



## SDRCC Introduces the Case Management Portal

In its efforts to become a paperless organization and to bank on technology to improve its services, the SDRCC is proud to introduce its new system for case management, the Case Management Portal (CMP). This new secure online tool will allow parties to access all information and documents relating to their case anywhere, anytime. Its main purpose is to provide greater freedom and flexibility for the parties, alleviating the limitations of email capacities, home vs. work computers, or travel.

The current case management process consists essentially of email communications, often accompanied with several, voluminous attachments. The CMP will eliminate clogged inboxes, lost emails, misfiled attachments, forgotten conference calling numbers, or erroneous calendar entries. Everything on the CMP will be up to date and at each parties' fingertips. A mobile version of the CMP is also accessible on most popular handheld devices such as Blackberry and iPhone.

The CMP is designed to be user-friendly, intuitive, and highly secure. Access to the files is password-protected and each user will be assigned personalized login credentials. Information in the CMP is organized into five sections:

**Party Filings:** This section catalogues all submissions made by each party. Users can choose to view all submissions or to filter the submissions by a single party. All documents in this section can be opened, viewed, or downloaded onto a local computer.

**Admin Documents:** This section contains all official documents and correspondence sent by the SDRCC to the parties in the course of the case. The users can find in this section the SDRCC letters, the notes from administrative and preliminary meetings, as well as the complete chronology of administrative correspondence emailed to them by the SDRCC concerning the case.

**Events:** All past and upcoming events, from deadlines and meetings, are logged into this interactive calendar. A monthly view highlights days on which an event takes place, and an event viewer window allows to consult the details of each event which may contain the time, duration, and other useful information such as instructions to parties. All events in the CMP can be downloaded to most electronic calendars. One of the exciting features of the CMP is that a system-generated reminder will be sent out to all parties 72 hours prior to each event.

**Forms/Resources:** Users can find here all tribunal forms, outlines of meetings, applicable rules, as well as the CMP user-guide and other helpful tools to assist them with their case.

The fifth section "Orders/Awards" contains all procedural orders, preliminary decisions and awards as rendered by the arbitrator.

It is expected that the CMP will simplify the administrative process of the tribunal and allow parties to concentrate all of their attention and efforts into preparing themselves for the proceedings. ■

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## SDRCC in Halifax 2011



As was announced back in June of 2009, the Sport Dispute Resolution Centre of Canada (SDRCC) and the Canada Games Council (CGC) have established a partnership agreement which enables and ensures that the SDRCC will be on hand during the Canada Games, both summer and winter, to conduct any dispute resolution services required. This partnership ensures stability with regards to dispute prevention and resolution at the Canada Games. As such, the SDRCC is happy and proud to announce that it will once again be on site during the Canada Games, in Halifax, to provide assistance to games participants in resolving disputes by resolution facilitation, mediation, or arbitration.

Recognizing the intense time constraints in dealing with disputes during Games, the SDRCC has streamlined its administrative processes in order to allow for parties to more quickly advance their case before the SDRCC. Amongst other things, the tribunal forms have been abridged and adapted to on-site needs and a list of arbitrators and mediators will be available "on call" to assist parties with their disputes.

Furthermore, to provide to Games participants quicker access to the relevant information and to achieve a more timely resolution, the SDRCC will also create a dedicated webpage, on its website, where all information relating to dispute resolution at the Canada Games can be found, such as the CGC Appeals Policy, the Canadian Sport Dispute Resolution Code, mediation and arbitration request and answer forms, etc. Consistent with its belief that mediated settlements are in the best interests of the sport community, the SDRCC will enforce the mandatory resolution facilitation process for all disputes submitted at the Games. Should any dispute arise requiring SDRCC's attention, the on-site operations will provide parties with access to a meeting room in order to

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handle the dispute in a private and confidential setting, complemented with teleconferencing services, as required, to bring in all interested parties who may not be in Halifax at that time. The contact information to reach the SDRCC during the Games is toll-free 1-866-733-7767, or after business hours for urgent matters 514-465-7339. The email address of the tribunal, [tribunal@crdsc-sdrcc.ca](mailto:tribunal@crdsc-sdrcc.ca), is also monitored outside of business hours for urgent matters.

