

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2011-2012 Period

March 1st, 2011

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Background and Governance

THE CANADIAN SPORT POLICY

The Canadian Sport Policy identifies four substantive goals: enhanced participation, excellence, capacity, and interaction in sport.

Enhanced participation and enhanced excellence target the expansion of the capacity of individuals, communities, and institutions, as well as the financial and material resources that comprise Canada's sport system.

Enhanced capacity focuses on ensuring that the essential components of an ethically based, athlete/participant-centred development system are in place and are being continually modernized and strengthened as required.

The Canadian Sport Policy focuses government efforts on identifying and strengthening the weak links in the Canadian sport system at the national, provincial/territorial and community levels in order to maximize its effectiveness.

An Act to Promote Physical Activity and Sport (S.C. 2003, C-2) (the "Act") received Royal Assent on March 19, 2003. The Act sets out the Government's policy on sport as including the fair, equitable, transparent and timely resolution of disputes in sport. The Act provided for the creation of the Sport Dispute Resolution Centre of Canada (the "SDRCC"). The SDRCC opened on April 1, 2004.

MISSION STATEMENT

In keeping with the goals of the Canadian Sport Policy and in accordance with the Act, the mission of the SDRCC is to provide the sport community with a national service for the prevention and resolution of sport disputes as well as expertise and assistance regarding alternative dispute resolution (ADR).

CLIENTELE

The Sport Canada accountability framework requires that all national sport organizations (NSOs) and multisport services organizations (MSOs) have an internal dispute resolution mechanism. If not resolved internally, disputes with respect to national team athletes and coaches are administrated by the SDRCC.

The services rendered by the SDRCC may additionally be offered for other matters on a consensual basis. All NSOs and MSOs and anyone affiliated with a NSO or MSO, including its members, may agree to refer a dispute to the SDRCC and benefit from the SDRCC's services, provided they meet certain criteria adopted by the SDRCC.

Where other sport organizations and their members request access to the SDRCC's services, the Board may, under certain conditions, grant access to the SDRCC, including through its new fee-for-service program.

SDRCC GOVERNING LEGISLATION

The Act established the SDRCC as a not-for-profit corporation and outlines its structure, mission, powers and rules of operation. Given the intention to make the SDRCC arm's length from government, the legislation states that the SDRCC is not an agent of Her Majesty, a departmental corporation or a Crown corporation.

ORGANIZATIONAL STRUCTURE

The Act specifies that the SDRCC shall be composed of a Dispute Resolution Secretariat ("Secretariat") and a Resource Centre, but leaves it to the SDRCC to define its mandate, duties and functions to ensure that it is responsive to the evolving needs of the sport community in order to better enhance capacity in the Canadian sport community.

Pursuant to the Act, the affairs and business of the SDRCC are managed by a Board of Directors consisting of the Executive Director of the SDRCC, who is an *ex officio* director, and 12 other directors. In December 2003, the Minister appointed the inaugural directors after consultation with the sport community. The Guidelines cited in the Act provide for a Board comprised of men and women who: a) are committed to the promotion and development of sport; b) have the experience and capability to enable the SDRCC to achieve its objectives; c) are representative of the sport community; and d) are representative of the diversity and linguistic duality of Canadian society. Since the appointment of the new Directors by the Minister in May and November 2009, the SDRCC is functioning with a full Board.

The Executive Director is the SDRCC's Chief Executive Officer. The full-time CEO is charged with the fulfillment of the objectives and mission of the SDRCC, including spearheading the projects, programs, and services offered by the SDRCC and overseeing their successful delivery across Canada. The CEO and staff coordinate activities and projects to further the objectives of the SDRCC and provide the mandated services for the SDRCC's stakeholders.

The Dispute Resolution Secretariat and the Resource Centre are managed internally by the staff of the SDRCC (the CEO and three employees).

The Board reviews and revises as necessary the management of both the Secretariat and the Resource Centre during the course of the fiscal year in order to best serve the needs of the sport community.

Members of the Board of Directors during the 2010-2011 fiscal year:

- Carla Qualtrough, Chairperson
- Luc Arseneau
- Anne Benedetti
- Alexandre Charbonneau
- Frank Fowle
- Miray Cheskes Granovsky
- Clayton Miller
- Aimable Ndejuru
- John F. Reid
- Allan J. Sattin
- Michael A. Smith
- Judith A. Tutty
- Marie-Claude Asselin (CEO, *ex officio*)

Staff members during the 2010-2011 fiscal year:

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Nathalie C. Labelle, Executive Assistant (until June 18, 2010)
- Fredy M. Iuni, Education and Communication Coordinator
- Valérie Gingras, Administrative Assistant
- Marie-Josée Duval, Executive Assistant (since June 28, 2010)
- Danielle Comeau, Bookkeeper (consultant)

The firm BDO Dunwoody, Chartered Accountants, was appointed by the Board of Directors as the independent auditor.

