, no changes have been made.

Section 2.5.3 (Non-Carded Athletes Named to Olympic and Paralympic Teams) – The policy provides clarifications regarding benefits and dates the allowance is applied for athletes who are not carded, but who are named to a Canadian Olympic or Paralympic team.

Section 3.2 (Athlete Responsibilities) – Updates clarify the requirement for carded athletes to read in full the AAP Policies and Procedures document, to ensure they understand their responsibilities and the benefits offered. Additionally, for each carding cycle, NSOs must provide athletes a review and an understanding about the AAP, its benefits and restrictions.

Furthermore, athletes must complete all application

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requirements prior to the last day of the NSOs funding cycle. Failure to do so will result in: 1) the loss of access to the card and to its benefits; and 2) a loss in the funds to the NSO that could have been reallocated to another athlete, if the original nominee had decided to decline their carding.

Section 4.1 (Policy) – C1 level cards (for athletes who meet the National Criteria for the first time) have been discontinued and phased out of the updated AAP. However, C1 cards may be applicable in some sport disciplines for a further cycle as per any sport-specific AAP criteria that have already been approved. In order to determine the cycle in which the elimination of C1 cards will begin, AAP Senior Program Analysts will work with each sport discipline.

Section 4.2 (Determination of Carding Quotas) – Updates include information concerning the timing for which Sport Canada reviews the carding quotas for each eligible sport

disciplines. The exact timing of the quota review and the implementation of new quotas may vary and is to be determined by Sport Canada.

Section 5.1 (General Policy) – More information has been provided concerning the expected length of an athlete's support under different circumstances.

Section 5.2 (Policies for Senior Cards) – The phasing out of C1 level carding is further explained and clarifications are provided about the requirements for athletes who do not reach the senior card level based on international criteria within the prescribed number of years.

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Overview of Recent Changes to the AAP (2022) (suite)

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Section 5.4.2 (Athletes Competing on Professional Teams) – Athletes who have signed one-way contracts with teams in the National Basketball Association, the National Hockey League or the Major League Baseball will be ineligible for AAP support effective the date the contract is signed through to the conclusion of the contract.

Section 6 (Application for and Approval of Cards) – The definition of a Carded Athlete has been included.

Section 7 (Athlete/NSO Agreement) – The following sentence has been added to the introduction: “The NSO must ensure that the Agreement covers not only the dates of the carding cycle, but also the dates of their annual national team program commitments if they differ.” Moreover, some changes have been made regarding requirements in the agreement, including the addition of compliance with the Cannabis Act and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”).

Section 7.2 continues to refer NSOs to the Athlete/NSO Agreement template attached as Appendix C which Sport Canada encourages all NSOs to use as they review and update their agreements. New in this version is an Athlete Commercial Agreement Template found in Appendix D.

Section 8.3 (Tuition and Deferred Tuition Support) – Eligible education expenses, payment and reimbursement procedures have been clarified. In terms of deferred tuition support, the number of years granted to the athletes to use any accumulated deferred tuition increased to 7 years from the last date of carding.

Section 8.4 (Supplementary AAP Support) – Supplementary AAP support is available to athletes and modifications were made with the intent of clarifying NSO requirements and maximum allowances per carding cycle, as shown in the table on the right.

Section 9 (Health Related Circumstances) – This section, formerly “Illness, Injury or Pregnancy”, was renamed to be more inclusive of all health-related circumstances (e.g., mental health or concussions).

Section 10.1.2 (Declining AAP Support) – Clarifications were made in regards to benefits still available for athletes who decline AAP support.

Section 11.2.4 (Gross breach of Discipline Including Assertion of, or Prosecution of a Criminal Offence) – A section was added concerning the processes for an NSO to withdraw a card for an assertion of, or prosecution of a criminal offence.

General (Replacement Carding) – If a replacement carding occurs, further details have been provided for repayment of funds and for reallocation of the funding.

Appendix C (Athlete / NSO Agreement Template) – A section referencing the UCCMS will be added to the template.

Appendix D (Athlete Commercial Agreement Template) – This document has been added and can be downloaded as a separate PDF or Word file. ■

Excellence Living and Training Allowance

- Athletes in team sports must have contributed to the medal performance to be considered for eligibility to additional Living and Training Allowance;
- An athlete who meets the criteria is eligible to this funding regardless of the level of card they are nominated for in the following year;
- The ‘total income’ tiers have been adjusted upward.

Child Dependent Allowance

- Now open to all carded athletes in supporting their “child dependents”, regardless of sport discipline;
- The ‘total income’ tiers have been adjusted upward;
- This section now includes provisions on child care assistance.

Training and Competition Allowance for Paralympic Athletes with High Support Needs

- The list of International Paralympic Committee classifications has been updated;
- The ‘total income’ tiers have been adjusted upward.

Relocation Assistance

- The maximum eligible payout has been increased to \$750 and is limited to costs associated with relocation.

Retirement Assistance

- Minor edits were made about the eligibility and claim process.

Follow Abuse-Free Sport on Social Media: Stay current on initiatives and updates about the Abuse-Free Sport program and on the Office of the Sport Integrity Commissioner (OSIC) operations!



