

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2010-2011 Period

March 1, 2010

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Background and Governance

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.

CLIENTELE

The Sport Canada 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 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.

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 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. With the appointment of the new Directors by the Minister in May and November 2009, the SDRCC is now functioning with a full Board.

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 CEO and three 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 2009-2010 fiscal year:

- Allan J. Stitt (Chairman, mandate expired on November 30, 2009)
- Carla Qualtrough (Chairperson since December 1, 2009)
- Luc Arseneau (appointed May 6, 2009)
- Anne Benedetti
- Alexandre Charbonneau
- Frank Fowle (appointed December 1, 2009)
- Miray Cheskes Granovsky (appointed May 12, 2009)
- Clayton Miller
- Aimable Ndejuru
- Dianne Norman (mandate expired on November 30, 2009)
- Gordon E. Peterson (mandate expired on November 30, 2009)
- John F. Reid (appointed December 1, 2009)
- Allan J. Sattin (appointed May 6, 2009)
- Michael A. Smith (appointed May 6, 2009)
- Judith A. Tutty (appointed December 1, 2009)
- Marie-Claude Asselin (CEO, *ex officio*)

Staff members during the 2009-2010 fiscal year:

- 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 (until January 29, 2010)
- Danielle Comeau, Bookkeeper (consultant)

The firm BDO Dunwoody, Chartered Accountants, was appointed by the Board of Directors as the independent auditor.

Arbitrators and Mediators Appointed until December 31, 2010, by Province:

Nova Scotia

Peter J. Mackeigan (Mediator)
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)
Roger Beaudry (Mediator)
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 (four-year) strategies are 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.

REPORT ON ACTIVITIES 2009-2010

- From April 1st, 2009 to the time of printing, the SDRCC managed a total of 32 new disputes dealing with issues such as team selection, athlete carding, discipline, governance matters, and asserted anti-doping violations. Three disputes were directly linked to the Canada Games held in Prince Edward Island, including the first arbitration case to be filed under the pilot fee-for-service program.
- All previously appointed mediators and arbitrators were reappointed to the SDRCC roster until December 31, 2010 and one new mediator was added to the roster to meet an increasing demand for bilingual dispute resolution services.
- A conference was held in November 2009 for all SDRCC arbitrators and mediators. The arbitrators and mediators discussed issues surrounding the application of the new anti-doping rules as well as sport-specific procedural matters.
- An on-line interactive game was launched in the summer of 2009 to promote mediation in sport and to educate users on the mediation process.
- The SDRCC attended several conferences and events of the sport community with its display and kiosk, facilitated several workshops, and published articles in Canadian sports organizations' newsletters to educate sport community members about dispute prevention.
- The SDRCC was present at the Canada Games with an information kiosk and offered free on-site dispute resolution on demand. No disputes arose during the Games that required SDRCC assistance.
- The SDRCC began work on an international partnership with Sport Resolutions, the independent dispute resolution service for sport in the United Kingdom. The SDRCC will co-chair an international sport dispute resolution conference with Sport Resolutions in the lead up to the 2012 London Olympic and Paralympic Games.
- In the spring of 2009, the new jurisprudence database was launched with an upgraded search engine for more reliability of the search results.
- Arbitrators and mediators are increasingly taking advantage of the new technological tools that are being made available to them for more efficient case management.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.
- In May 2009, the Minister appointed four new Board members to replace those whose mandate had expired in November 2008. On November 30, 2009, the final mandate of the last three members from the inaugural Board expired, and the Minister appointed three new Board members to replace them.
- The new Board held its first strategic planning retreat in November 2009.

Objectives and Planned Initiatives for 2010-2011

STRATEGIC PRIORITIES 2010-2011

The SDRCC's priorities for the 2010-2011 fiscal year include: (i) continuing to promote the use of resolution facilitation and mediation in sports-related disputes; (ii) enhancing interaction with the Canadian and international sport communities through long-term and project-based partnerships; (iii) educating the sport community about best practices aimed at creating a culture of fairness; (iv) renewing its roster of arbitrators and mediators; (v) continuing to introduce the use of new technologies to improve the effectiveness of its dispute resolution services; and (vi) expanding the reach of dispute resolution services to provincial sports organizations, colleges, and universities.

The projected activities for the fiscal year 2010-2011 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 and MSOs to handle disputes that cannot be prevented. 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 incorporate the use of new technologies to improve the delivery of such services to the sport community. The SDRCC will seek to increase its knowledge of best practices in sport dispute resolution internationally, with a goal of ensuring that it continues to provide the Canadian sport community with world-class quality services. The Dispute Resolution Secretariat will also formalize its offer of services to non-funded organizations as part of the SDRCC's plan to establish a fee-for-service program.

With six years of operations behind it, the SDRCC is now being looked at as an international leader and best practice in sport dispute resolution. The hosting of the 2010 Olympic and Paralympic Games in Canada has served as a catalyst for international dialogue and partnership. Beginning with a partnership with Sport Resolutions in the United Kingdom for a conference planned in 2012, the SDRCC will continue to share and learn with other sport dispute prevention and resolution partners at the international level.

From a corporate perspective, the SDRCC will develop a new results-based management and evaluation framework to monitor the effectiveness of its programs and initiatives, and will also undertake a technology systems review.

OBJECTIVES AND INITIATIVES 2010-2011

- **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
- Renew its roster of arbitrators and mediators and provide them with relevant training
- Improve the level of expertise of the SDRCC by training staff and Board members
- Implement 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 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
- Adopt environmentally-friendly practices and incorporate the use of new technologies in the management of disputes
- Manage all sports-related disputes in a fair and efficient manner
- Draw on relevant expertise from around the world and work on international partnerships in sport dispute resolution to further improve its services to the Canadian sport community
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party

BUDGET 2010-2011

Consistent with the objectives and planned initiatives for 2010-2011, the total proposed budget for this period is \$861,750 broken down as follows:

ADMINISTRATION	130,000
OFFICIAL LANGUAGES	35,000
OPERATIONS	300,000
HUMAN RESOURCES	396,750
TOTAL EXPENSES	861,750
FUNDING FROM SPORT CANADA	861,750

FUNDING BLOCKS

Administration:	(15%)	130,000
Official Languages:	(4%)	35,000
Operations:	(35%)	300,000
Human Resources:	(46%)	396,750