

# Sport Dispute Resolution Centre of Canada

## **Corporate Plan for the 2015-2016 Period**

March 1<sup>st</sup>, 2015

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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 dispute resolution 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.

The SDRCC’s education and prevention services are made available to all members of the Canadian sport community.

## SDRCC GOVERNING LEGISLATION

The Act establishes 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 appointed by the Minister responsible for sport. 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. Seven Board members will reach the end of their second consecutive mandate in 2015, including the current Chairperson. New appointments by the Minister are expected in the first quarter of 2015.

The Executive Director is a full-time Chief Executive Officer and 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 2014-2015 fiscal year:**

- Allan J. Sattin (Chairperson)
- Luc Arseneau
- David de Vlieger
- Jean R. Dupré
- Frank Fowlie
- Miray Cheskes Granovsky
- Marg McGregor
- Dasha Peregoudova
- John F. Reid
- Michael A. Smith
- Judith A. Tutty
- Anthony Wright
- Marie-Claude Asselin (CEO, *ex officio*)

**Staff members during the 2014-2015 fiscal year:**

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Liane Mendelsohn, Administrative Assistant
- Tanya Gates, Operations Manager
- Cynthia Colas Livernois, Education and Communication Coordinator
- Christina Beauchamp, Case Manager (Since September 22, 2014)
- Catherine Meinrath, Case Manager (From May 12 until August 29, 2014)
- Nathalie Labelle, Case Manager (Until April 14, 2014)
- Danielle Comeau, Bookkeeper (consultant)

The firm Collins Barrow was appointed by the Board of Directors as the independent auditor for the 2014-2015 fiscal year.

**Arbitrators and Mediators Appointed until December 31, 2017, by Province:**

**Alberta**

Roger Gunn (Mediator/Arbitrator)  
Ian R. MacDonald (Mediator)  
John Harrison Welbourn (Arbitrator)

**British Columbia**

Carla Qualtrough (Arbitrator)  
Carol Roberts (Mediator/Arbitrator)  
John P. Sanderson (Mediator)  
Tricia C.M. Smith (Arbitrator)

**Manitoba**

James W. Hedley (Arbitrator)  
Jeffrey Palamar (Arbitrator)

**Newfoundland and Labrador**

James Oakley (Mediator/Arbitrator)

**Northwest Territories**

Cayley Jane Thomas (Mediator)

**Nova Scotia**

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

**Ontario**

Greg Ambrozic (Mediator)  
The Honourable Robert P. Armstrong (Arbitrator)  
Larry Banack (Arbitrator)  
Roger Beaudry (Mediator)  
David Bennett (Mediator/Arbitrator)  
Rick Brooks (Mediator)  
John Curtis (Mediator)

Jane H. Devlin (Mediator/Arbitrator)  
Ross C. Dumoulin (Arbitrator)  
Steven C. Gaon (Mediator)  
Paul Denis Godin (Mediator)  
Ian Johnson (Mediator)  
Janice Johnston (Mediator/ Arbitrator)  
Kathleen J. Kelly (Mediator)  
Andrew D. McDougall (Arbitrator)  
Richard H. McLaren (Arbitrator)  
Gordon E. Peterson (Mediator/ Arbitrator)  
Michel G. Picher (Mediator/Arbitrator)  
Anne Sone (Mediator)  
Allan Stitt (Mediator/Arbitrator)  
George W. Taylor (Mediator)

**Quebec**

Thierry Bériault (Mediator)  
Dominique F. Bourcheix (Mediator)  
Patrice M. Brunet (Arbitrator)  
The Honourable Robert Décary (Arbitrator)  
Stephen L. Drymer (Mediator/Arbitrator)  
Julie Duranceau (Mediator)  
L. Yves Fortier (Arbitrator)  
The Honourable Paule Gauthier (Mediator/Arbitrator)  
Richard W. Pound (Arbitrator)  
Janie Soublière (Arbitrator)

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

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### LONG-TERM OBJECTIVES 2012-2016

The SDRCC's 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 the SDRCC is the quality of the core business (mediation and arbitration). Over the next four years, the 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**

The 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 the 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, the 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 2014-2015