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SDRCC Roster Member Profile: Learning More About our Arbitrators and Mediators

They come from every region of Canada and have extensive experience in alternate dispute resolution and sports-related issues, but how much do we really know about them? The SDRCC has an impressive list of 55 mediators and arbitrators and we will slowly be introducing you to some of them through our regular installments of "SDRCC Roster Member Profiles". In this edition we would like to present, **Laurie Sherry-Kirk, Mediator from St. Catharines, in Ontario.**



What led you to a career in ADR?

I've always had interest in peace-making. It comes natural to me; it's part of my culture. What inspired me to obtain formalized training was when my daughter was being bullied at school, and no one seemed to be equipped to resolve the problem. I was trying to collaborate with the school and the families involved, and it was that bringing together of people that resolved the issues in a meaningful way for everyone. That's when I decided to get training in family mediation. Because I am a cultural person, I was asked by my community to do work in child welfare. It was a natural shift to integrate indigenous approaches for dispute resolution.

Specialization/Area of Expertise:

I specialize in child welfare dispute resolution at the community level. As a cultural practitioner, I see value in creating spaces of equality and in bringing people together to consider creative solutions that end up working for everybody.

As a Mediator with the SDRCC, I...

...see a need for trauma-informed approaches to conflict resolution. I believe there is a space to talk about that right now. There is beauty in being able to work with both the person who has contributed to the wrong and the one impacted by it, and to find solutions rooted in meaningful reconciliation, as oppose to imposing solutions that do not facilitate healing in a holistic way.

Favourite sport(s):

I like rowing because of the activation of one's entire body and the grace of moving along the water. I also like hockey because it is like doing martial arts on ice.

Dispute prevention tips for athletes:

Conflicting is a natural part of the human condition, but in creating spaces to come together where everyone has a say, people can work collaboratively at identifying gaps with the purpose to create solutions. Adapting this approach early on in the process will allow everyone to move forward as a team and as individuals, and will help people on an emotional and spiritual level while balancing their rights to be treated fairly. People often operate in silos due to lack of trust, but how can we restore trust so people can continue working together? When the integrity of a relationship is broken, it is helpful to focus on solutions aimed at restoring the latter, because lack of trust affects the entire team. ■

In our next edition, look for
the profile of a SDRCC Arbitrator.

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SAVE THE DATE! Next SDRCC Mediator and Arbitrator Conference

Hosted in conjunction with a Court for Arbitration for Sport Seminar: Jan 31 to Feb 2, 2024, in Calgary, AB.

New SDRCC Members



Nalini Jugnundan joins as Deputy Director, Investigations and Assessments in the OSIC. As a sought-after Consultant and Advisor on human rights, EDI, workplace investigations, arbitrations, workplace assessments, and mediations, Nalini has worked with various organizations in the educational sector and a host of municipalities and regulatory bodies, to achieve system-wide transformational change in the development and implementation of the Human rights, equity, diversity and inclusion strategy for organizations as well as their workplace investigations strategy, policies and procedures.

Arnaud Anderson joins as Program Coordinator in the OSIC. He completed his Law degree at *Université de Montréal* and officially became a member of the Quebec Bar after articling in labour law. With a passion for human rights and for sports, he returned to law after working in sports marketing to give his career a social purpose and in order to defend the interests of those most vulnerable. Arnaud is thrilled to now contribute to the efforts toward safe sport for all.



Arianne Cloux joins as the Communication and Promotion Coordinator in the Resource Centre. Having completed her bachelor's degree in social communication at *Université du Québec à Trois-Rivières*, she held the position of communications assistant at the National Bank International Junior Tennis Open. Passionate about sports, she played semi-professional soccer and college basketball division 1. Arianne is excited to have the opportunity to increase her knowledge of the Canadian sport system and to put her creativity and energy in support of the SDRCC's mission.

Sean Côté joins as an Assistant Case Manager in the Dispute Resolution Secretariat. Having recently concluded his sports career as an athlete and a coach, he graduated with a Law Degree at *Université de Montréal*. Passionate about team and individual sports, his new position will allow him to apply his knowledge and to learn more about dispute resolution. At the SDRCC, Sean will have the opportunity to contribute to the development of sport in Canada and to ensure its fair, respectful and safe practice.



Julianne Zussman also joins as an Assistant Case Manager in the Dispute Resolution Secretariat. Over the past decade, she has represented Canada as an international rugby player and referee. Passionate about sports, she has worked in diverse administrative roles in the Canadian sport system. Having completed a Master's degree in Sport Management, she is pursuing additional studies in conflict management from Royal Roads University. Julianne is excited to be part of the team at SDRCC and to contribute to the Canadian sport system. ■

Notable Dates:

- **February 8-9, 2023:** Kiosk at the Sport for Life Summit, Ottawa, ON;
- **February 18-March 5, 2023:** Kiosk at the 2023 Canada Games, PE;
- **February 23, 2023:** Virtual presentation at the Japan Sports Arbitration Agency (JSAA) Annual Conference;
- **March 1, 2023:** Deadline to submit an application for first review cycle of the Safe Sport Education Accreditation Program;
- **March 3, 2023:** Virtual presentation to law students at the University of Calgary;
- **March 20, 2023:** Announcement of successful grant applicants to the Safe Sport Research Grant Program;
- **March 24, 2023:** Presentation to students in the Policy in Canadian Sports course at the University of Ottawa, ON;
- **March 29-30, 2023:** Kiosk at the Sport for Life Summit, Montreal, QC.■



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ISSN 1712-9923

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