

Public Program - Friday November 2nd

2. Review of Recent SDRCC and International Jurisprudence

An overview of a selection of recent awards by SDRCC arbitrators and other sport tribunals of the world, followed by a discussion of the significant questions raised by them which may potentially impact future SDRCC decisions.

3. Panel: The Status of Anti-Doping Affairs: Implications for Dispute Resolution in Canada

In the aftermath of the Russian doping scandal, confidence in the anti-doping system has been eroded and many critics worldwide call for reform. Recognizing the need for better consistency across jurisdictions in the handling of alleged doping violations, the World Anti-Doping Agency is about to transform its *Results Management, Hearings and Decisions* "Guidelines" into mandatory "International Standards". The panelists will assess the SDRCC doping tribunal and doping appeal tribunal against best industry practices and provide an opinion on whether some changes may be required.

4a. Protection of Privacy in Award Writing

Since last year's conference when the SDRCC introduced its new privacy policy, guidelines for arbitrators, mediators and employees were developed to complement it. With a constant desire to enhance the protection of private information for all SDRCC stakeholders, this session will address the difficult balance required in award-writing, in order to properly render a decision while limiting the unnecessary disclosure of personal information or sensitive personal information of the parties or the witnesses.

4b. Ethical Implications of Financial Incentives to Settle

In its Ordinary Tribunal, the SDRCC imposes a non-reimbursable filing fee to the claimant to serve as a deterrent for frivolous appeals. The success of the resolution facilitation process, settling almost 40% of disputes before they go to arbitration, implies that the arbitration services for which the filing fee was paid are not effectively provided by the SDRCC. Participants in this session are invited to express their views as to the ethical implications of making the filing fee reimbursable in case of a settlement, which could be construed by parties as a financial incentive for the claimant to settle the case.

5. LGBTQ2S: Creating a Safe Environment in Sport

The sport community is comprised of a very rich and diverse population that embraces inclusion. Supported by strong advocates from the LGBTQ2S community, Canadian sport has significantly improved its practices to help all athletes and other participants feel safer. However, several challenges persist in many aspects of modern sport for LGBTQ2S athletes, such as the segregation of sport practice by traditional gender groups, the anti-doping rules concerning gender-related hormones, as well as the risks they face when traveling for international competitions in jurisdictions where they can be prosecuted, imprisoned or face the death penalty. What more can be done to overcome some of these challenges?

6a. *Deference: Whether and Why?*

This session is building on the feedback received from last year's panel on the principle of deference given to the expertise of first instance decision makers. Participants will explore the scope of review afforded to SDRCC arbitrators in the application of section 6.17 of the Canadian Sport Dispute Resolution Code, and discuss the conditions under which deference is applied without letting sport organizations get away with breaching athletes' and other members' rights.

6b. *Making the Best of Pre-Mediation Caucuses*

Pre-mediation caucuses are widely used in the dispute resolution industry. They allow the mediators to prepare parties before they face each other in a plenary session. Although the Canadian Sport Dispute Resolution Code does not impose nor preclude such practice, SDRCC resolution facilitators and mediators rarely take advantage of pre-mediation caucuses. This session will provide insight on the benefits of pre-mediation caucuses and an analysis of strategies and best practices to increase the effectiveness of SDRCC resolution facilitation and mediation sessions.

7. *Closing Remarks for the Public Program*

The Chairman of the SDRCC Board of Directors will close the public portion of the conference, reflecting on the presentations and discussions which occurred throughout the day.