

# Sport Dispute Resolution Centre of Canada

**Corporate Plan for the 2012-2013 Period**

March 1<sup>st</sup>, 2012

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## Background and Governance

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### THE CANADIAN SPORT POLICY

At the time of publication of this Corporate Plan 2012-2013, the Canadian Sport Policy had yet to be renewed for 2012 and beyond. Therefore, the present plan is based on the vision and goals stated in the Canadian Sport Policy 2007-2012. The Policy's vision is to have "a dynamic and leading-edge sport environment that enables all Canadians to experience and enjoy involvement in sport to the extent of their abilities and interests and, for increasing numbers, to perform consistently and successfully at the highest competitive levels". This vision is supported by four main goals: enhanced participation, excellence, capacity, and interaction in sport.

The Canadian Sport Policy 2007-2012 therefore 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 2007-2012 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 (ADR).

### CLIENTELE

Sport Canada's accountability framework requires that all national sport organizations (NSOs) and multisport services organizations (MSOs) have an internal dispute resolution mechanism. If not resolved internally, disputes with respect to national team athletes and coaches are administrated by the SDRCC.

The services rendered by the SDRCC may additionally be offered for other matters on a consensual basis. All NSOs and MSOs and anyone affiliated with a NSO or MSO, including its members, may agree to refer a dispute to the SDRCC and benefit from the SDRCC's services, provided they meet certain 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, including through its new fee-for-service program.

## **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 inaugural directors after consultation with the sport community. The Guidelines cited in the Act provide 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. Seven of the current Board members will be eligible for a second-term appointment during the 2012-2013 fiscal year.

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 Resolution Secretariat and the Resource Centre are managed internally by the staff of the SDRCC (the CEO and four employees).

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.

**Members of the Board of Directors during the 2011-2012 fiscal year:**

- Carla Qualtrough, Chairperson
- Luc Arseneau
- Anne Benedetti
- Alexandre Charbonneau
- Frank Fowlie
- Miray Cheskes Granovsky
- Clayton Miller
- Aimable Ndejuru
- John F. Reid
- Allan J. Sattin
- Michael A. Smith
- Judith A. Tutty
- Marie-Claude Asselin (CEO, *ex officio*)

**Staff members during the 2011-2012 fiscal year:**

- Marie-Claude Asselin, Executive Director and Chief Executive Officer
- Liane Mendelsohn, Administrative Assistant (since May 24, 2011)
- Francine Black, Executive Assistant (since May 30, 2011)
- Tanya Gates, Operations Manager (since June 13, 2011)
- Julie Stronach, Education and Communication Coordinator (since June 15, 2011)
- Fredy M. Iuni, Education and Communication Coordinator (until May 4, 2011)
- Marie-Josée Duval, Executive Assistant (until April 22, 2011)
- Valérie Gingras, Administrative Assistant (until April 8, 2011)
- Danielle Comeau, Bookkeeper (consultant)

The firm BDO Dunwoody, Chartered Accountants, was appointed by the Board of Directors as the independent auditor for the 2011-2012 fiscal year.

**Arbitrators and Mediators Appointed until December 31, 2013, by Province:**

**Alberta**

Vanessa Gray (Mediator)  
Roger Gunn (Mediator)  
Ian R. MacDonald (Mediator)  
Deborah Sword (Mediator)  
John Harrison Welbourn (Arbitrator)

**British-Columbia**

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

**Manitoba**

James W. Hedley (Arbitrator)

**Northwest Territories**

Cayley Jane Thomas (Mediator/Arbitrator)

**Quebec**

Dominique F. Bourcheix (Mediator)  
Patrice M. Brunet (Arbitrator)  
Robert Décary (Arbitrator)  
Stephen L. Drymer (Mediator/Arbitrator)  
Julie Duranceau (Mediator)  
L. Yves Fortier (Arbitrator)  
The Honourable Paule Gauthier (Mediator/Arbitrator)  
The Honourable Marc Lalonde (Mediator)  
Richard W. Pound (Arbitrator)  
Bernard A. Roy (Arbitrator)  
Janie Soublière (Arbitrator)  
François Tremblay (Arbitrator)

