

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2008-2009 Period

March 1, 2008

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Introduction

THE CANADIAN SPORT POLICY

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

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.

REPORT ON ACTIVITIES FOR 2007-2008

The fiscal year 2007-2008 saw the implementation of several important changes, including the appointment by the Minister of five new members to the Board of Directors in July 2007.

A new Executive Director and Chief Executive Officer was hired, and the beginning of her mandate coincided with the beginning of the fiscal year. Two new permanent staff members were also hired in November 2007 to assist the Executive Director in the operations of the Dispute Resolution Secretariat and of the Dispute Prevention Resource Centre.

During 2007-2008, the SDRCC managed an increased number of cases compared to 2006-2007. As of March 1st 2008, the SDRCC handled over 34 disputes dealing with issues such as team selection, athlete carding, disciplinary and anti-doping issues. A database was designed to improve and facilitate case management in the Dispute Resolution Secretariat. The SDRCC also facilitated several workshops to educate the sport community about dispute prevention.

The SDRCC adopted a new logo and new corporate image, and launched a new website that is user-friendly and easy to navigate. After importing updated content on dispute resolution from the previous website, new thematic sections were added to provide more information and resources for the prevention of sports-related dispute.

The office of the SDRCC was relocated to the heart of Montreal's business district and offers a larger mediation and arbitration facility as well as accessibility to its collection of dispute prevention and resolution publications for on-site consultation.

Those important changes have set the tone for a renewed long-term strategy that will prioritize education and dispute prevention for the creation of a culture of fairness in the Canadian sport system. A strategic planning retreat was held in November 2007 to develop a multi-year strategy for the SDRCC.

MAJOR OBJECTIVES AND INITIATIVES

The SDRCC's priorities for the 2008-2009 fiscal year include: (i) promoting the use of resolution facilitation and mediation in sports-related disputes and to prevent sports-related disputes; (ii) enhancing interaction with the Canadian sport community through long-term and project-based partnerships; (iii) educating the sport community, particularly NSOs, about best practices aimed at creating a culture of fairness; (iv) revising and implementing amendments to the Code of procedure (the "Code") in light of the new Canadian Anti-Doping Program which is scheduled to take effect January 1, 2009; (v) training arbitrators on the anti-doping rule changes; and (vi) expanding reach of dispute resolution services to provincial sports organizations through a fee-for-service program.

Background and Governance

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 directors after consultation with the sport community. The guidelines cited in the Act provided 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. On July 13, 2007, the Minister appointed 5 new members to the Board of Directors.

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 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.

The members of the Board of Directors during the 2007-2008 fiscal year are:

- Anne Benedetti (appointed on July 13, 2007)
- Alexandre Charbonneau (appointed on July 13, 2007)
- Susanne Dandenault
- Bruce Kidd
- Clayton Miller (appointed on July 13, 2007)
- Aimable Ndejuru (appointed on July 13, 2007)
- Dianne Norman
- Gordon E. Peterson
- Tamar Pichette
- Carla Qualtrough (appointed on July 13, 2007)
- Allan J. Stitt (Chairman of the Board of Directors)
- Steven Sugar
- Marie-Claude Asselin (*ex-officio*)

The staff members at the SDRCC are:

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Nathalie C. Labelle, Executive Assistant (from November 2007)
- Fredy M. Iuni, Education and Communication Coordinator (from November 2007)
- Danielle Comeau, (consultant) Bookkeeper
- Louise Storelli (Executive Assistant, resigned in November 2007)
- Johanne Poirier (Administrative Coordinator, resigned in November 2007)

BDO Dunwoody, Chartered Accountants, were appointed by the Board of Directors as the independent auditor.

