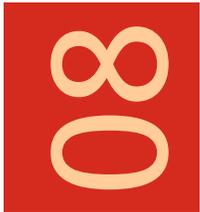




SPORT DISPUTE RESOLUTION  
CENTRE OF CANADA



# IN THE NEUTRAL ZONE

[www.sdrcc.ca](http://www.sdrcc.ca)

February 2008

## SDRCC Takes on New Challenges in Preventing Sports-Related Disputes in Canada by Marie-Claude Asselin, Executive Director, SDRCC



The Sport Dispute Resolution Centre of Canada (SDRCC) has undergone major changes over the past few months, including a complete staff turnover, new Board members, an expanded roster of arbitrators and mediators, an office relocation, a new and improved website, a new logo and new branding.

You will find highlights of our most recent changes in this issue.

Despite appearances, we remain the premier source for tools and information to help prevent and resolve disputes at the highest levels of the sport system. Our core services in dispute resolution will remain a priority and will continue to improve and diversify.

The one change that the SDRCC is hoping will have the most impact on the Canadian sport community is its shift of strategy towards a more preventive approach to sports-related disputes.

Our vision is a sport community that treats its members fairly and that is able to resolve misunderstandings before they become disputes. In order to achieve this, the SDRCC wants to establish a strong presence in the sport community to guide, educate, and empower its members to foster a culture of fairness in their respective sports.

During the first few months working at the SDRCC, I had the opportunity to make presentations and facilitate workshops on dispute prevention for athletes, coaches, officials and administrators. I had nu-

merous meetings and conversations with executive staff from many national sport organizations to discuss their current internal policies and their need for possible assistance from the SDRCC.

In particular, as Equine Canada was embarking upon a thorough review of its internal appeal processes, they called our office for assistance in evaluating their current policies, "The SDRCC proved to be a great resource during the review and evaluation of our internal appeal policies and procedures. Its Executive Director participated in

our Ethics and Risk Management Committee meeting and provided insight and suggestions to improve our existing policies. As our councils and committees are volunteer-based, such a resource was invaluable to us. We look forward to the possibility of working with SDRCC again, as may be required, during the implementation of the committee's recommendations." declared Debbie Millar, CEO of Equine Canada.

The SDRCC is committed to offering customized dispute prevention services to the members of the Canadian sport community, whether through information booths, presentations, workshops, publications or participation in appeal policy reviews.

Visit the Outreach and Awareness section of our new website to learn more about your options:

[www.sdrcc.ca/eng/dispute-resource-outreach.cfm](http://www.sdrcc.ca/eng/dispute-resource-outreach.cfm) ■

*"The SDRCC proved to be a great resource during the review and evaluation of our internal appeal policies and procedures"*

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# Resolution Facilitation: A First for Wrestling Canada

By Greg Mathieu, Executive Director,  
Wrestling Canada



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As a result of an injury, an athlete was unable to participate at our Olympic Trials. We, at Wrestling Canada, therefore needed to go through our internal process to deal with an injury petition. After exhausting our internal procedures we asked the Sport Dispute Resolution Centre of Canada (SDRCC) to take on the case. An Arbitration Agreement between

two wrestlers, and the national association was drawn up and signed by all parties and the case management began with an administrative meeting.

At the administrative meeting, we were reminded that all parties entering into Arbitration must participate in a Resolution Facilitation process before the case is heard by an Arbitrator. As the representative of the association, I pointed out that the issue seemed to be polarized and that we had only one entry per weight class and could not satisfy both wrestlers in this matter. The SDRCC Executive Director duly noted the concern but advised that it would still be beneficial to carry out the Resolution Facilitation meeting.

That meeting was scheduled and each of the parties had a representative to discuss the matter with the facilitator, in this case Graeme

Mew. After the initial positions were set out, the facilitator worked with both representatives of the athletes involved to see what they felt would be a fair outcome. The discussions that seemed to have no middle ground eventually turned at one point and both parties began to search for a satisfactory compromise.

In a matter of one hour the process, which I thought had no legs, was up and running and moved to a successful agreement which both parties and our association agreed to, thereby avoiding the Arbitration process. The solution was one that all could live with and make work,

*“... the process, which I thought had no legs, was up and running and moved to a successful agreement...”*

through terms that would guide a wrestler off to be held. This was a much better resolution than one party winning and one losing, without the chance for it to be solved on the playing field (on the mat, in our case).

As a result of this Resolution Facilitation process, we have a positive outcome, with-

out the acrimony of a hearing or negative attacks within our sport community. We fully endorse and recommend this approach to other national associations who might feel that Arbitration is the only course to follow. ■



### SDRCC - New Office

The SDRCC relocated on December 1, 2007 to a new office situated in the heart of Montreal's business district. Conveniently located on the city's subway line and one block away from the downtown train station, the new office now offers a central and accessible facility to hold mediation sessions and arbitration hearings. The conference room can comfortably sit 10 people. The building also offers a direct access to Montreal's subterranean network.

The more central location of the new office will also increase the accessibility of its collection of books, monographs and journals specialized in dispute prevention and dispute resolution. Members of the sport community, the legal community, as well as students are welcome to come to our office for on-site consultations. ■

### Notable Dates

- **February 4, 2008:** The SIRC Newsletter will be focused on dispute prevention and resolution.
- **February 12, 2008:** The SDRCC will be conducting a seminar on dispute prevention and resolution as part of the SIRC Seminar Series. The event will be held from 9:00-11:00am. SIRC is located at: 180 Elgin St., Suite 1400, Ottawa ON. Limited seating. Registration required.