**Ontario**

Greg Ambrozic (Mediator)  
Larry Banack (Arbitrator)  
Roger Beaudry (Mediator)  
David Bennett (Mediator)  
David I. Bristow (Mediator/Arbitrator)  
Rick Brooks (Mediator)  
Jane H. Devlin (Mediator/Arbitrator)  
Ross C. Dumoulin (Arbitrator)  
Hugh L. Fraser (Arbitrator)  
Steven C. Gaon (Mediator)  
Paul Denis Godin (Mediator)  
Kathleen J. Kelly (Mediator)  
Andrew D. McDougall (Arbitrator)  
Richard H. McLaren (Arbitrator)  
Graeme Mew (Mediator/Arbitrator)  
Gordon E. Peterson (Mediator/Arbitrator)  
Michel G. Picher (Mediator/Arbitrator)  
Anne Sone (Mediator)  
Allan Stitt (Mediator/Arbitrator)  
George W. Taylor (Mediator)

**Nova Scotia**

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

## Multi-Year Strategy and Objectives for 2012-2016

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### LONG-TERM OBJECTIVES 2012-2016

The SDRCC long term vision is to use education as a vehicle for dispute prevention, create a culture of fairness in relation to sport disputes, and provide world-class ADR services to stakeholders. For its 2012-2016 strategic plan, this translates more specifically into being recognized, respected and accepted as a centre of excellence nationally, which uses resolution facilitation, mediation and arbitration processes to resolve conflicts in sport; and which provides education to all MSO and NSOs with the goal of preventing disputes.

**a) Enhance Core Business**

The success of SDRCC is the quality of the core business (mediation and arbitration). Over the next four years, SDRCC wants to implement systems that will continue to make this organization a centre of excellence and a role model for other countries in the area of sport mediation and arbitration.

**b) Dispute Prevention through Education**

SDRCC aims to increase the level of awareness of the sport mediation and arbitration as well as preventative strategies among the potential users and the present group of stakeholders.

**c) Strengthening National Partnerships**

In order for SDRCC to reach its goal of being accepted and widely utilized in the Canadian sport system, it needs to forge relationships across the sport system and leverage the benefits of other organizations.

**d) Business Development**

There is a strong desire to extend business beyond national teams and the boundaries of the country. With technology and sport continuously breaking down borders, SDRCC wants to share knowledge and services in other jurisdictions.

**e) Transparency and Accountability**

The SDRCC strives to contribute to the transparency and accountability of the Canadian sport system by acting as a model of best management practices.

## REPORT ON ACTIVITIES 2011-2012

- From April 1<sup>st</sup>, 2011 to the time of printing, the SDRCC managed a total of 45 new disputes dealing with issues such as team selection, athlete carding, discipline, governance matters, and anti-doping violation assertions.
- On January 18, 2012, the SDRCC celebrated the 10<sup>th</sup> anniversary of the official opening of the ADRsportRED program, an important milestone in Canadian sport history. A special celebration dinner is planned during the upcoming Arbitrator and Mediator Conference in Calgary in March 2012.
- The SDRCC Arbitrator and Mediator conference program, especially designed for SDRCC roster members, features presentations and panel sessions by guest speakers, including several SDRCC clients and collaborators, and will address several current themes and issues of relevance to the participants. Again this year, part of the conference was open to the public. The conference program was also recognized for continuing professional development credits by the law societies of British Columbia, Saskatchewan, Ontario, Quebec and New Brunswick.
- The SDRCC staff attended numerous conferences and events of major partners from the sport community, during which it featured its awareness kiosk, distributed dispute prevention and resolution print materials and facilitated workshops.
- The SDRCC partnered with Coaches of Canada to publish a leaflet to better inform Canadian coaches about their rights and responsibilities, as well as to inform them of the dispute prevention and resolution resources and services offered by the SDRCC. A similar publication intended for sports officials was also developed and was launched on the occasion of the Sports Officials Canada Conference in September 2011.
- The case management portal was fully integrated into the Tribunal process. All parties and panel members involved in case files since September 2011 have benefited from this unique enabling on-line access to their SDRCC case files at anytime from anywhere, including all case-related materials and an interactive calendar.
- In order to provide enhanced accessibility for more members of the Canadian sport community to its online resources, the SDRCC has enabled its website with BrowseAloud assistive technology.
- The implementation of the SDRCC result-based management and accountability framework has commenced with the baseline measurement of performance indicators through survey research.
- The SDRCC strengthened its relationship with the Japan Sports Arbitration Agency by hosting one of its staff members as intern in the summer of 2011. This internship provided the opportunity to share expertise and facilitated the advancement of several SDRCC projects.
- The SDRCC Board developed and adopted a new long term strategy for the 2012-2016 and redesigned its committee structure to better support its strategic objectives.
- During the period, the SDRCC complied with all of its legislative and contractual obligations.