The Arbitrators and Mediators by province for 2008-2009 are as follows:

Nova Scotia

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

Quebec

Patrice M. Brunet (Arbitrator)
Jean-Guy Clément (Arbitrator)
Stephen L. Drymer (Mediator/Arbitrator)
L. Yves Fortier (Arbitrator)
The Honourable Paule Gauthier (Mediator/Arbitrator)
The Honourable Benjamin J. Greenberg (Arbitrator)
The Honourable Marc Lalonde (Arbitrator)
Richard W. Pound (Arbitrator)
Bernard A. Roy (Arbitrator)

Manitoba

James W. Hedley (Arbitrator)

Alberta

Roger Gunn (Mediator)
Ian R. MacDonald (Mediator)
Anton M.S. Melnyk (Mediator/Arbitrator)
Deborah Sword (Mediator/Arbitrator)
John Harrison Welbourn (Arbitrator)

Yukon

Joie Quarton (Mediator/Arbitrator)

Ontario

Greg Ambrozic (Mediator)
Larry Banack (Mediator/Arbitrator)
David Bennett (Mediator)
The Honourable John Watson Brooke (Arbitrator)
Kevin M. Burkett (Mediator/Arbitrator)
Kileen Dagg Centurione (Mediator)
Jane H. Devlin (Mediator/Arbitrator)
James E. Doyle (Arbitrator)
Ross C. Dumoulin (Arbitrator)
Lyon Gilbert (Mediator)
Paul-Denis Godin (Mediator)
Kathleen J. Kelly (Mediator/Arbitrator)
Bunny McFarlane (Mediator)
Richard H. McLaren (Arbitrator)
Graeme Mew (Mediator/Arbitrator)
Henri Pallard (Arbitrator)
Michel G. Picher (Mediator/Arbitrator)
Ed Ratushny (Arbitrator)
George W. Taylor (Mediator)

British-Columbia

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

Multi-Year Strategy and Objectives for 2008-2009

LONG-TERM OBJECTIVES 2008-2012

The SDRCC's long-term (4-year) strategies were 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.

OBJECTIVES AND PLANNED INITIATIVES FOR 2008-2009

Projected Activities for 2008-2009

The projected activities for 2008-2009 will ensure that the two core elements of the SDRCC services, the Dispute Prevention Resource Centre and the Dispute Resolution Secretariat, are maintained and improved.

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 NSOs' capacity to handle disputes that cannot be prevented. The Dispute Prevention Resource Centre offers a database of arbitration decisions as well as publications and other resources to educate the sport community with respect to best practices in policy writing and in decision making. Through its Dispute Prevention Resource Centre, the SDRCC will also offer tailored awareness and outreach activities such as meetings with key NSO representatives and dispute prevention workshops for key members of the sport community.

The Dispute Resolution Secretariat will continue to offer world-class resolution facilitation, mediation, med/arb and arbitration services when disputes do arise. With the upcoming 2008 Olympic and Paralympic Games in Beijing and an anticipated increase in the number of doping cases, the projected annual caseload for the SDRCC is over 50 cases for 2008-2009. In addition, the Dispute Resolution Secretariat may also be used to provide dispute resolution services to non-funded organizations as part of the SDRCC's plan to establish a fee-for-service program.

Clientele

The Sport Canada accountability framework requires all NSOs and MSOs to have an internal dispute resolution mechanism. If not resolved internally, disputes with respect to national team athletes and coaches will be administrated by the SDRCC.

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

Objectives 2008-2009

- **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:

- Implement the amendments to the Code as necessary in light of the new Canadian Anti-Doping Program scheduled to take effect on January 1, 2009
 - Continue to promote the use of resolution facilitation and mediation to prevent and resolve sports-related disputes
 - Improve the knowledge base of the SDRCC by training staff
 - Further educate the mediators and arbitrators, including the training of arbitrators on the new anti-doping rule changes
 - Develop a plan for a fee-for-service program to serve provincial sports organizations and their members in dispute prevention and dispute resolution
- **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, particularly the NSOs, 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
- Manage all sports-related disputes in a fair and efficient manner
- Ensure that the SDRCC policies comply with the Act, its by-laws and agreements

Budget 2008-2009

The total proposed budget for this period is \$937 500 broken down as follows:

ADMINISTRATION	176 000
OFFICIAL LANGUAGES	45 000
OPERATIONS	385 500
HUMAN RESOURCES	331 000
TOTAL EXPENSES	937 500
REVENUES	2 500
FUNDING FROM SPORT CANADA	935 000

FUNDING BLOCKS

Administration:	(19%)	176 000
Official Languages:	(5%)	45 000
Operations:	(41%)	385 500
Human Resources:	(35%)	331 000