

CODE OF CONDUCT FOR SDRCC MEDIATORS AND ARBITRATORS

1. PURPOSE AND APPLICATION

This Code of Conduct sets out the standards of conduct governing the professional and ethical responsibilities of the SDRCC mediators and arbitrators. It is intended to complement existing legal and professional requirements.

This Code does not form part of, override or replace the rules or applicable laws of the SDRCC dispute resolution processes.

The SDRCC Board of Directors is empowered to investigate alleged breaches of this Code and impose sanctions which may include removal of a mediator or arbitrator, more particularly but not exclusively through the application of the SDRCC Professional Conduct Policy, as amended from time to time.

Some articles may, in context, apply solely to mediators or solely to arbitrators

2. OBJECTIVES

- a) Provide guiding principles for the conduct of SDRCC mediators and arbitrators;
- b) Publicly reaffirm the commitment of the SDRCC to offer world-class professional dispute resolution services to the Canadian sport community;
- c) Promote public confidence in the SDRCC dispute resolution services.

3. PRINCIPLES OF CONDUCT

a) Regulatory Compliance

SDRCC mediators and arbitrators shall:

- i) Conduct all proceedings in accordance with applicable laws and policies;
- ii) Possess knowledge of and comply with the Canadian Sport Dispute Resolution Code, as amended from time to time, and facilitate others' compliance; and
- iii) Not commit or condone an unethical or illegal act or invoke another to do so.

b) Independence and Impartiality

SDRCC mediators and arbitrators shall:

- i) Accept an appointment only if fully satisfied to be impartial and independent from the parties, their representatives and potential witnesses;
- ii) Immediately disclose any interest or relationship, reasonably known at any given time, which may adversely affect their independence or impartiality (or appearance thereof) or the credibility of the SDRCC;
- iii) Not be influenced by outside pressure or self interest;
- iv) Render decisions that are just, deliberate and based on merits only;
- v) Not give or accept anything that might raise a question about their impartiality; and
- vi) Refrain from acting as an advocate for any party to an SDRCC proceeding.

c) Accessibility, Fairness and Courtesy

SDRCC mediators and arbitrators shall:

- i) Avoid impropriety in communications with SDRCC clients and staff and avoid ex parte communications;
- ii) Act fairly, without discrimination or favouritism, in a manner respectful of diversity and of social and cultural differences;
- iii) Communicate with participants even-handedly, respectfully and sensitively and encourage mutual respect among the parties;
- iv) Ensure that the parties have an adequate understanding of the procedural aspects of the process and have adequate opportunities to participate, whether or not they are represented; and
- v) Refrain from unduly influencing parties involved in proceedings or from providing legal advice.

d) Quality, Consistency and Integrity

SDRCC mediators and arbitrators shall:

- i) Accept an appointment only if available to devote the time and attention to meet the timeliness standards of the SDRCC and satisfy the reasonable expectations of the parties concerning a timely resolution;
- ii) Make all reasonable efforts to prevent delaying tactics, harassment of parties or other participants, or other abuse or disruption of the dispute resolution process;

- iii) Be fully apprised of the dispute and prepare appropriately prior to commencing a proceeding;
- iv) Not delegate any duty to decide to another person unless permitted to do so by parties or the applicable rules;
- v) Not engage in conduct that exploits their position as an SDRCC roster member; and
- vi) Adhere to standards of integrity and honesty when making arrangements for compensation and reimbursement of their expenses.

e) Professionalism and Competence

SDRCC mediators and arbitrators shall:

- i) Maintain a high level of professional competence and knowledge required to discharge their SDRCC obligations and duties;
- ii) Remain current in the field and contribute to the improvement of the SDRCC, including by attending the annual SDRCC Arbitrator and Mediator Conference;
- iii) Welcome feedback and fully cooperate in addressing any complaint;
- iv) Refrain from publicly denigrating another SDRCC roster member, a decision, or the SDRCC; and
- v) Refrain from carrying on any activity or behavior which could be considered as conduct unbecoming of an SDRCC roster member or bring the SDRCC into disrepute.

f) Confidentiality

SDRCC mediators and arbitrators shall:

- i) Refrain from disclosing or using for other purposes any confidential information obtained through SDRCC proceedings, even beyond the termination of their mandate with the SDRCC, unless compelled by law to disclose it;
- ii) Promote understanding among the parties of their duty to confidentiality during the SDRCC proceedings;
- iii) Properly store and, within such reasonable time after the closing of a file as is needed in the eventuality of an attack on the proceedings in a court of law, dispose of confidential notes, records, files, information, documents and communications relating to SDRCC proceedings; and
- iv) Forward to the SDRCC Executive Director any request by the media to speak about a pending case or decision of the SDRCC.