Whether or not its dispute resolution services are called upon, the SDRCC will hold an information kiosk in the Athletes Village (2nd floor of the World Trade & Convention

Centre) from February 15 to February 25. The kiosk will be staffed by Marie-Josée Duval, Executive Assistant in charge of case management at the SDRCC, and by Executive Director and CEO Marie-Claude Asselin. They will provide a large array of dispute prevention resources as well as great give-aways. Kiosk visitors will also be able to test their mediation skills by playing the SDRCC interactive online game. Among publications to be available at no cost to all Games participants, the brand new *Guide to Administrative Fair Play*, the pocket guide for sports administrators who want to ensure that Fair Play is at all levels of their organizations, from the field of play to the office and the boardroom.

The SDRCC invites all Games participants associated with local clubs and organizations, provincial sports organizations, national sport organizations, and others to drop by the kiosk. We invite and encourage all athletes, coaches, officials, mission staff, parents and volunteers to come in and speak with SDRCC staff members about dispute pitfalls that may be avoided and the world-class dispute prevention and resolution services available to the Canadian sport community through the SDRCC. ■





# The New Appeal Policy of the Canada Games Council

The SDRCC is proud to have collaborated with the Canada Games Council in the recent revisions of the CGC's Appeal Policy (Policy)<sup>1</sup>. In preparation for the Halifax 2011 Canada Games, the SDRCC would like to highlight a few important aspects of this Policy which will affect individuals who may wish to file an appeal to the SDRCC, before or during the Games.

First and foremost, the Policy applies to, but is not limited to, disputes regarding the following CGC policies and procedures:

1. Regulations for eligibility and residency of competitors;
2. Sport technical packages;
3. Sport selection process;
4. Harassment policy;
5. Privacy policy;
6. Commercialization policy.

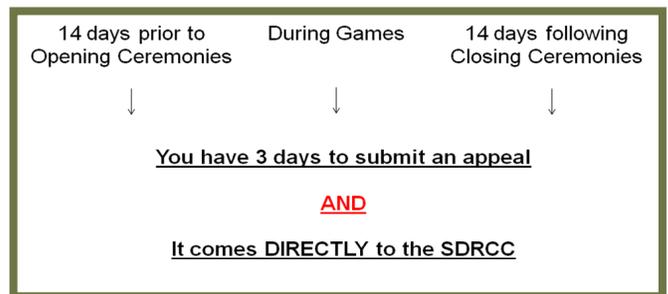
While the Policy itself does not apply to a certain number of other issues (such as doping, field of play issues, selection to provincial/territorial teams, etc.), it is important to note that the SDRCC may be in a position to offer dispute resolution services if another policy or agreement give it proper jurisdiction. For example, decisions rendered by national sport organizations can be appealed to the SDRCC after their internal appeal process has been ex-

hausted; doping violation assertions are also submitted to the SDRCC pursuant to the Canadian Anti-Doping Program. Individuals interested in seeking a remedy from a Games-related dispute may enquire to their Chef, or directly to the SDRCC, to find out which policy applies to issues not covered by the CGC Appeal Policy.

Secondly, in order to avoid frivolous appeals, the Policy restrict the grounds of an appeal to the following:

1. Making a decision for which it did not have authority or jurisdiction as set out in governing documents;
2. Failing to follow procedures as laid out in the bylaws or approved policies of the CGC;
3. Making a decision that was influenced by bias<sup>2</sup>
4. Failing to consider relevant information or taking into account irrelevant information in making the decision;
5. Exercising its discretion for an improper purpose or in bad faith;
6. Making a decision that was unreasonable.

Thirdly, it is important for members to understand appeal timelines. The two charts below show where to appeal depending on timing relating to the Games, as well as the delays within which the appeal needs to be filed once the decision has been rendered. **In any case, the earlier is always better!**■



1) The Policy can be found at: [http://www.canadagames.ca/Images/Sport/Stakeholder%20Reference%20Manual/CGC%20Appeal%20Policy\\_2010.09.16.pdf](http://www.canadagames.ca/Images/Sport/Stakeholder%20Reference%20Manual/CGC%20Appeal%20Policy_2010.09.16.pdf)

2) The Policy defines bias as "a lack of neutrality to such an extent that the decision-maker is unable to consider other views".

