

# Sport Dispute Resolution Centre of Canada

**Corporate Plan for the 2013-2014 Period**

March 1<sup>st</sup>, 2013

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## Background and Governance

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### THE CANADIAN SPORT POLICY

The vision of the Canadian Sport Policy 2012 is to have, by 2022, “a dynamic and innovative sport culture that promotes and celebrates participation and excellence in sport”. Fundamental to the Policy is the assumption that quality sport is dependent on seven principles appropriately integrated into all sport-related policies and programs: values-based; inclusive; technically sound; collaborative; intentional; effective; and sustainable. The vision emphasizes a commitment to learning and implementing best practices in an ever-changing environment.

*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 vision of the Canadian Sport Policy 2012-2022 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 (ADR).

### CLIENTELE

Sport Canada’s 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. In light of the resignation of a Board member in 2012 and in anticipation of four Board members ending their second mandate in July 2013, including the Chairperson of the Board, a call for applications was issued in November 2012. The SDRCC is awaiting the announcement of appointments by the Minister at the beginning of the 2013-2014 fiscal year.

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 four 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 2012-2013 fiscal year:**

- Carla Qualtrough, Chairperson
- Luc Arseneau
- Anne Benedetti
- Alexandre Charbonneau (until October 22, 2012)
- Frank Fowlie
- Miray Cheskes Granovsky
- Clayton Miller
- Aimable Ndejuru
- John F. Reid
- Allan J. Sattin
- Michael A. Smith
- Judith A. Tutty
- Marie-Claude Asselin (CEO, *ex officio*)

**Staff members during the 2012-2013 fiscal year:**

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Liane Mendelsohn, Administrative Assistant
- Tanya Gates, Operations Manager
- Julie Stronach, Education and Communication Coordinator
- Marjha Thénor Beauchamps, Case Manager (since January 28, 2013)
- Francine Black, Case Manager (until November 9, 2012)
- Danielle Comeau, Bookkeeper (consultant)

The firm Collins Barrow was appointed by the Board of Directors as the independent auditor for the 2012-2013 fiscal year.

**Arbitrators and Mediators Appointed until December 31, 2013, by Province:**

**Alberta**

Vanessa Gray (Mediator)  
Roger Gunn (Mediator)  
Ian R. MacDonald (Mediator)  
Deborah Sword (Mediator, until December 25, 2012)  
John Harrison Welbourn (Arbitrator)

**British-Columbia**

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

**Manitoba**

James W. Hedley (Arbitrator)

**Northwest Territories**

Cayley Jane Thomas (Mediator/Arbitrator)

**Quebec**

Dominique F. Bourcheix (Mediator)  
Patrice M. Brunet (Arbitrator)  
Robert Décary (Arbitrator)  
Stephen L. Drymer (Mediator/Arbitrator)  
Julie Duranceau (Mediator)  
L. Yves Fortier (Arbitrator)  
The Honourable Paule Gauthier (Mediator/Arbitrator)  
The Honourable Marc Lalonde (Mediator)  
Richard W. Pound (Arbitrator)  
Bernard A. Roy (Arbitrator)  
Janie Soublière (Arbitrator)  
François Tremblay (Arbitrator)

**Ontario**

Greg Ambrozic (Mediator)  
Larry Banack (Arbitrator)  
Roger Beaudry (Mediator)  
David Bennett (Mediator)  
David I. Bristow (Mediator/Arbitrator)  
Rick Brooks (Mediator)  
Jane H. Devlin (Mediator/Arbitrator)  
Ross C. Dumoulin (Arbitrator)  
Hugh L. Fraser (Arbitrator)  
Steven C. Gaon (Mediator)  
Paul Denis Godin (Mediator)  
Kathleen J. Kelly (Mediator)  
Andrew D. McDougall (Arbitrator)  
Richard H. McLaren (Arbitrator)  
Graeme Mew (Mediator/Arbitrator)  
Gordon E. Peterson (Mediator/Arbitrator)  
Michel G. Picher (Mediator/Arbitrator)  
Anne Sone (Mediator)  
Allan Stitt (Mediator/Arbitrator)  
George W. Taylor (Mediator)

