

IN THE NEUTRAL ZONE

News and Events of the Sport Dispute Resolution Centre of Canada



www.sdrcc.ca

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Canada Games Council and SDRCC Sign a Partnership Agreement

Since its establishment in 2004, the SDRCC has provided dispute resolution services at the 2005 Canada Games in Regina and at the 2007 Canada Games in Whitehorse. Having learned from these experiences, delivered on a different set of terms, the two organizations have agreed to streamline the approach to offer more than just dispute resolution services at the Canada Games, but also to provide dispute prevention education to its members and participants.

The partnership will enable, and ensure more consistency in the type and the quality of services offered by the SDRCC from one Games experience to the next, and will ensure that those services meet the specific needs of Canada Games participants.

Tailored Dispute Resolution Services

As part of this agreement, the SDRCC will provide, free of charge, time-sensitive alternative dispute resolution services to the Canada Games delegations and participants, in accordance with the applicable rules, and as required for Games-related disputes arising prior to or during the Games, including but not limited to disputes regarding discipline and athlete eligibility.

Dispute Prevention Activities

Key mission staff from all delegations will benefit from a dispute prevention workshop during the pre-Games seminar. The workshop will cover various topics including dispute resolution options available through the SDRCC, and dispute prevention strategies and mechanisms. Once at the Games, all athlete and support staff will have access to information and education services through a kiosk manned by an SDRCC staff member.

At All Games - Winter and Summer

The partnership also means that the SDRCC dispute prevention and dispute resolution services will be offered at all Games, winter and summer alike, and that the Canada Games Council and the Host Society will collaborate with the SDRCC to enable the provision of such services.

The Canada Games participants, whether athletes, coaches, officials, managers, mission staff, technical staff, and volunteers represent the future of Canada's international level sport. By entering into this agreement together, the Canada Games Council and the SDRCC have made a commitment to creating a culture of fairness in the Canadian sport system, now and for generations to come. ■

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Celebrating Success but Planning for the Unexpected by Canada Games Council



descending on a host region, one can imagine that a good firm handshake was the only way any and all disputes were handled upon the birth of the Canada Games concept.

The idea of holding a Canada-wide Games where provinces and territories competed against each other was first considered in 1924. For more than 40 years it remained a frequent subject of discussion. Finally, in 1966 in Quebec City, the government of Canada and the Province of Quebec gave their joint approval to a proposal to hold the first Games the following year. In 1967 the Province of Quebec played host to 1,800 young athletes from across the country. Despite monumental problems with planning, financing, logistics, and even abnormally cold temperatures, these first winter Games were an outstanding success. But one can imagine that a dispute resolution mechanism could have come in very handy for these first Games.

The Canada Games Council is the governing body for the Canada Games. As the Games move from one host community to the next, the Council provides the continuity, leadership and support to Host Societies and since 1991, when it was formed, has been witness to the great success and accomplishments of each individual Games. Council President and CEO Sue Hylland speaks passionately about the accomplishments of the Games.

“Since 1967, nearly 80,000 athletes have participated in the Games” says Hylland. “Watching Canada Games

The Canada Games are an enormous undertaking. Today, over 5,000 athletes, coaches and managers, over 5,000 volunteers and over 120,000 spectators enjoy the scope and scale of Canada’s largest and most prestigious multi-sport event every two years. With almost 40 sports represented at a Canada Games in a quadrennial, and participants from every Province and Territory

alumni achieve great success internationally and at the Olympic level encourages us to work harder in our role within the Canadian Sport System, and to encourage each Host Society to celebrate the past and look to the future for other milestones.”

Another great success is the legacies left behind in communities after they have hosted the Games. From the sport facilities and community infrastructure to the goodwill and civic pride, these communities are forever changed for the better by the Canada Games. Of course, all this success and history does not come without some minor challenges along the way.

“When any event evokes tremendous passion and inspires so much hard work, expecting and preparing for disputes is simply a part of good planning” says Hylland.

“We work hard to plan for the unexpected, however, there are always exceptions that require a professional approach to ensure everyone involved leaves confident that they were handled right.”

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The Canada Games Council policy around dispute resolution states that the Council is committed to making fair and ethical decisions in a transparent manner, and is committed to be accountable for such decision-making through a dispute resolution process.

Since 2005, the Council has engaged the Sport Dispute Resolution Centre of Canada (SDRCC) to assist us with our dispute resolution facilitation. Examples of issues where the Council’s policy applies include athlete eligibility, residency of athletes, sport technical packages, the sport selection process, the harassment policy, the privacy policy and the Council’s commercialization policy.

While we all like to imagine a Games where everyone agrees, no one appeals and every person is on the same side, this cannot always be the case. At the Canada Games Council we are confident that through our partnership with the SDRCC and by staying true to the policy we have developed through the years, the Games can communicate fairly while managing disputes through a process that is transparent and that can build trust... all while celebrating our successes. ■



SDRCC at the 2009 Canada Summer Games in PEI

Come and Visit our Kiosk at the Games!!!

Conveniently located in a high-traffic area at the Games, from August 19th to 21st in Summerside and from August 23rd to 25th in Charlottetown, the SDRCC kiosk has many things to offer:

- ◆ Experience our new and exciting online interactive mediation game, opposing colourful and witty characters. See if you can help them settle their dispute!
- ◆ Get your hands on great promotional giveaways (quantities will be limited!)
- ◆ Take away thematic flyers and brochures on relevant themes aimed at preventing and resolving sports-related disputes.
- ◆ Copies of *In The Neutral Zone*, the official newsletter of the SDRCC will also be available. Specifically, the February 2009 edition which deals with the new Canadian Anti-Doping Program, and its related requirements from the sport community.
- ◆ Meet Fredy, our education and communication coordinator, who will entertain all kiosk visitors by

answering their questions or referring them to pertinent resources for great dispute prevention and resolution ideas.