Arbitrators and Mediators Appointed until December 31, 2013, by Province:

Alberta

Vanessa Gray (Mediator)
Roger Gunn (Mediator)
Ian R. MacDonald (Mediator)
Deborah Sword (Mediator)
John Harrison Welbourn (Arbitrator)

British-Columbia

Barbara Cornish (Mediator/Arbitrator)
Carol Roberts (Arbitrator)
John P. Sanderson (Mediator/Arbitrator)
Tricia C.M. Smith (Arbitrator)

Manitoba

James W. Hedley (Arbitrator)

Northwest Territories

Cayley Jane Thomas (Mediator/Arbitrator)

Quebec

Dominique F. Bourcheix (Mediator)
Patrice M. Brunet (Arbitrator)
Robert Décary (Arbitrator)
Stephen L. Drymer (Mediator/Arbitrator)
Julie Duranceau (Mediator)
L. Yves Fortier (Arbitrator)
The Honourable Paule Gauthier (Mediator/Arbitrator)
The Honourable Marc Lalonde (Mediator)
Richard W. Pound (Arbitrator)
Bernard A. Roy (Arbitrator)
Janie Soublière (Arbitrator)
François Tremblay (Arbitrator)

Ontario

Greg Ambrozic (Mediator)
Larry Banack (Arbitrator)
Roger Beaudry (Mediator)
David Bennett (Mediator)
David I. Bristow (Mediator/Arbitrator)
Rick Brooks (Mediator)
Jane H. Devlin (Mediator/Arbitrator)
Ross C. Dumoulin (Arbitrator)
Hugh L. Fraser (Arbitrator)
Steven C. Gaon (Mediator)
Paul Denis Godin (Mediator)
Kathleen J. Kelly (Mediator)
Andrew D. McDougall (Arbitrator)
Richard H. McLaren (Arbitrator)
Graeme Mew (Mediator/Arbitrator)
Gordon E. Peterson (Mediator/Arbitrator)
Michel G. Picher (Mediator/Arbitrator)
Ed Ratushny (Arbitrator)
Anne Sone (Mediator)
Allan Stitt (Mediator/Arbitrator)
George W. Taylor (Mediator)

Nova Scotia

Peter J. Mackeigan (Mediator)
The Honourable Stewart McInnes
(Mediator/Arbitrator)

Multi-Year Strategy and Objectives for 2008-2012

LONG-TERM OBJECTIVES 2008-2012

The SDRCC's long-term (four-year) strategies are based on the objectives of the Canadian Sport Policy: participation, excellence, capacity and enhanced interaction in sport, as well as the SDRCC's mission to provide a national alternative resolution service for sport disputes.

a) **Excellence and Expertise**

Enhance excellence in the Canadian sport system by strengthening the culture of fairness through education and dispute prevention initiatives and by providing world-class resolution facilitation, mediation and arbitration services to resolve sports-related disputes.

b) **Participation**

Enhance the accessibility and inclusiveness of the Canadian sport system by strengthening the capacity of leaders and decision makers to make fair and impartial decisions and by providing ADR services and SDRCC resources across Canada in both official languages.

c) **Resources**

Strengthen the capacity of leaders and participants in the Canadian sport system to develop and implement sound policies that will reduce the risk of disputes and to acquire the knowledge and skills to deal with internal disputes more efficiently. Develop within the SDRCC the service and resource structure required to offer an optimal alternative sport dispute resolution service to the sport community.

d) **Enhanced Interaction**

Create and foster harmonious relationships with members of the sport community. Enhance existing partnerships and create new ones in order to share expertise and maximize the impact of our respective resources.

e) **Sound, Effective Management**

Operate and administer a balanced, effective, transparent, and responsible organization that demonstrates leadership in its respect for governance, management and human values.

REPORT ON ACTIVITIES 2010-2011

- From April 1st, 2010 to the time of printing, the SDRCC managed a total of 50 new disputes dealing with issues such as team selection, athlete carding, discipline, governance matters, and asserted anti-doping violations. The events surrounding the University of Waterloo football program accounted for an unusually high number of doping cases.
- A call for applications was published in March 2010 to recruit new arbitrators and mediators. The new roster, comprised of 46 highly qualified professionals, is effective since February 1, 2011. Its composition reflects the needs of the Dispute Secretariat with an increased ratio of mediators and of bilingual professionals.
- A conference was held in January 2011 for the new roster. The participants benefited from presentations by guest speakers and experts; they took part in group discussions on a variety of topics regarding procedural issues and the interpretation of applicable rules and laws. Part of the conference was open to the public as an attempt to increase the visibility of the SDRCC in the legal community.
- The Canadian Sport Dispute Resolution Code was amended following an internal review, in part to incorporate changes to anti-doping rules. The amendments came into effect on February 1, 2011.
- The SDRCC attended several conferences and events of the sport community with its display and kiosk and facilitated workshops to educate sport community members about dispute prevention.
- A booklet entitled “Guide to Administrative Fair-Play” was published in November 2010. The guide is intended for sports administrators at all levels and reminds them, in twelve short chapters, how to apply best management practices to promote play fair in their offices and in their boardrooms.
- The SDRCC was present at the Canada Games 2011 in Halifax with an information kiosk and offered free on-site dispute resolution on demand. At the time of printing, no dispute had arisen during the Games that required SDRCC assistance.
- A case management portal was created to provide parties on-line access to their SDRCC case files at anytime from anywhere, including all case-related materials and an interactive calendar with automatic reminders for deadlines and meetings. It is currently in its final phase of testing.
- A result-based management and accountability framework and evaluation strategy, consistent with the Treasury Board of Canada guidelines, were adopted during the fiscal year to monitor program efficiency and assess overall organizational performance.
- In October 2010, the *Pro Bono* program was established, enabling unrepresented parties with limited financial means to access free legal advice and services to assist them with their case before the SDRCC. The program has already allowed a few athletes to benefit from free legal representation.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.

