

Women in Arbitration Mentorship Program (WAMP)

Program Guidelines

February 2021



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1. Overview

Women account for only 15% (4 out of 27) of the arbitrators on the Sport Dispute Resolution Centre of Canada's (SDRCC) current roster while women make up 41% (14 out of 24) of mediators. With the goal of providing equal opportunity for arbitrators and mediators regardless of gender, the SDRCC is implementing the Women in Arbitration Mentorship Program (hereinafter "WAMP"), allowing female arbitrator candidates who demonstrate great potential but lack the necessary experience to be selected as program participants. These women will benefit from the same mandatory training as the SDRCC roster, shadow arbitrators acting on SDRCC cases and be mentored by a current roster member. Upon successfully completing certain tasks to evaluate their progress, they could then apply to be fast-tracked to full membership onto the roster, without having to wait for the next roster renewal process (which would normally be in 2024-2025).

For more information on the selection criteria of the SDRCC roster, please refer to Appendix A of the document named *SDRCC 2021 Roster Call for Applications EN*.

2. Objectives

The goal of this SDRCC initiative is to increase the number of women arbitrators on the roster. The program will accommodate up to 15 women to take part in the program and attend their first **SDRCC Mediator and Arbitrator Conference** planned for **May 6 - 8, 2021**. This also includes an orientation training on May 6, 2021.

General objectives for the mentee:

- Acquire knowledge from someone with experience;
- Acquire experience in writing awards;
- Acquire experience in conducting hearings for the sport community; and
- Learn about the sport system in Canada.

General objectives for the mentor:

- Share knowledge and experience; and
- Volunteer time to help develop potential roster members.

3. Mentorship Relationship

Mentors and mentees will be paired by the SDRCC based on common interests and linguistic preferences (if possible).

To ensure optimal communication and progressive development of the mentee, frequent meetings are strongly recommended and must meet minimum standards according to the Mentorship Agreement.

The mentor will provide a final evaluation of their mentee to ensure the participant is ready to apply to the roster.

4. Evaluation Process

There are two components to be evaluated, which will be tracked using the Report Card. In order to maximize observation opportunities while respecting the wishes of the parties, the following measures will be in place to assign cases to WAMP participants:

- All current roster members will be required to accept program observers on cases;
- Observations will only take place when all parties expressly agree to observers;
- A maximum number of observers (from WAMP and/or from the SDRCC's current Observer Program) can participate in a single case. Such number may vary based on number of parties and priority will be granted to WAMP participants who respond within 24 hours of the Case Manager's offer to observe;
- Only cases that are resolved by an award on merits will be considered an observation for the purpose of the program;
- SDRCC staff will track/monitor participants' attendance as observers; and
- SDRCC staff will communicate to roster members and program participants that post-case contact between them is encouraged to debrief and ask questions.

a) Observation of at least three arbitration cases:

When a case is presented before the SDRCC, a Case Manager will contact WAMP participants for availability to act as case observers. Participants must commit to shadowing the arbitrator at every step of the arbitration process.

Observation of at least three cases is required, in at least two of the SDRCC Tribunals (Ordinary, Doping, Safeguarding, Appeal), including at least one in the Ordinary Tribunal. Observations would take place under the following parameters:

- Participants will not have an active role in the proceedings;
- Participants will have access to case files through the Case Management Portal (CMP); and
- Participants must attend every aspect of the proceedings (e.g. Resolution Facilitation, Mediation in instances of Med/Arb, and all preliminary meetings in addition to the hearing). Only cases that are resolved by an award on merits will be considered an observation for the purpose of the program.

b) Successful shadowing and drafting of two mock decisions:

In addition to the three cases observed under 4a) above, the participant will shadow the appointed arbitrator in at least two other cases in two different SDRCC Tribunals during which:

- Participants will have access to case files through the Case Management Portal (CMP);
- Participants must attend every aspect of the proceedings during which the arbitrator is present, which may in addition to the hearing include the mediation portion of a Med/Arb process and one or more preliminary meetings;
- Participants will prepare and submit mock decisions for all instances in which the arbitrator must do so, including preliminary awards, cost awards and other procedural orders, as well as a short decision and a fully reasoned decision on the merits. Such decisions will have to be issued to the SDRCC Case Manager within the same deadlines as given to the arbitrator appointed to the case; and

- Participants wishing to be listed as bilingual on the SDRCC roster are required to write one mock reasoned decision in English and one in French (even if the case observed is conducted in English).

Mock reasoned decisions should generally follow this structure:

- Cover page/style of cause;
- Introductory section (nature of dispute, parties, jurisdiction, procedural history);
- Factual background (issues, applicable rules, summary of parties' submissions);
- Analysis; and
- Final order/decision.

A suggested template is available in the SDRCC [Appeal Panel Orientation](#) online program, more specifically in the toolbox under *Unit 4*.

Evaluation of Mock Decisions

SDRCC arbitrations are often conducted with parties who are self-represented with no or little legal knowledge. It is expected that SDRCC arbitrators are able to write awards that are clear, concise and properly reasoned to be understood by lay readers, occasionally requiring short decisions to be rendered within 24 hours.

Each mock decision prepared by the participants will be evaluated by a review committee of 3 to 4 reviewers, which may include mentors, other SDRCC arbitrators, members of the ADR Services Committee and SDRCC Case Managers. In the event that the decision barely misses the threshold of satisfaction, the review committee may allow the participant to promptly remedy the shortcomings identified and be re-evaluated.