**Nova Scotia**

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

## Multi-Year Strategy and Objectives for 2012-2016

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### LONG-TERM OBJECTIVES 2012-2016

The SDRCC long term vision is to use education as a vehicle for dispute prevention, create a culture of fairness in relation to sport disputes, and provide world-class ADR services to stakeholders. For its 2012-2016 strategic plan, this translates more specifically into being recognized, respected and accepted as a centre of excellence nationally, which uses resolution facilitation, mediation and arbitration processes to resolve conflicts in sport; and which provides education to all MSOs and NSOs with the goal of preventing disputes.

**a) Enhance Core Business**

The success of SDRCC is the quality of the core business (mediation and arbitration). Over the next four years, SDRCC wants to implement systems that will continue to make this organization a centre of excellence and a role model for other countries in the area of sport mediation and arbitration.

**b) Dispute Prevention through Education**

SDRCC aims to increase the level of awareness of the sport mediation and arbitration as well as preventative strategies among the potential users and the present group of stakeholders.

**c) Strengthening National Partnerships**

In order for SDRCC to reach its goal of being accepted and widely utilized in the Canadian sport system, it needs to forge relationships across the sport system and leverage the benefits of other organizations.

**d) Business Development**

There is a strong desire to extend business beyond national teams and the boundaries of the country. With technology and sport continuously breaking down borders, SDRCC wants to share knowledge and services in other jurisdictions.

**e) Transparency and Accountability**

The SDRCC strives to contribute to the transparency and accountability of the Canadian sport system by acting as a model of best management practices.

## REPORT ON ACTIVITIES 2012-2013

- From April 1<sup>st</sup>, 2012 to the time of printing, the SDRCC managed a total of 45 new sports-related disputes including 19 anti-doping violation assertions. The SDRCC was seized of nine Olympic and one Paralympic team selection cases before London 2012, five of which were resolved in three days or less.
- The planning for the SDRCC Arbitrator and Mediator conference to be held in Halifax, Nova Scotia May 2-4, 2013 is well underway. Its program is already recognized for continuing education credits by the law societies of three provinces and the public portion of the event will be offered in partnership with the ADR Atlantic Institute.
- An interactive online orientation program, designed to guide members of the sport community serving on internal appeal panels, is in its final stages of development and is expected to be launched before the end of the fiscal year.
- A booklet on athletes' rights and responsibilities was created in collaboration with AthletesCAN.
- The SDRCC staff attended conferences and partner events to facilitate workshops or distribute dispute prevention and resolution print materials through its kiosk.
- The SDRCC piloted a year-round internship program in partnership with Brock University, Université de Sherbrooke and University of British Columbia. The pilot will be evaluated in the next fiscal year.
- An online searchable database of the SDRCC resource library was developed to provide users with enhanced access to available publications and resources.
- Frequent users of the Case Management Portal were surveyed to collect their feedback and suggestions with the intent of upgrading the system in the next fiscal year.
- Survey research of the Canadian sport community was conducted to establish a baseline for the implementation of the SDRCC result-based management and accountability framework. Data collected was used to identify areas to target in annual planning
- A comprehensive risk management strategy was developed with input from SDRCC staff, Board members and key stakeholders. Recommendations from this exercise will be fully implemented in the next fiscal year.
- A Board of Directors' handbook was developed to assist in Board members' orientation and guidance, outlining Board responsibilities, expectations, applicable policies and evaluation tools.
- The SDRCC Social Media Policy and Plan was adopted by the Board and implemented by SDRCC staff.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.

