

Sport Dispute Resolution Centre of Canada

Corporate Plan for the 2007-2008 Period

March 1, 2007

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Introduction

THE CANADIAN SPORT POLICY

The Canadian Sport Policy identifies four substantive goals: enhanced participation, enhanced excellence, enhanced capacity, and enhanced interaction.

Enhanced participation and enhanced excellence target the expansion of the capacity of individuals, communities, and institutions, as well as the financial and material resources that comprise Canada's sport system.

Enhanced capacity focuses on ensuring that the essential components of an ethically based, athlete/participant-centred development system are in place and are being continually modernized and strengthened as required.

The Canadian Sport Policy focuses government efforts on identifying and strengthening the weak links in the Canadian sport system at the national, provincial/territorial and community levels in order to maximize its effectiveness.

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 goals of the Canadian Sport Policy 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.

EXECUTIVE SUMMARY

Preparation of the current corporate plan has been bolstered by a year of achievement and change in 2006-2007.

2006-2007 was marked by the Commonwealth Games in Melbourne, Australia and the 2007 Canada Games in Whitehorse. During 2006-2007, the SDRCC managed doping and non-doping arbitration hearings, and an increasing number of mediations.

The SDRCC's Resource Centre increased its impact on numerous national and provincial events. Also, the SDRCC improved its website which offers targeted educational information on ways to prevent and resolve sport-related disputes.

In addition, the SDRCC selected, in the fall of 2006, 41 new experienced arbitrators and mediators to assist resolving sport-related disputes.

Finally, in order to improve its services and programs, the SDRCC modified its Code of procedure, adopted April 1st, 2006.

It is against this backdrop that the SDRCC has prepared its corporate plan for 2007-2008.

MAJOR OBJECTIVES AND INITIATIVES

The SDRCC's priorities for the 2007-2008 fiscal year include: implementing amendments to the Code of procedure (the "**Code**") and building the role of the resolution facilitator; promoting mediation and the use of resolution facilitation in sports-related disputes and to prevent sports-related disputes; enhancing interaction and partnership with the members of the Canadian sport community, particularly the NSOs; educating the sport community about best practices aimed at creating a culture of fairness; implementing the communication and education strategies and developing a schedule for the use of the SDRCC services; considering the best location for the head office and hiring a new Executive Director.

Background and Governance

SDRCC GOVERNING LEGISLATION

The Act established 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. In December 2003, the Minister appointed the directors after consultation with the sport community. The guidelines cited in the Act provided 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. As of January 1, 2006, the Board of Directors is composed of 8 members and the SDRCC awaits further Ministerial appointments.

The Executive Director is the SDRCC's Chief Executive Officer. The full-time CEO 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 Secretariat and the Resource Centre are managed internally by the staff of the SDRCC.

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.

The members of the Board of Directors during the fiscal year were:

- > Susanne Dandenault
- > Pierre Hutsebaut (Resigned on December 31st, 2006)
- > Bruce Kidd
- > Dianne Norman
- > Gordon Peterson
- > Tamar Pichette
- > Allan J. Stitt (Chairperson of the Board of Directors)
- > Steven Sugar
- > Benoit Girardin (*ex-officio*)

The staff members at the SDRCC were:

- > Benoit Girardin, Chief Executive Officer
- > Johanne Poirier, Administrative Coordinator (October 2006)
- > Louise Storelli, Executive Assistant
- > Danielle Comeau, (consultant) Bookkeeper
- > Julie Duranceau, (Resolution Facilitator and Resource Centre Coordinator, resigned in October 2006)
- > Julie Audette, (Administrative Coordinator and Executive Assistant, resigned in October 2006)

BDO Dunwoody, Chartered Accountants, were appointed by the Board of Directors as the independent auditor.

The Arbitrators and Mediators by province for 2007-2008 are as follows:

Nova Scotia

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

Quebec

Bernard A. Roy (Arbitrator)
Patrice M. Brunet (Arbitrator)
Stephen L. Drymer (Mediator/Arbitrator)
Jean-Guy Clément (Arbitrator)
The Honourable Marc Lalonde (Arbitrator)
The Honourable Paule Gauthier (Mediator/Arbitrator)
The Honourable Benjamin J. Greenberg (Arbitrator)
Richard W. Pound (Arbitrator)
L. Yves Fortier (Arbitrator)

Manitoba

James W. Hedley (Arbitrator)

Alberta

Anton M.S. Melnyk (Mediator/Arbitrator)
Deborah Sword (Mediator/Arbitrator)
Ian R. MacDonald (Mediator)
John Harrison Welbourn (Arbitrator)
Roger Gunn (Mediator)

Yukon

Joie Quarton (Arbitrator)

Ontario

Michel G. Picher (Mediator/Arbitrator)
Graeme Mew (Mediator/Arbitrator)
Ed Ratushny (Arbitrator)
The Honourable John Watson Brooke (Arbitrator)
Jane H. Devlin (Mediator/Arbitrator)
Ross C. Dumoulin (Arbitrator)
Richard H. McLaren (Arbitrator)
Larry Banack (Mediator/Arbitrator)
Kevin M. Burkett (Mediator/Arbitrator)
James E. Doyle (Arbitrator)
Kathleen J. Kelly (Mediator/Arbitrator)
Henri Pallard (Arbitrator)
Greg Ambrozic (Mediator)
George W. Taylor (Mediator)
David Bennett (Mediator)
Kileen Dagg Centurione (Mediator)
Lyon Gilbert (Mediator)
Paul-Denis Godin (Mediator)
Bunny McFarlane (Mediator)

