



SDRCC in Halifax 2011

February 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 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, 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.

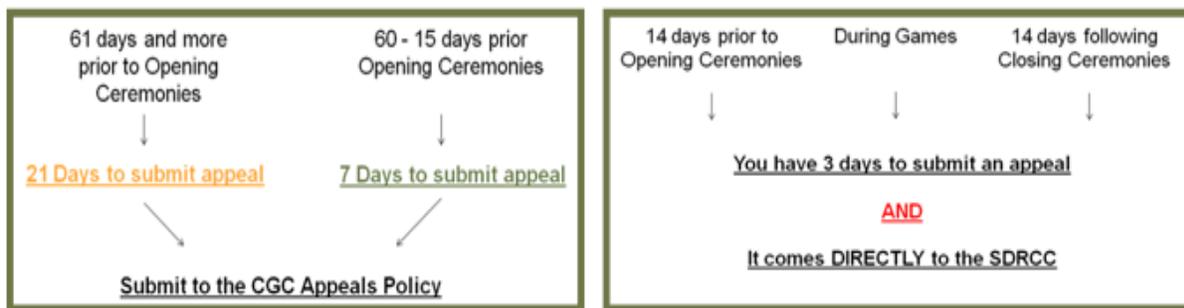




Kiosk visitors will also be able to test their mediation skills by playing the SDRCC interactive online game. Among publications to be available at no cost to all Games participants, the brand new *Guide to Administrative Fair Play*, the pocket guide for sports administrators who want to ensure that 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 SDRCC is proud to have collaborated with the Canada Games Council in the recent revisions of the CGC's Appeal Policy (Policy)¹. 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 exhausted; 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 bias²
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 Canada Games Council Appeal Policy can be found at:

http://www.canadagames.ca/Images/Sport/Stakeholder%20Reference%20Manual/CGC%20Appeal%20Policy_2010.09.16.pdf

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