

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2014-2015 Period

March 1st, 2014

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Background and Governance

THE CANADIAN SPORT POLICY

The vision of the Canadian Sport Policy 2012 is to have, by 2022, “a dynamic and innovative sport culture that promotes and celebrates participation and excellence in sport”. Fundamental to the Policy is the assumption that quality sport is dependent on seven principles appropriately integrated into all sport-related policies and programs: values-based; inclusive; technically sound; collaborative; intentional; effective; and sustainable. The vision emphasizes a commitment to learning and implementing best practices in an ever-changing environment.

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 vision of the Canadian Sport Policy 2012-2022 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

Sport Canada’s 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 dispute resolution 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.

The SDRCC’s education and prevention services are made available to all members of the Canadian sport community.

SDRCC GOVERNING LEGISLATION

The Act establishes 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 appointed by the Minister responsible for sport. 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. A new Chairperson was named and five new Board members were appointed by the Minister in July 2013.

The Executive Director is a full-time Chief Executive Officer and 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 four 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 2013-2014 fiscal year:

- Carla Qualtrough (Chairperson until mandate expired on July 12, 2013)
- Allan J. Sattin (Chairperson since July 13, 2013)
- Luc Arseneau
- Anne Benedetti (mandate expired on July 12, 2013)
- David de Vlieger (appointed July 13, 2013)
- Jean R. Dupré (appointed July 13, 2013)
- Frank Fowlie
- Miray Cheskes Granovsky
- Marg McGregor (appointed July 13, 2013)
- Clayton Miller (mandate expired on July 12, 2013)
- Aimable Ndejuru (mandate expired on July 12, 2013)
- Dasha Peregoudova (appointed July 13, 2013)
- John F. Reid
- Michael A. Smith
- Judith A. Tutty
- Anthony Wright (appointed July 13, 2013)
- Marie-Claude Asselin (CEO, *ex officio*)

Staff members during the 2013-2014 fiscal year:

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Liane Mendelsohn, Administrative Assistant
- Tanya Gates, Operations Manager
- Cynthia Colas Livernois, Education and Communication Coordinator (since October 28, 2013)
- Nathalie Labelle, Case Manager (Since February 10, 2014)
- Marjha Thénor Beauchamps, Case Manager (until January 24, 2014)
- Julie Stronach, Education and Communication Coordinator (until September 27, 2013)
- Danielle Comeau, Bookkeeper (consultant)

The firm Collins Barrow was appointed by the Board of Directors as the independent auditor for the 2013-2014 fiscal year.

Arbitrators and Mediators Appointed until October 31, 2014, by Province:

Alberta

Vanessa Gray (Mediator)
Roger Gunn (Mediator)
Ian R. MacDonald (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)
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)
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)
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 2012-2016

LONG-TERM OBJECTIVES 2012-2016

The SDRCC's long term vision is to use education as a vehicle for dispute prevention, create a culture of fairness in relation to sport disputes, and provide world-class ADR services to stakeholders. For its 2012-2016 strategic plan, this translates more specifically into being recognized, respected and accepted as a centre of excellence nationally, which uses resolution facilitation, mediation and arbitration processes to resolve conflicts in sport; and which provides education to all MSOs and NSOs with the goal of preventing disputes.

a) Enhance Core Business

The success of the SDRCC is the quality of the core business (mediation and arbitration). Over the next four years, the SDRCC wants to implement systems that will continue to make this organization a centre of excellence and a role model for other countries in the area of sport mediation and arbitration.

b) Dispute Prevention through Education

The SDRCC aims to increase the level of awareness of the sport mediation and arbitration as well as preventative strategies among the potential users and the present group of stakeholders.

c) Strengthening National Partnerships

In order for the SDRCC to reach its goal of being accepted and widely utilized in the Canadian sport system, it needs to forge relationships across the sport system and leverage the benefits of other organizations.

d) Business Development

There is a strong desire to extend business beyond national teams and the boundaries of the country. With technology and sport continuously breaking down borders, the SDRCC wants to share knowledge and services in other jurisdictions.

e) Transparency and Accountability

The SDRCC strives to contribute to the transparency and accountability of the Canadian sport system by acting as a model of best management practices.

