



Your Olympic and Paralympic Ombudspersons for Beijing 2008 by Sophie De Koninck and Jeff Palamar

I am delighted and very proud to have been chosen to accompany the Canadian team to the Beijing Olympics in August as the team's ombudsperson.

I have always been interested in sports. I taught swimming for a number of years, both at a pool and at a lake at a summer camp in Ontario, and sports still play a significant role in my day-to-day life as a complement to my professional life as a lawyer. A few years ago, after working with a large national law firm, I joined Standard Life, where I continue to practice corporate law.



International travel, notably to Europe, Africa, Australia, and particularly Asia, is also a big part of my life. Lengthy stays in a number of Southeast Asian countries and China itself have taught me much about this area of the world. I speak fluent Mandarin, which

I initially studied at the National University of Singapore and continued to hone during an internship at the Canadian Embassy in Beijing. While at the Embassy, one of my key mandates was to negotiate with Chinese representatives.

At home in Montreal, I was asked to act as a mentor to a delegation of Chinese judges attending a training program at the Université de Montréal Faculty of Law. During this assignment, being trilingual (English, French, Mandarin) proved to be very useful. I am also a member of the board of directors of Hong Kong-Canada Business Association (Montreal section).

I look forward to contributing in whatever way I can to the success of Canadian athletes this summer. I wish each and every one the very best for the Beijing Olympic Games, and I will ensure that an environment of justice prevails efficiently. ■

I am very pleased to have been named the Athlete Ombudsperson for the 2008 Paralympic Summer Games, in Beijing.

I am a lawyer, and largely practice labour and employment law. I have also trained as an arbitrator, and for over a decade was a sessional instructor at the University of Manitoba.

Sports and fitness are important to me and my family, personally and professionally. I provide counsel on an ongoing basis to Sport Manitoba and am called on by various provincial sports organizations for employment, administrative, human rights and sport related assistance. I have acted for athletes on suspensions imposed by the CCES, a local university in a CIS disciplinary process, and a provincial sports organization in some selection appeals under the ADR-Sport-RED procedures. Coaching my daughter's recreational soccer team has been a particular challenge and joy for me.

My law firm of Taylor McCaffrey LLP is extremely active in the



community, and in sport, and we have been "there" for Winnipeg's Pan Am Games, every one of the 19 years of the Cerebral Palsy Stationary Bike Race, the Manitoba Marathon, the Great Grain Relay, the Lawyers for Kids Relay, dragon boat racing, corporate rowing, the United Way, and many other fundraising events and challenges. I participate regularly in these events, and have become the "point person" when it comes to organizing our teams and involvement.

I am willing to help wherever needed with athletes, coaches and other team members, and am approaching my role as that of "problem solver". Hopefully there will be few problems to solve, but regardless, I will do what I can to make the experience as positive as possible for all concerned. I truly look forward to working with Team Canada in Beijing, and meeting some of you there, or at some other time soon. ■

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Sport Solution: Offering Guidance and Assistance to Athletes

By Steven Teal and David Reynolds, Sport Solution Staff



When Canadian high performance amateur athletes have sport-related legal issues, they have a resource in an AthletesCAN program called Sport Solution.

Created in 1996 and managed by two University of

Western Ontario law students, Sport Solution offers guidance and assistance to athletes to find solutions concerning national sport organization (NSO) procedures, appeals and arbitration, athlete agreements, team selection, athlete assistance funding, discipline, harassment, doping violations and whereabouts forms, among others. As Sport Solution managers are not lawyers, when a situation arises in which legal advice is required, athletes are referred to the list of legal representatives that have made themselves available through the SDRCC website.

With the 2008 Beijing Games just around the corner, Sport Solution would like to highlight three key items that Olympic/Paralympic athletes should be aware of: expressing political opinions, team selection and doping.