## Objectives and Planned Initiatives for 2013-2014

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### STRATEGIC PRIORITIES 2013-2014

The SDRCC's priorities for the 2013-2014 fiscal year include: (i) continuing to provide professional, client-oriented and uncomplicated sport dispute prevention and resolution services; (ii) providing innovative education tools and resources to help the Canadian sport community develop and implement sound policies to reduce the risk of disputes; (iii) strengthening existing partnerships and creating new ones to share expertise, best practices and maximize the impact of shared resources; (iv) promoting SDRCC prevention, education and resolution services to all levels of sport in Canada; (v) increasing the profile of SDRCC internationally; and (vi) practising transparent and responsible management and governance.

The projected activities for the 2013-2014 fiscal year 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 all members of the sport community in preventing disputes as well as to increase the capacity of NSOs and MSOs to handle disputes that cannot be prevented. In addition to offering tailored outreach activities and dispute prevention workshops, new innovative tools and resources will be introduced to encourage awareness and understanding of the SDRCC hearing process and the principles of case management for internal appeal process. The SDRCC continues to seek opportunities for collaboration and expand the reach of its resources to provincial sport organizations, college and university sport programs, as well as community sport in an effort to increase awareness and build a stronger foundation of knowledge about dispute prevention and resolution.

The Dispute Resolution Secretariat will enhance the quality of its services through the renewal of its roster of arbitrators and mediators and through the use of existing and new resources and technologies, to assist members of the sport community in resolving their disputes quickly and at a reasonable cost. The SDRCC will share knowledge and best practices in sport dispute resolution within Canada and internationally.

From a corporate standpoint, the SDRCC will fully implement its comprehensive risk management system, review and revise its Financial Administration policy and continue to search for innovative ways to conduct business in a manner that is respectful for the environment. In doing so, it will also carry out its mandate as per the Act and comply with the requirements of its Sport Canada contribution agreement in the delivery of its services.

## OBJECTIVES AND INITIATIVES 2013-2014

- **Continuing to offer the highest level of ADR expertise through innovative and professional delivery of services and resources.**

### Initiatives:

- Consider the renewal of the roster of arbitrators and mediators and provide relevant training;
- Offer on-site dispute resolution services during the 2013 Canada Games;
- Introduce a new quality control program for SDRCC dispute resolution services;
- Upgrade the Case Management Portal by adding new user and administrator functionalities;
- Offer a formal orientation for lawyers participating in the *Pro Bono* program.

- **Developing new content and tools to further inform and educate members of the Canadian sport community about dispute resolution and effective risk-reduction strategies.**

### Initiatives:

- Develop a reference tool for case managers of internal appeal processes;
- Create a guide to a hearing to help unrepresented parties through SDRCC proceedings;
- Review and update existing website content, including the appeal policy package;
- Leverage social media to increase awareness of SDRCC services and resources.

- **Enhancing interaction with the sport community to broaden the scope of influence and increase the impact of dispute prevention and resolution efforts.**

### Initiatives:

- Ensure the presence of SDRCC at relevant sport gatherings and events to educate more members of the Canadian sport community on dispute prevention and resolution;
- Seek opportunities for collaboration to maximize shared resources and ensure that key educational messages reach a wider audience;
- Explore potential initiatives associated with the Toronto 2015 Pan/Parapan American Games and other international opportunities;
- Complete the internship pilot project and formulate recommendations for a permanent program;

- **Develop and implement transparent and responsible management and governance policies.**

### Initiatives:

- Implement and test the new risk management system and review financial policies accordingly;
- Deliver the Board orientation program following new nominations and implement formal Board evaluation;
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party.

## BUDGET 2013-2014

Consistent with the objectives and planned initiatives for 2013-2014, the total proposed budget for this period is \$1,000,000 broken down as follows:

ADMINISTRATION	160,000
OFFICIAL LANGUAGES	35,000
OPERATIONS	296,500
HUMAN RESOURCES	508,500
TOTAL EXPENSES	1,000,000
FUNDING FROM SPORT CANADA	1,000,000

### FUNDING BLOCKS

Administration:	( 16%)	160,000
Official Languages:	( 4%)	35,000
Operations:	( 30%)	296,500
Human Resources:	( 50%)	508,500