Need Help with a Sports-Related Dispute During the Games?

An expedited process has been put in place to enable quick and efficient on-site resolutions:

- ◆ Adapted forms and simplified filing procedures;
- ◆ Arbitrators and mediators available on call, almost around the clock;
- ◆ An SDRCC staff member present on-site from August 19th to August 25th.

Plus, the SDRCC will have access to a meeting facility and will provide teleconferencing services as may be required to bring together all interested parties, at minimal costs, in order to find a resolution to their problems.

All participants will be provided with a walletsize Z-card for a quick reference to SDRCC services at the Games. For more information, call our toll-free number 1-866-733-7767 or visit our website at www.sdrcc.ca. ■

New Resolution Facilitation Leaflet

The SDRCC is committed to the Resolution Facilitation process and sees it as the future of sport dispute prevention in Canada.

To encourage and promote its use, the SDRCC has created a leaflet which provides more detail on the goal of resolution facilitation, the role of the resolution facilitator, as well as the benefits of resolution facilitation for members of the Canadian sport community.

Look for the Resolution Facilitation leaflet at upcoming SDRCC kiosks and workshops!

Notable Dates

- **August 19th–25th, 2009:** The SDRCC will be at the 2009 Canada Games with an information kiosk and on-site dispute resolution operations, in Summerside and Charlottetown, PEI;
- **September 25th–27th, 2009:** The SDRCC will be at the annual conference of Sport Officials of Canada with an information kiosk and a workshop presentation, in Mississauga, ON;
- **October 2nd- 3rd, 2009:** The SDRCC will be at the AthletesCAN Forum with an information kiosk, in Vancouver, BC;
- **November 13th-14th, 2009:** The SDRCC will hold its arbitrator and mediator conference concurrently with the Sport Leadership Conference, where it will also have an information kiosk and present a workshop, in Vancouver, BC.



Resolution Facilitation for Doping Cases

In 2006, in an effort to help parties explore possible solutions to their problems in an informal setting, **Resolution Facilitation (RF)** was introduced as a dispute resolution mechanism. The experience has set a solid foundation for custom-made dispute resolution for Canadian sport. While the RF process is a mandatory step to arbitration at the SDRCC, the value of this process had not been truly recognized when it came to doping-related cases, and therefore very few resolution facilitation sessions had been conducted in doping disputes. An analysis of the perceived limitations of the RF process surrounding doping disputes led to the conclusion that the process could be worthwhile for all participants if suitable conditions were laid out.

The SDRCC and the Canadian Centre for Ethics in Sport (CCES) recently collaborated to design an RF process adapted to better fit the context of doping disputes. While the heart of the process remains the same, this adapted RF process is not designed to seek to resolve the asserted doping case or avoid a hearing before the Doping Tribunal.

The Role of the Resolution Facilitator

In this adapted process, the role of the resolution facilitator includes:

- ◆ Clarifying for all parties the SDRCC arbitration process and what their options are within the process.
- ◆ Enabling a constructive and productive discussion to take place between the parties.
- ◆ Helping the parties understand the possible results of the arbitration given the relevant facts of the case, the Canadian Anti-Doping Program (CADP) rules on anti-doping violations and the applicable sanctions, the respective onus of proof, the requirement to adduce evidence to support assertions made, and what must be proven by the parties to be successful.
- ◆ Educate the person against whom a violation is asserted about the limited exercise of discretion permit-

ted to the CCES by the World Anti-Doping Code and the CADP.

The Expectations on the Parties

The parties in this adapted RF process are expected to:

- ◆ Spend a minimum of one hour with the resolution facilitator.
- ◆ Use the RF process as an opportunity to exchange relevant information. This information may be useful to uncover all the pertinent facts, explain the CCES' conclusions or explore outcomes different than those initially proposed by the CCES in the assertion notice.
- ◆ Use the RF process as an opportunity to learn from each other ways in which the assertion of similar doping violations can be prevented.
- ◆ Explore whether the claimant has information about others in the sport community who may be violating the CADP.

The adapted RF process constitutes a tremendous educational opportunity.

The confidentiality of the RF process provides all parties with a safe, non-prejudicial, moderated, and inclusive environment to discuss the relevant issues surrounding the allegations. The SDRCC believes that such exchange constitutes a tremendous educational opportunity so that parties better understand the respective challenges that they face. All parties (athletes, coaches, NSO administrators, as well as CCES representatives) participating in this process will gain valuable information on their respective responsibilities with regards to doping prevention and anti-doping education.

In addition, the RF process will have assisted the parties in their preparation for the arbitration.

The SDRCC is proud that resolution facilitation is now part of the case management process for doping disputes, however to ensure that it remains relevant, the initiative will be evaluated over the first few months to monitor its effectiveness. ■

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On the Sidelines

Welcome to our four new Board members: Luc Arseneau, Miray Cheskes Granovsky, Allan J. Sattin, and Michael A. Smith.



1080 Beaver Hall, Suite 950, Montréal, Québec, H2Z 1S8

Tél: (514) 866-1245 Fax: (514) 866-1246
1-866-733-7767 1-877-733-1246

www.sdrcc.ca

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