There has been much publicity over China's human rights record and the possibility of an Olympic/Paralympic boycott. While everyone is entitled to their opinions, athletes need to be careful when it comes to expressing theirs while at the Games. Athletes are bound by the International Olympic Committee's (IOC) Charter or the International Paralympic Committee's (IPC) Charter, which state that no kind of demonstration or political, religious or racial propaganda are permitted in any Olympic/Paralympic sites, venues or other areas and may not appear on persons, on sportswear, accessories or, more generally, on any article of clothing or equipment whatsoever worn or used by the athletes or other participants in the Games.

To complicate matters, the IOC and IPC have not specifically defined what forms of expression are considered a demonstration or propaganda. Therefore, it is in an athlete's best interest to seek clarification from the Canadian Olympic Com-

mittee (COC) or IOC and/or the Canadian Paralympic Committee (CPC) or IPC before associating themselves with any forms of expression which may be deemed controversial. Despite the lack of a specific definition for propaganda, there appears to be a strict interpretation evidenced by the IOC's recent decision to ban bracelets with the words "For a Better World" from the Games.

Team selection can be a contentious issue which can result in athletes questioning whether the appropriate decision was made. While the Olympic and Paralympic team selection processes leave athletes little time to appeal a decision before rosters are submitted to the IOC/IPC, this should not deter an athlete from exercising their right to an appeal. Where an athlete believes that a selection did not follow the named guidelines or believes the decision to be improper for any other reasons, they are encouraged to take the appropriate steps to question the decision. If an athlete's appeal is successful, the COC/CPC will do everything in their power to

ensure that the appropriate athlete is placed on the team in time for the Games.

While it is always important for athletes to be conscientious of any products they consume, it is particularly important in the upcoming months, prior to and at the Games. First, athletes should familiarize themselves with the banned substances as specified in the World Anti-Doping Code. Second, ath-

letes should check the labels on any supplements or medications to ensure that they do not accidentally consume any of the banned substances, especially when products are purchased outside of Canada. Finally, if an athlete is notified of an anti-doping rule violation at the Games, they are encouraged to contact Olympic Ombudsperson Sophie De Koninck or Paralympic Ombudsperson Jeff Palamar. The athlete also retains the right to obtain independent legal counsel or contact Sport Solution while at the Games.

If you have any questions on these or other issues, please contact Sport Solution Managers Steven Teal and David Reynolds at 1-888-434-8883 or by e-mail at law.sportsolution@uwo.ca. ■

"Olympic/Paralympic athletes should be aware of expressing political opinions, team selection and doping."



Raising Awareness Among the Sports Officials Community about Dispute Prevention



Sports officials have been rarely involved in disputes before the SDRCC, and that is a good thing. But is it because there are no disputes at all, or because the officiating community is efficient in solving them internally, or is it

perhaps because officials do not know about the SDRCC? The interest generated by the presence of SDRCC staff at the Sports Officials of Canada's annual conference, held in Calgary in May 2008, is quite telling. Officials are very much aware of the need for better policy-making around the officiating component of the sport system. In addition to having a display and handing out relevant print materials, the SDRCC presented a workshop on the prevention of disputes relating to the selection of officials for national and international competitions.

At this workshop, Marie-Claude Asselin and Fredy Iuni presented the results of an exploratory survey conducted among the officiating chairs of all NSOs affiliated with Sports Officials of Canada. The purpose of the survey was to better understand the way in which officials are selected for competitions and to identify the areas of officials' selection processes where there was a higher risk of disputes. A response rate of 23% enables to draw the following conclusions.

In Canada, 71% of NSOs have input, of varying degrees, in the selection of officials for national competitions and 93% do so in the appointment of officials to international competitions. This confirms that the vast majority of the NSOs are responsible for determining the process and the criteria to be used in the selection of officials.

On the positive side, all NSOs who responded to the survey consulted their officials in the development of their selection policies. This constitutes an excellent strategy to get buy-in from the officials concerned and to ensure that the policies

are clear and understandable, hence reducing the risks of disputes.

Also, the majority of them (86%) published the policy in writing. However it is troubling to think that officials in the remaining 14% of NSOs are still being appointed to national and international competitions without the existence of a written policy. This fact has been identified as a high-risk situation.