# An Athlete's Testimonial on the Mediation Process

By Helen Nichol, Badminton Athlete



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When my appeal finally reached the SDRCC I was relieved. I had gone through a long drawn out process with my NSO and felt like we were getting nowhere. We were at a stand still. I turned to the SDRCC for help in bringing us back to the discussion table to resolve our conflict. I chose the mediation/arbitration option because I wanted to

start with a less formal process where a neutral third party would guide both sides to try and find a solution together. However, if we were not able to come to a solution I knew the mediator could then move into an arbitrator role and render a final binding decision.

My mediation took place over a conference call and the mediator did a great job of keeping things under control to progress efficiently through the conflicts. This was a smooth process as

both sides took turns communicating their points. With the mediator's help we were able to come to a solution, which both parties could agree to. The mediator was especially helpful in explaining all my options and answering any questions I had. I did not feel pressured or threatened at any time. I believe both parties made compromises to form a win-win solution that would help us in our future working relationship. I was

extremely happy that my appeal was finally over and grateful to the SDRCC for its help in the resolution of my appeal.

I also gained valuable information from the SDRCC's website. It was an invaluable resource when preparing for my mediation. I was able to research past cases, learn valuable tips on preparing for mediation,

scan a list of potential legal representatives, and most importantly learn what to expect throughout the process ahead of me. ■

*"The mediator was especially helpful in explaining all my options and answering any questions I had"*

## Mediation "Speak": What it Means for Sport

By Lyon Gilbert, Mediator



The word 'mediation' grabs our attention. But do we truly understand what it means and what, when we are committed to the process, it can do for us?

Athletes are truly committed souls. They devote significant and oftentimes exclusive portions of their

lives at great costs in the pursuit of excellence. They are also people much like the rest of us who want control over their lives such that when conflicts arise they can control the outcome. Our sport community needs to learn how to resolve disputes in a manner that will enable parties to preserve their relationships so that athletes, coaches, officials, and administrators continue to work together in a harmonious environment once the matter is settled.

And that is the essence of mediation. Mediation provides the engine and energy for open and frank discussion of all the issues. The parties get together in an informal setting. No one is there to dictate the outcome and impose a resolution.

Seeing that the process is voluntary, meaning the parties agree to en-

gage in it, it provides the foundation for true commitment to engage in meaningful discussions conducted in good faith for the express purpose of fleshing out the true and underlying interests of the parties, in an environment protected by confidentiality, and where emotions can be freely expressed without fear of censure. Knowing that there is no one there to adjudicate the issues leads to a healthy and open atmosphere for resolution.

*"Our sport community needs to learn how to resolve disputes in a manner that will enable parties to preserve their relationships"*

Generally speaking, the process involves choice: freedom to choose your mediator; freedom to choose time and place; and freedom to put forward options for settlement where there are no losers and where the parties can continue to live with one another. The last one is the most important because when the parties leave with a settlement they have

fashioned, rather than an adjudicatively imposed judgment with which they may not agree, they walk away with their heads held high and their spirits lifted. And in the process, they may very well have rebuilt their relationship to move forward with renewed vigor.

When conflicts resolve, we all come out winners. ■

## Meet our Newest Staff Members



## IN THE NEUTRAL ZONE



### *Nathalie C. Labelle* Executive Assistant

Nathalie Labelle joined the SDRCC in November 2007. Nathalie is responsible for the general administration of the SDRCC office and for the case management in the Dispute Resolution Secretariat. Nathalie acted as an executive assistant in the field of finance for most of her 20-year plus career.

She possesses exceptional language and technical skills. Her collaboration with business executives helped her develop her organization skills and her ability to manage priorities. ■



### *Fredy M. Iuni* Education and Communication Coordinator

Fredy is responsible for the Dispute Prevention Resource Centre and for the development and delivery of content through the website, publications and presentations. Fredy is a recent graduate from the University of Calgary receiving his Masters from

the Graduate Division of Educational Research with a specialization in Educational Technology. Fredy joined the SDRCC in November 2007. ■



### *SDRCC Adopts a New Logo*

The new SDRCC logo features three graphic elements: a maple leaf, a red arch and a green arch. Together, they carry the following meaning:

- ◆ The maple leaf represents the Canadian sport system;
- ◆ The red arch represents a dispute arising from the Canadian sport system;
- ◆ The reversed green arch represents the intervention of the SDRCC, bringing a final resolution to the dispute with the final dot.

This new logo will permanently replace the former ADRsportRED logo, which referred to the interim alternative dispute resolution program established in 2001, prior to the foundation of the SDRCC in March 2004. ■

### *The New Website of the SDRCC is Launched*

The SDRCC launched its new website in December 2007. The website features new sections dedicated to dispute prevention and offering updated information and resources for dispute resolution.

This new and fully bilingual website has been designed especially to facilitate navigation and to reflect the SDRCC's desire to engage more proactively in PREVENTING disputes within the Canadian sport community. Come and visit the website at [www.crdsc-sdrcc.ca](http://www.crdsc-sdrcc.ca) now and tell us what you think! For your convenience, you may remember the new website address solely by the organization's acronym in your preferred official language. This means that typing [www.sdrcc.ca](http://www.sdrcc.ca) or [www.crdsc.ca](http://www.crdsc.ca) in your web browser will automatically take you to our official website. The new website also reveals the new logo and corporate image of the SDRCC. ■



# SDRCC

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