

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2009-2010 Period

March 1, 2009

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Introduction

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.

REPORT ON ACTIVITIES FOR 2008-2009

During the year 2008-2009, the SDRCC began the implementation of its new long-term strategic plan.

From April 1st, 2008 to the time of printing, the SDRCC managed a total of 44 new disputes dealing with issues such as team selection, athlete carding, governance matters, and asserted anti-doping violations. Three new mediators were added to the roster to meet an increasing demand for bilingual dispute resolution services. The SDRCC also facilitated several workshops and published articles in Canadian sports organizations' newsletters to educate the sport community about dispute prevention.

In its continued efforts to offer the best possible dispute resolution services to the Canadian sport community, the SDRCC conducted a public consultation during the summer of 2008 for the revision of its Canadian Sport Dispute Resolution Code. The final revisions included amended provisions mandated by the new Canadian Anti-Doping Program which came into effect on January 1, 2009.

A conference was held in October 2008 for all SDRCC arbitrators and mediators. The SDRCC arbitrators and mediators were trained on the new anti-doping rules and discussed how the SDRCC could better manage sports-related disputes.

The SDRCC also conducted a series of training sessions aimed at introducing arbitrators and mediators to the use of new technological tools in dispute resolution.

During the period, the SDRCC complied with all of its legislative and contractual obligations, with the exception of the requirement for appropriate coach representation on its Board of Directors. On November 30, 2008, the mandates of 4 SDRCC Board members expired, including the sole coach representative. In August 2008, at the request of Sport Canada, the SDRCC managed the application process for new appointments by the Minister to replace them. Until such appointments are made, the SDRCC is not in compliance with the guidelines established in consultation with the sport community for its board composition pursuant to section 14(2) of the Act. The SDRCC modified its committee structure to adapt to a reduced number of members of the Board.

The SDRCC also revised its official languages policy and its complaint process.

A new staff member was hired in February 2009 to assist the Executive Director in furthering the strategic objectives of the SDRCC.

MAJOR OBJECTIVES AND INITIATIVES

The SDRCC's priorities for the 2009-2010 fiscal year include: (i) continuing to promote the use of resolution facilitation and mediation in sports-related disputes; (ii) enhancing interaction with the Canadian sport community through long-term and project-based partnerships; (iii) educating the sport community about best practices aimed at creating a culture of fairness; (iv) considering the renewal of its roster of arbitrators and mediators; (v) introducing the use of new technologies to improve the effectiveness of its dispute resolution services; and (vi) expanding reach of dispute resolution services to provincial sports organizations, colleges, and universities.

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. With the second mandate of 4 directors having ended on November 30, 2008, the SDRCC currently functions with a Board of 8 members and is awaiting the nomination of new directors by the Minister.

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 2008-2009 fiscal year are:

- Anne Benedetti
- Alexandre Charbonneau
- Susanne Dandenault (mandate expired on November 30, 2008)
- Bruce Kidd (mandate expired on November 30, 2008)
- Clayton Miller
- Aimable Ndejuru
- Dianne Norman
- Gordon E. Peterson
- Tamar Pichette (mandate expired on November 30, 2008)
- Carla Qualtrough
- Allan J. Stitt (Chairman of the Board of Directors)
- Steven Sugar (mandate expired on November 30, 2008)
- 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
- Fredy M. Iuni, Education and Communication Coordinator
- Anne Émilie Brisson, Administrative Assistant (since February 2, 2009)
- Danielle Comeau, Bookkeeper (consultant)

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

The Arbitrators and Mediators by province until December 31, 2009 are as follows:

Nova Scotia

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

Quebec

Dominique F. Bourcheix (Mediator)
Patrice M. Brunet (Arbitrator)
Jean-Guy Clément (Arbitrator)
Stephen L. Drymer (Mediator/Arbitrator)
Julie Duranceau (Mediator)
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)
Steven C. Gaon (Mediator)
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 2008-2012

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 2009-2010

Projected Activities for 2009-2010

The projected activities for 2009-2010 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 to handle disputes that cannot be prevented. The SDRCC will optimize the database of arbitration decisions so that members of the sport and the legal communities will be able to easily access decisions. The SDRCC will continue to develop 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 continue to offer tailored awareness and outreach activities and dispute prevention workshops for members of the sport community.

When disputes arise, the Dispute Resolution Secretariat will maintain the high quality of its resolution facilitation, mediation, med/arb and arbitration services, and will seek to incorporate the use of new technologies to improve the delivery of such services to the sport community. The SDRCC anticipates a slight increase in caseload with the Winter Olympic and Winter Paralympic Games being held in Canada in 2010. The Dispute Resolution Secretariat may also offer its 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 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.

Objectives 2009-2010

- **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
 - Conduct a pilot project to offer an adapted version of the resolution facilitation process in doping-related disputes
 - Evaluate its current roster and determine the need for a renewal
 - Further educate the mediators and arbitrators
 - Improve the knowledge base of the SDRCC by training staff
 - Develop a plan for a fee-for-service program to serve provincial sports organizations and explore the offer of services to athletics departments in colleges and universities
- **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 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 any agreements to which the SDRCC is a party

Budget 2009-2010

The total proposed budget for this period is \$856,000 broken down as follows:

ADMINISTRATION	136,000
OFFICIAL LANGUAGES	45,000
OPERATIONS	310,000
HUMAN RESOURCES	368,500
TOTAL EXPENSES	859,500
REVENUES	3,500
FUNDING FROM SPORT CANADA	856,000

FUNDING BLOCKS

Administration:	(16%)	136,000
Official Languages:	(5%)	45,000
Operations:	(36%)	310,000
Human Resources:	(43%)	368,500