



Resolution Facilitation for Doping Cases

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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 permitted 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 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. ■