British-Columbia

Tricia C. M. Smith (Arbitrator)
John P. Sanderson (Mediator/Arbitrator)
Barbara Cornish (Mediator/Arbitrator)
Carol Roberts (Arbitrator)

Multi-year Strategy and Objectives for 2007-2008

LONG-TERM OBJECTIVES 2004-2008

The SDRCC's long-term (4-year) strategies were based on the objectives of the Canadian Sport Policy: **participation, excellence, capacity and enhanced interaction in sport**, as well as the SDRCC's mission to provide a national alternative resolution service for sport disputes.

a) Excellence and Expertise

Enhance excellence in the Canadian sport system by strengthening the culture of fairness and by providing outstanding mediation and arbitration services in the resolution of sport disputes.

b) Participation

Enhance the accessibility and inclusiveness of the Canadian sport system by strengthening the capacity of leaders and decision makers to make fair and impartial decisions and by providing ADR services and SDRCC resources across Canada in both official languages.

c) Resources

Strengthen the capacity of our leaders and participants to understand and make decisions, deal with disputes, and create a culture of fairness by developing within the SDRCC the service and resource structure required to offer an optimal national alternative sport dispute resolution service to the sport community.

d) Enhanced Interaction

Enhance and create a culture of fairness by developing, establishing and maintaining harmonious relationships with members of the sport community.

e) Sound, Effective Management

Operate and administer a balanced, effective, transparent organization that demonstrates leadership in its respect for governance, management and human values.

OBJECTIVES AND PLANNED INITIATIVES FOR 2007-2008

Current Performance

As of March 1st 2007, the SDRCC handled over 32 disputes in its 2006-2007 fiscal year in matters such as team selection, athlete carding, disciplinary and anti-doping issues. The SDRCC offered workshops to better educate the sport community about ADR. The SDRCC also improved its new Code of procedure. The SDRCC selected, in the fall 2006, 41 new experienced arbitrators and mediators to resolve sport-related disputes. In addition, in January 2007, the SDRCC educated its arbitrators and mediators on doping and sport-related disputes.

Projected Activities for 2007-2008

With the upcoming 2007 Pan American Games in Rio de Janeiro and the anticipated increase of the doping cases, the projected annual caseload for the SDRCC is 50+ cases for 2007-2008.

The objective of the Resource Centre is to help the Sport Community to prevent disputes and permit NSOs to handle those that cannot be prevented by building capacity within the NSO itself. The Resource Centre is a national repository of dispute resolution decisions, other resources to educate the sports community with respect to dispute resolution, and information on best practices in the sports field. To foster a fair, open and positive environment, the Resource Centre will prepare guides and offer workshops that focus on pertinent services and techniques. The intention is for the Resource Centre to be proactive in the development of sound policies as well as fair and effective dispute resolution mechanisms through educational campaigns, training and other initiatives.

Clientele

The Sport Canada accountability framework requires all NSOs and MSOs to have an internal dispute resolution mechanism. If not resolved internally, disputes with respect to national team athletes and coaches will be administrated by the SDRCC.

The services rendered by the SDRCC may additionally be offered for other matters on a consensual basis. All NSOs and anyone affiliated with a NSO, including its members, may agree to refer a dispute to the SDRCC and benefit from the SDRCC's services, provided they meet the admissibility 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.

Objectives 2007-2008

> **Enhance excellence in sport by improving the sport system through the prevention or reduction of sport-related disputes, thus creating a culture of fairness in Canada.**

- Initiatives:
- Implement the amendments to the Code and build the role of the Resolution Facilitator
 - Promote mediation and the use of resolution facilitation in sports-related disputes and to prevent sports-related disputes
 - Improve the knowledge base of the SDRCC by training staff and developing a comprehensive bank of information and resources in ADR
 - Develop a fee for service program to serve non-funded sports organizations and their members
 - Further educate the mediators and arbitrators
 - Consider the best location for the head office
 - Hire a new Executive Director

> **Strengthen the capacity of our sport community leaders and participants by creating a positive culture of fairness.**

- Initiatives:
- Enhance interaction and partnership with the members of the Canadian sport community, particularly the NSOs; educate the sport community about best practices aimed at creating a culture of fairness and implement the communication and education strategies

> **Operate and manage an organization promoting excellence and transparency.**

- Initiatives:
- Develop and implement transparent management and governance policies
 - Manage all sport-related disputes in a fair and efficient manner
 - Ensure that SDRCC policies comply with the Act, its by-laws and agreements

Budget 2007-2008

The total proposed budget for this period is **\$1 035 000** broken down as follows:

| | |
|---------------------------|-----------|
| ADMINISTRATION | 221 300 |
| OFFICIAL LANGUAGES | 50 000 |
| OPERATIONS | 430 350 |
| HUMAN RESOURCES | 313 350 |
| TOTAL EXPENSES | 1 035 000 |
| REVENUES | 35 000 |
| FUNDING FROM SPORT CANADA | 1 000 000 |

FUNDING BLOCKS

| | | |
|---------------------|-------|---------|
| Administration: | (22%) | 221 300 |
| Official Languages: | (5%) | 50 000 |
| Operations: | (43%) | 430 350 |
| Human Resources: | (31%) | 313 350 |