Objectives and Planned Initiatives for 2011-2012

STRATEGIC PRIORITIES 2011-2012

The SDRCC's priorities for the 2011-2012 fiscal year include: (i) continuing to promote the use of resolution facilitation and mediation in sports-related disputes; (ii) enhancing interaction with the Canadian and international sport communities through long-term and project-based partnerships; (iii) educating the sport community about best practices aimed at creating a culture of fairness; (iv) defining a new long-term strategy; (v) continuing to introduce the use of new technologies to improve the effectiveness of its dispute resolution services; and (vi) expanding the reach of dispute resolution services to provincial sports organizations, colleges, and universities.

The projected activities for the fiscal year 2011-2012 will ensure that the two core elements of the SDRCC services, the Dispute Prevention Resource Centre and the Dispute Resolution Secretariat, are maintained and enhanced.

The objective of the Dispute Prevention Resource Centre is to provide information and tools to assist members of the sport community in preventing disputes and to increase the capacity of NSOs and MSOs to handle disputes that cannot be prevented. The SDRCC will elaborate new content to complement the Guide to Administrative Fair Play and expand its website thematic portal on governance. The operational plan includes the development of an online program to better prepare volunteers acting as NSO and MSO internal appeal panel members in applying principles of natural justice in their work. Through its Dispute Prevention Resource Centre, the SDRCC will continue to offer tailored awareness and outreach activities and dispute prevention workshops for members of the sport community.

The Dispute Resolution Secretariat will maintain the high quality of its resolution facilitation, mediation, med/arb and arbitration services to assist members of the sport community in resolving their disputes quickly and at a reasonable cost. The implementation of the case management portal and the introduction of new technologies will improve the delivery of such services. The SDRCC will maintain its efforts to increase its knowledge of best practices in sport dispute resolution internationally. The Dispute Resolution Secretariat will also formalize its offer of services to non-funded organizations as part of the SDRCC's plan to establish a fee-for-service program.

From a corporate perspective, the SDRCC will begin the implementation of its new results-based management and accountability framework and ensure that it has the appropriate human resources to carry out its mandate as per the Act and comply with the requirements of its Sport Canada contribution agreement in the delivery of its services.

In the final year of its current long term strategy, the SDRCC will conduct a thorough evaluation of its programs and objectives and the Board of Directors will take part in a strategic planning exercise to elaborate a new long-term strategy to take effect in April 2012.

OBJECTIVES AND INITIATIVES 2011-2012

- **Enhance excellence in sport through the prevention or reduction of sports-related disputes, thus creating a culture of fairness in the Canadian sport system.**

Initiatives:

- Continue to promote the use of resolution facilitation and mediation to prevent and resolve sports-related disputes
- Train all arbitrators and mediators, including in the use of the case management portal
- Improve the level of expertise of the SDRCC by training staff and Board members
- Further explore the fee-for-service model to serve a wider audience in the Canadian sport community

- **Strengthen the capacity of our sport community leaders and participants by creating a positive culture of fairness.**

Initiatives:

- Enhance interaction with the Canadian sport community through the creation and consolidation of long-term and project-based partnerships
- Educate the sport community about best practices aimed at creating a culture of fairness
- Develop innovative and tailored education and dispute prevention programs for all members of the Canadian sport community

- **Operate and manage an organization promoting excellence and transparency.**

Initiatives:

- Develop and implement transparent and responsible management and governance policies
- Adopt environmentally-friendly practices and incorporate the use of new technologies in the management of disputes, including the implementation of the case management portal
- Conduct a baseline assessment of all performance indicators found in the new results-based management and accountability framework
- Continue to manage all sports-related disputes in a fair and efficient manner
- Draw on relevant expertise from around the world and work on international partnerships in sport dispute resolution to further improve its services to the Canadian sport community
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party

BUDGET 2011-2012

Consistent with the objectives and planned initiatives for 2011-2012, the total proposed budget for this period is \$1,000,000 broken down as follows:

ADMINISTRATION	145,500
OFFICIAL LANGUAGES	35,000
OPERATIONS	362,000
HUMAN RESOURCES	457,500
TOTAL EXPENSES	1,000,000
FUNDING FROM SPORT CANADA	1,000,000

FUNDING BLOCKS

Administration:	(14,6%)	145,500
Official Languages:	(3,5%)	35,000
Operations:	(36,2%)	362,000
Human Resources:	(45,8%)	457,500