## Notable Dates

- **February 10, 2011:** CSHNQ – Two dispute prevention workshops to be offered in Quebec City, for athletes and coaches.
- **February 15, 2011:** INFE-Montreal – Dispute prevention workshop to be offered to coaches.
- **February 11-27, 2011:** Canada Winter Games in Halifax, NS – SDRCC on site from February 15 to 25.
- **May 6, 2011:** SportsQuebec – Dispute prevention workshop to be offered to sports administrators.



## SDRCC Welcomes New Mediators and Arbitrators to its Roster

Early in 2010, the SDRCC published a call for application for arbitrators and mediators interested in joining the SDRCC. A long and thorough selection process yielded a list of 46 highly qualified dispute resolution professionals dispersed from the Northwest Territories to Nova Scotia and together capable of servicing the parties in both official languages. Their appointment is effective as of February 1, 2011 until the end of 2013. Among the 12 new members forming this roster, the SDRCC is proud to welcome former board members Gordon Peterson and Allan J. Stitt, as well as three Canadians also on the roster of the Court of Arbitration for Sport (CAS) in Lausanne, Robert Décary, Hugh L. Fraser and François Tremblay. You can view the roster on the SDRCC website: [www.crpsc-sdrcc.ca/eng/dispute-resolution-arbitrators.jsp](http://www.crpsc-sdrcc.ca/eng/dispute-resolution-arbitrators.jsp). ■

## SDRCC Mediator and Arbitrator Conference

From January 27 to 29, the SDRCC held its Mediator and Arbitrator Conference in Montreal. The conference marked three firsts: 1) It was the first time that this particular roster, with the newly appointed mediators & arbitrators, had a chance to meet, interact and discuss dispute prevention and resolution in the Canadian sport context. While several mediators and arbitrators have renewed their commitment to the SDRCC, there was also an important turnover. 2) This marked the first time that sessions of the SDRCC conference were open to the public, whereby registrants were welcome to take part in the first half-day of the event. The sessions in questions included a review of the recent SDRCC jurisprudence and dealt with writing arbitral awards, mediating multi-party sports-related disputes, the production of evidence in sport arbitration and confidentiality in the mediation and resolution facilitation processes. 3) This was also the first time that the SDRCC conference was approved as continuing professional development by the Law Society of British Columbia, the Law Society of Upper Canada and Le Barreau du Québec. This recognition speaks to the quality of the conference program and the conference speakers and the SDRCC is proud to see its event deemed to be worthy professional training for Canadian lawyers. ■

## Changes to the Canadian Sport Dispute Resolution Code

The Canadian Sport Dispute Resolution Code (Code) underwent an internal review in order to stay compliant with the Canadian Anti-Doping Program after it was revised by the Canadian Centre for Ethics in Sport (CCES). The SDRCC took this opportunity to improve its Code by making a few other amendments effective on February 1, 2011. What follows is a summary of the most important changes in the 2011 Code:

- a) In order to protect the rights of minors, the Code now gives discretion to the SDRCC to notify a third party of proceedings involving minors which are not represented.
- b) A clarification was added to section 3.1 defining availability of dispute resolution services to reflect the fact that services are offered on a fee-for-service basis to sport organizations not funded by Sport Canada to resolve their sports-related disputes.
- c) An added section outlining the default format of proceedings as being by teleconference, with other options being available upon agreement by the parties or order by the arbitrator.
- d) Reconstructed section on resolution facilitation, to make clearer the opportunity for parties to submit voluntarily their dispute to such process without filing a formal appeal and to offer guidance on the confidential and non-prejudicial nature of resolution facilitation.
- e) Added step towards inviting affected parties to increase the safeguard of confidentiality of the proceedings.
- f) Inclusion of the CCES medical review process into the doping appeal provisions.

The Code can be found on the SDRCC website: [www.crpsc-sdrcc.ca/eng/documents/CODE2011FINALEN.pdf](http://www.crpsc-sdrcc.ca/eng/documents/CODE2011FINALEN.pdf). ■



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