- From April 1<sup>st</sup>, 2014 to the time of printing, the SDRCC managed a total of 40 new sports-related disputes including 11 anti-doping violation assertions and three (3) doping appeals.
- The Canadian Sport Dispute Resolution Code was reviewed and updated in order to clarify the tribunal procedures and to improve its rules and processes; significant amendments were also mandated by the adoption of the 2015 Canadian Anti-Doping Program.
- The roster of SDRCC arbitrators and mediators began a new mandate effective, November 1, 2014 until December 31, 2017; eight new dispute resolution professionals joined the 44-person roster reflecting Canada's regional, cultural, gender and linguistic diversity.
- The 2014 Arbitrator and Mediator Conference was held in Ottawa, Ontario and provided professional development to SDRCC roster members; the event, held in partnership with the Coaching Association of Canada, enabled the sharing of resources and enhanced interaction with the sport community.
- A new resource for sport administrators, *Main Causes of Disputes & Prevention Strategies* was produced in both print format and online interactive platform.
- The *Team Selection Policy Checklist* was launched at the 2014 Sport Leadership Conference as a new tool intended to assist athletes and sport organizations review draft selection policies to ensure key components are included and avoid gaps or inconsistencies.
- The SDRCC was very active in the sport community, attending numerous conferences and partner events to facilitate workshops and distribute dispute prevention and resolution publications, reaching out to more provincial and territorial sport organizations than ever.
- The SDRCC conducted pre-games workshops for Canada Games mission staff and was present at the 2015 Canada Games in Prince George to provide onsite dispute resolution and prevention services.
- Memorandums of agreement were signed with the Coaching Association of Canada, Canada Games Council and Prince George Host Society, Club Excellence (CCES) and ViaSport BC.
- Assistance was provided to the Minister of State (Sport) in the promotion of opportunities to join the SDRCC Board of Directors and in managing the application process.
- A thorough review of the communication plan is underway and the new plan is expected to establish more efficient strategies to ensure that key educational messages reach their targeted audience.
- The SDRCC corporate by-laws are being reviewed and updated in order to remain current and reflect responsible management and governance practices.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.



## Objectives and Planned Initiatives for 2015-2016

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### STRATEGIC PRIORITIES 2015-2016

The SDRCC's priorities for the 2015-2016 fiscal year include: (i) continuing to provide client-oriented, efficient and professional sport dispute prevention and resolution services; (ii) developing new resources to assist parties and legal representatives to better understand and prepare for SDRCC dispute resolution processes; (iii) creating accessible and innovative education resources to help members of the Canadian sport community prevent disputes and, should disputes arise, tools to manage them more fairly; (iv) cultivating strategic relationships to enhance interaction and increase awareness of its dispute prevention initiatives; and (v) practising transparent and responsible management and governance.

The projected activities for the 2015-2016 fiscal year 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 are not prevented. In addition to offering tailored outreach activities and dispute prevention workshops, new and innovative SDRCC tools and resources will be introduced to foster a better understanding of the mediation and arbitration processes. The SDRCC actively explores opportunities to collaborate with other multisport service organizations, as well as organizations in other jurisdictions, in order to maximize shared resources and ensure that key educational messages reach a wider audience.

The Dispute Resolution Secretariat will enhance the quality of its services through the introduction of an annotated version the Canadian Sport Dispute Resolution Code and through a systematic evaluation process. The integration of innovative technologies will continue to play a key role in assisting members of the Canadian sport community in resolving their disputes quickly and cost-effectively.

From a corporate standpoint, in addition to joining in the celebration of the *Year of Sport in Canada*, the SDRCC will provide training and orientation to its new Board members, renew its long-term strategic plan and develop a strategy to ensure efficient and effective use of technology, as well as continue to investigate business practices that are respectful of 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 2015-2016

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

### Initiatives:

- Increase awareness of the *Pro Bono* program and provide an orientation to participating lawyers;
- Collate working templates and other relevant references into a toolkit for SDRCC roster members;
- Conduct systematic evaluation of tribunal services;
- Survey users of the upgraded Case Management Portal to ensure effectiveness and set priorities for future upgrades.

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

### Initiatives:

- Create a resource to help unrepresented parties to better prepare for resolution facilitation and mediation;
- Collaborate with the CCES to develop a resource for NSO and MSO administrators in the management of doping assertions within their membership;
- Build additional content to improve the Appeal Panel Orientation toolbox;
- Continue to explore ways to maximize the use of social media to promote the SDRCC.

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

### Initiatives:

- Implement the new SDRCC communication plan;
- Explore innovative ways to deliver educational tools and resources to the sport community;
- Enhance visibility and interaction by ensuring SDRCC presence at relevant meetings and events to educate members of the Canadian sport community on dispute prevention and resolution;
- Continue to formalize partnerships with relevant sport and ADR organizations to maximize the use of shared resources and create mutually beneficial educational tools.

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

### Initiatives:

- Renew the long-term strategy for the period 2016-2020 and begin its implementation;
- Provide orientation and training to new members of the Board of Directors;
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party.

## BUDGET 2015-2016

Consistent with the objectives and planned initiatives for 2015-2016, the total proposed budget for this period is \$1,000,000 broken down as follows:

ADMINISTRATION	123,500
OFFICIAL LANGUAGES	42,000
OPERATIONS	335,000
HUMAN RESOURCES	499,500
TOTAL EXPENSES	1,000,000
FUNDING FROM SPORT CANADA	1,000,000

### DISTRIBUTION BY FUNDING BLOCK