## Objectives and Planned Initiatives for 2012-2013

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### STRATEGIC PRIORITIES 2012-2013

The SDRCC's priorities for the 2012-2013 fiscal year include: (i) continuing to provide innovative and professional sport dispute prevention and resolution services; (ii) providing quality education programs to strengthen the capacity of decision-makers and participants in the Canadian sport system to develop and implement sound policies aimed at reducing the risk of disputes; (iii) strengthening existing partnerships and creating new ones to share expertise, best practices and maximize the impact of shared resources; (iv) extending access to SDRCC prevention and awareness resources to grassroots level organizations in Canada; (v) increasing the profile of SDRCC internationally; and (vi) practising transparent and responsible management and governance.

The projected activities for the 2012-2013 fiscal year will ensure that the two core elements of the SDRCC services, the Dispute Prevention Resource Centre and the Dispute Resolution Secretariat, are maintained and enhanced.

The objective of the Dispute Prevention Resource Centre is to provide information and tools to assist all members of the sport community in preventing disputes as well as to increase the capacity of NSOs and MSOs to handle disputes that cannot be prevented. Further tools and resources will be developed to support better governance and policy-making in sport organizations and to educate athletes about their rights and responsibilities with regards to dispute prevention and resolution. The SDRCC will continue to offer tailored awareness and outreach activities and dispute prevention workshops through its Dispute Prevention Resource Centre. The SDRCC will also strive to expand the reach of its resources to provincial sport organizations, college and university sport programs, as well as community sport in an effort to increase awareness and build a stronger foundation of knowledge about dispute prevention and resolution.

The Dispute Resolution Secretariat will seek to enhance the quality of its resolution facilitation, mediation, med/arb and arbitration services and take advantage of existing and new resources and technologies to assist members of the sport community in resolving their disputes quickly and at a reasonable cost. The SDRCC will continue share knowledge and best practices in sport dispute resolution internationally.

From a corporate standpoint, the SDRCC will fully implement its results-based management and accountability framework, establish a comprehensive risk management system, and continue to search for innovative ways to conduct business in a manner that is respectful for the environment. In doing so, it will also carry out its mandate as per the Act and comply with the requirements of its Sport Canada contribution agreement in the delivery of its services.

### OBJECTIVES AND INITIATIVES 2012-2013

- **Continuing to offer the highest level of ADR expertise and through innovative and professional delivery of services and resources.**

Initiatives:

- Monitor the use of the Case Management Portal and identify areas of possible improvements to further enhance its efficiency;
- Evaluate the benefits of the newly implemented Observer Program and investigate other meaningful professional development initiatives for SDRCC staff and roster members;
- Begin the development of an annotated version of the Canadian Sport Dispute Resolution Code.

- **Developing new content and tools to further inform and educate members of the Canadian sport community about dispute resolution and effective risk-reduction strategies.**

Initiatives:

- Promote best practices by developing new content for the website's governance portal and new resources for athletes for enhanced dispute prevention;
- Pursue the development of an online orientation and training program for sport organizations' internal appeal panel members;
- Ensure the presence of SDRCC at relevant sport gatherings and events to provide educational resources on dispute prevention and resolution to more members of the sport community;
- Increase access to and promote the use of the quality dispute prevention and resolution publications available on SDRCC's resource library.

- **Enhancing interaction with the sport community to broaden the scope of influence and increase the impact of dispute prevention and resolution efforts.**

Initiatives:

- Reinforce existing partnerships to maximize the impact of respective resources;
- Building new partnerships at all levels of the Canadian sport system to ensure that key educational messages reach a wider audience;
- Develop a long term international strategy to promote SDRCC's leadership and values abroad and share relevant expertise in sport ADR.

- **Develop and implement transparent and responsible management and governance policies.**

Initiatives:

- Develop a new risk management system and fully implement the evaluation strategy;
- Continue to apply environmentally-friendly practices in all aspects of SDRCC operations;
- Ensure that the SDRCC policies comply with the Act, its by-laws and any agreements to which the SDRCC is a party.

## BUDGET 2012-2013

Consistent with the objectives and planned initiatives for 2012-2013, the total proposed budget for this period is \$1,000,000 broken down as follows:

ADMINISTRATION	160,000
OFFICIAL LANGUAGES	40,000
OPERATIONS	289,500
HUMAN RESOURCES	510,500
TOTAL EXPENSES	1,000,000
FUNDING FROM SPORT CANADA	1,000,000

### FUNDING BLOCKS

Administration:	( 16%)	160,000
Official Languages:	( 4%)	40,000
Operations:	( 29%)	289,500
Human Resources:	( 51%)	510,500