Several cases heard at the SDRCC are caused by inadequate communication between the parties. NSOs are therefore encouraged to publish their policies as widely as possible. In the survey at hand, 43% of NSOs used only one method to communicate the selection policies to their officials (either email, website, mail, or in person). Clearly, it is desirable to combine multiple methods of communication to ensure a wide and thorough distribution.

Finally and not surprisingly, the survey showed that all NSOs use subjective criteria in the performance evaluation of officials. While there is nothing wrong in using subjective criteria, there are some safeguards recommended to reduce the risk of disputes arising from it, including: to ensure the independence of the decision-makers, to avoid conflict of interests or appearance thereof, and to apply a transparent process.

Based on the feedback and comments received from participants at its conference, Sports Officials of Canada has already extended an invitation to SDRCC to offer another workshop on dispute prevention at its next conference, and SDRCC looks forward to take part in this event planned for the fall of 2009. Meanwhile, NSOs and officials are welcome to contact SDRCC if they wish to obtain guidance in the development of policies relating to officials. ■



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Notable Dates

- **June 16, 2008:** BC Athlete Voice hosts a session in Vancouver on dispute prevention for athletes with CEO of SDRCC, Marie-Claude Asselin.
- **October 23-24, 2008:** SDRCC Arbitrators and Mediators' Conference, Mississauga.



Important Changes to Carding Appeal Process



The SDRCC wishes to inform Canadian athletes and their National Sport Organizations of an important change in the appeal process related to carding decisions; a change which has been communicated to the SDRCC by Sport Canada. Sport Canada has advised the SDRCC that it will no longer hear carding appeals, unless the decision appealed is a decision initially rendered by Sport Canada. Consequently, carding appeals arising from the NSO decisions to nominate athletes to Sport Canada for carding are no longer made to Sport Canada, but they must be filed directly to the SDRCC.

Impact on Time Limits

This new process has an impact on the time limits established to appeal a carding decision of an NSO. Athletes should be informed that their appeal must be filed directly with the

SDRCC, but also that the time limits to do so, as per the Canadian Sport Dispute Resolution Code, are as follows in that order of priority:

1. time limit as specified in the NSO rules;
2. if no such time limit is specified, 21 days following the communication by the NSO of the contested decision.

The SDRCC has published a revised version of its brochure entitled "Carding Process: Guidelines and Tips", to assist athletes who believe that they have grounds to appeal a carding decision made by their NSO or by Sport Canada. The information in that brochure has been updated to reflect the new procedure that was communicated to the SDRCC by Sport Canada. An electronic version of that publication

is available on the SDRCC website at the following link: www.sdrcc.ca/eng/carding.cfm.

Print copies of the carding brochure can also be obtained by contacting the SDRCC office. ■

"Carding appeals arising from NSO decisions must be filed directly to the SDRCC."

New Educational and Promotional Materials



In addition to the brochure on carding described above, the SDRCC has also published a revised edition of its brochure on selection, entitled "Selection Criteria for Major Events in Sport: Guidelines and Tips". The brochure offers practical guidelines and suggestions to help sports organizations and their members in adopting sound selection criteria and policies in order to reduce the risks of selection disputes. The best practices outlined in this brochure are applicable to any selection process at any level, whether it is meant to identify the best athletes to be part of a club or team, the best possible athletes to represent Canada on the international scene, or even the finest and most deserving officials to officiate at championships and major Games. The brochure can be ordered by contacting the

SDRCC office or can be downloaded from the SDRCC website at the following link: www.sdrcc.ca/eng/team-selection.cfm.

The SDRCC Appeals Policy Package, providing two models of internal appeal policies for sports organizations of all levels, has also been revised and updated. This document is only available in electronic format and can be downloaded from the SDRCC website at the following link: www.sdrcc.ca/eng/appeal-policies.cfm.



Finally, a promotional flyer outlining the SDRCC's mission, services and programs is available upon request by contacting the SDRCC office or can be downloaded from the SDRCC website at the following link: www.sdrcc.ca/eng/about.cfm. ■



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ISSN 1712-9923



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The Sport Dispute Resolution Centre of Canada thanks Sport Canada for its generous financial contribution.