The award to be supplied by the participant will be judged, inter alia, for:

- Analysis of evidence including inconsistencies and making any necessary findings of fact;
- Respectful and sensitive to circumstances of parties and events;
- Well-reasoned and jurisprudentially sound;
- Clarity of content and writing style;
- Use of accessible language;
- Effectively communicates to the reader what the dispute is about; and
- Readers understand what has been decided and why.

5. Report Card

A Report Card will be updated every 3 months and shared with each mentee in order to help track their progress towards achievement of the program requirements. This Report Card will record the self-declared goals and objectives of the mentee, the cases completed (observing and shadowing) and number of mock decisions deemed satisfactory/unsatisfactory.

This Report Card will only be available to the mentee, the mentor, the SDRCC staff and the ADR Services Committee.

6. Criteria for Successful Completion of the Program

In order to become admissible to the full roster, a participant must fulfill the following criteria:

- Attendance at the orientation training (**virtual, May 6, 2021**);
- Attendance at the 2021 SDRCC Mediator and Arbitrator Conference (**virtual, May 6-8, 2021**) and all subsequent mandatory training offered to SDRCC roster members;
- Observation of **at least three cases** in at least two of the SDRCC Tribunals (Ordinary, Doping, Safeguarding, Appeal), including at least one in the Ordinary Tribunal;
- Successful drafting of mock decisions on **two other cases** observed in two different SDRCC Tribunals (in both official languages, if applicable); and
- Successful completion of complementary training, at their own cost, as may be recommended by the mentor, as part of ongoing evaluation, or by the decision review committee.

Use of Technology

Participants have to accept that the majority of SDRCC proceedings are conducted by telephone and videoconferencing and that their capacity to fully participate in such context is incumbent on them to learn and become proficient and autonomous with the SDRCC technological tools.

Admission to the SDRCC Roster

Upon successfully having met the requirements of the program, participants will request a reconsideration by the ADR Services Committee to be recommended as arbitrator. The ADR Services Committee will review the request and formulate recommendations to the Board of Directors for appointment to the SDRCC roster, including any specialized roster. Upon approval of such recommendation by the Board of Directors, the participants will be required to enter into the Roster Agreement, complete a Declaration of Involvement in sport organizations, and provide an updated biography for the SDRCC website.

7. Duration of Program

For perspective, over the last three years, the average duration of ordinary and doping cases was 37 and 72 days, respectively. Over the same period, a yearly average of 17 ordinary and 5 doping cases have gone to an arbitration hearing. In parallel, some cases may be of urgent nature and are conducted in very short timeframes, requiring resolution or final decisions within 5 to 7 days or less.

Therefore, the duration of the program may vary from one participant to the next, depending on:

- The frequency at which the SDRCC will receive cases;
- The timeframe at which a mentee takes on cases;
- The urgency of cases;
- The number of cases reaching the arbitration stage;
- Parties' acceptance of observers;
- Duration of an observed case; and
- Successful drafting of mock decisions.

8. Sharing of Responsibilities

The SDRCC staff members will:

- Act as liaison between participants and the ADR Services Committee;
- More particularly, Case Managers will:
 - Contact participants for observation opportunities;
 - Appoint participants to cases as observers and provide them access to the CMP;
 - Monitor participants' attendance during case-related events; and
 - Assist in the evaluation of mock decisions;
- More particularly, the Education and Partnerships Coordinator will:
 - Collect Mentorship Agreements;
 - Facilitate the pairing of mentors and mentees;
 - Ensure that Report Cards are updated and shared with mentors and mentees at the set frequency; and
 - Act as main contact for participants for all but case-related questions.

The ADR Services Committee will:

- Take part in the evaluation of mock decisions;
- Confirm the successful completion of the program;
- Advise the SDRCC staff on any special situation that may arise in the administration of the program; and
- Recommend participants to the Board of Directors.

The SDRCC Board of Directors will:

- Approve participants onto the full roster upon review of the recommendation by the ADR Services Committee.

The mentors will:

- Provide feedback and advice to the mentee, as required;
- Attend scheduled meetings with their mentee(s);
- Demonstrate engagement towards the program;
- Participate in the evaluation of mock decisions; and
- Recommend their mentees, where deemed appropriate, as full roster member to the ADR Services Committee.

The mentees will:

- Work diligently towards fulfilling all requirements of the program as outlined herein;
- Attend scheduled meetings scheduled with their mentor(s);
- Demonstrate engagement towards the program;
- Respond promptly to Case Managers on observation opportunities;
- Commit, when accepting to observe a case, to do everything in their power to be available for all case-related events; and
- In respect of other WAMP participants, not sign up to observe cases when their availability is limited.

The SDRCC Arbitrators will:

- Accept to have WAMP participants observe their proceedings and shadow them at every step;
- Accept to contribute to the evaluation of mock decisions, including mock decisions written in their own cases; and
- Accept to debrief their cases with WAMP participants who observed them.

9. Termination of Program

The WAMP participant will leave the program upon the first of the following events:

- The participant has successfully completed all requirements of the program and has been named to the SDRCC roster;
- The participant voluntarily withdraws from the program; or
- The participant has been deemed by the ADR Services Committee to have breached the Mentorship Agreement, have acted contrary to the Code of Conduct for SDRCC Mediators and Arbitrators, or otherwise have behaved in a way that brings the SDRCC into disrepute.

10. Mentorship Agreement

Both the mentor and the mentee will have to sign the Mentorship Agreement before the start of the WAMP. Upon reception, the signed agreement should be sent to the SDRCC Education and Partnerships Coordinator at education@crdsc-sdrcc.ca.