REPORT ON ACTIVITIES 2013-2014

- From April 1st, 2013 to the time of printing, the SDRCC managed a total of 39 new sports-related disputes including 13 anti-doping violation assertions and two (2) doping appeals. Five (5) Olympic team selection cases were filed with the SDRCC before Sochi 2014.
- The 2013 Arbitrator and Mediator Conference was held in Halifax, Nova Scotia and provided professional development to SDRCC Roster members; a partnership with the ADR Atlantic Institute attracted a record number of participants to the public portion of the conference.
- A formal Quality Control program was established for the tribunal operations, including a new Code of Conduct for SDRCC Mediators and Arbitrators and revisions to the Complaints Process Policy.
- The mandate of current arbitrators and mediators was extended until October 31, 2014. A call for applications for the renewal of the SDRCC Roster of arbitrators and mediators was published during the period. The selection is expected to be completed before March 31, 2014.
- The SDRCC was present at the 2013 Canada Games in Sherbrooke to provide onsite dispute resolution and education services.
- The SDRCC staff attended several conferences and partner events to facilitate workshops or to distribute dispute prevention and resolution print materials through its kiosk; educational tools and resources were also provided to provincial and regional sport organizations.
- The interactive online Appeal Panel Orientation Program was launched in November 2013 and other educational initiatives are expected to be delivered before the end of the current fiscal year.
- With the permission of the International Bar Association, its *Guidelines on Conflict of Interest in International Arbitration* were adapted by the SDRCC to create a new publication on conflicts of interest in sports-related decision-making.
- A memorandum of agreement was signed with AthletesCAN to formalize ongoing collaboration on education initiatives and dispute resolution resources aimed at athletes.
- The SDRCC is working closely with the Coaching Association of Canada in the review of two National Coaching Certification Program modules, on “Managing Conflict” and on “Leading a Drug-Free Sport”. Further discussions are underway for the next SDRCC Arbitrator and Mediator Conference to be hosted in conjunction with the 2014 Sport Leadership event.
- The SDRCC website and the Case Management Portal are undergoing significant upgrades.
- The Financial Administration Policy was thoroughly reviewed and amended.
- Following the appointment of new SDRCC Board members by the Minister, an orientation session was delivered for them in conjunction with the Annual Public Meeting.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.

Objectives and Planned Initiatives for 2014-2015

STRATEGIC PRIORITIES 2014-2015

The SDRCC's priorities for the 2014-2015 fiscal year include: (i) continuing to provide professional, client-oriented and uncomplicated sport dispute prevention and resolution services; (ii) developing new resources to assist parties and legal representatives in better understanding the SDRCC dispute resolution processes; (iii) providing innovative education tools and resources to help members of the Canadian sport community prevent disputes and, when they arise, to manage them more fairly; (iv) establishing new partnerships to widen the scope of influence of its dispute prevention publications and initiatives; and (v) practising transparent and responsible management and governance.

The projected activities for the 2014-2015 fiscal year 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 all members of the sport community in preventing disputes, as well as to increase the capacity of NSOs and MSOs to handle disputes that are not prevented. In addition to offering tailored outreach activities and dispute prevention workshops, new and innovative SDRCC tools and resources will be introduced to foster a better understanding of the mediation and arbitration processes. The SDRCC actively explores opportunities to collaborate with other multisport service organizations, as well as organizations in other jurisdictions, in order to maximize shared resources and ensure that key educational messages reach a wider audience.

The Dispute Resolution Secretariat will enhance the quality of its services through the revision of the Canadian Sport Dispute Resolution Code and through the full implementation of its new Quality Control program. The integration of innovative technologies will continue to play a key role in assisting members of the Canadian sport community in resolving their disputes quickly and cost-effectively.

From a corporate standpoint, the SDRCC will conduct a review of its by-laws and renew its communication plan, as well as continue to investigate business practices that are respectful of the environment. In doing so, it will also 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.

OBJECTIVES AND INITIATIVES 2014-2015

- **Continue to offer the highest level of ADR expertise through innovative and professional delivery of services and resources.**

Initiatives:

- Conduct a thorough review of the Canadian Sport Dispute Resolution Code;
- Deliver comprehensive orientation and training sessions for new and returning roster members as well as for lawyers participating in the *Pro Bono* program;
- Offer onsite dispute resolution services during the 2015 Canada Winter Games;
- Implement and monitor the new Quality Control program;
- Explore opportunities for third-party use of the Case Management Portal;

- **Develop new content and tools to further inform and educate members of the Canadian sport community about dispute resolution and effective risk-reduction strategies.**

Initiatives:

- Develop new resources to help identify strategies to minimize sports-related disputes and guide unrepresented parties through SDRCC proceedings;
- Complete the revisions of the existing appeal policy package and create a simplified version;
- Continue to explore ways to maximize the use of social media to promote the SDRCC.

- **Enhance interaction with the sport community to broaden the scope of influence and increase the impact of dispute prevention and resolution efforts.**

Initiatives:

- Enhance visibility and interaction by ensuring SDRCC presence at relevant meetings and events to educate more members of the Canadian sport community on dispute prevention and resolution;
- Collaborate with relevant sport and ADR organizations to maximize the use of shared resources and work together to create and promote mutually beneficial educational tools.
- Review and update the SDRCC communication plan in order to establish more efficient strategies to ensure that key educational messages reach a wider audience.

- **Develop and implement transparent and responsible management and governance policies.**

Initiatives:

- Review the SDRCC corporate by-laws and update as required;
- Assist the Minister in seeking applicants to join the Board of Directors in 2015;
- Promote and celebrate the 10th anniversary of the establishment of the SDRCC;
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party.

BUDGET 2014-2015

Consistent with the objectives and planned initiatives for 2014-2015, the total proposed budget for this period is \$1,000,000 broken down as follows:

ADMINISTRATION	128,500
OFFICIAL LANGUAGES	40,000
OPERATIONS	342,000
HUMAN RESOURCES	489,500
TOTAL EXPENSES	1,000,000
FUNDING FROM SPORT CANADA	1,000,000

DISTRIBUTION BY FUNDING BLOCK

