

# SPORT DISPUTE RESOLUTION CENTRE OF CANADA

Corporate Plan for the 2004-2005 Planning Period

March 1<sup>st</sup> 2004

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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.

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

The goal of 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 focused governments' 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.

One such "weak link" was the lack of a fair, transparent, efficient system of dispute resolution for sport in Canada. Over the past four years, leaders in the Canadian sport community and experts in the field of alternate dispute resolution have worked to create such a system. Since its inception in January 2002, the interim ADRsportRED program has provided new quality services that improved the Canadian sport system. The Sport Dispute Resolution Centre of Canada is the culmination of these efforts.

*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 of Canada's policy on sport to include the fair, equitable, transparent and timely resolution of disputes in sport. The Act provides for the creation of the Centre and stipulates that the Centre shall include a Dispute Resolution Secretariat and a Resource Centre.

The affairs and business of the Centre are managed by a Board of Directors composed of 12 members appointed by the Minister. In December 2003, the Minister of Canadian Heritage appointed the following individuals as the inaugural Board of Directors of the Centre pursuant to guidelines established in consultation with the Canadian sport community :

- Geneviève Chornenki
- Suzanne Dandenault
- Christian Farstad
- Julie Gagnon
- Pierre Hutsebaut
- Bruce Kidd
- Marc Lemay
- Diane Normand
- Gordon Peterson
- Tamar Pichette
- Allan J. Stitt
- Steven Sugar

In January 2004, Mr. Allan J. Stitt was appointed Chairperson of the Board of Directors by the Minister on the recommendation of the Board. This is the first corporate plan of the Centre.

# SPORT DISPUTE RESOLUTION CENTRE OF CANADA

## 1.0 EXECUTIVE SUMMARY

### 1.1 STRATEGIC ISSUES

The key strategic issues for the 2004-2005 planning period include the establishment of the Sport Dispute Resolution Centre of Canada (the 'Centre'); the administration of the interim ADRsportRED program; and, the integration of the new Canadian Antidoping Program and World Antidoping Agency Code requirements to the Centre's programs. The Centre's operations will be divided between several primary functions, including the provision of dispute resolution services, a Resource Centre, dispute resolution training courses, and educational initiatives aimed at conflict avoidance and management.

### 1.2 MAJOR OBJECTIVES

The Centre's major objectives for the 2004-2005 fiscal year include managing the ADRsportRED program, the ADRsportRED Resource Centre and the Dispute Resolution Secretariat, and the opening of the Centre itself on April 1, 2004. In addition, planning for the Centre's strategic direction and long-term strategic plan will remain a priority for the Centre's Board of Directors (the 'Board'), including identifying long-term strategic goals, policies, and practices for the Centre.

### 1.3 PLANNED INITIATIVES

Major decisions and key capital projects arising out of the implementation of the Centre's plan include: hiring an Executive Director; determining the physical location of the Centre; leasing and equipping the Centre's new offices; the transition, review and establishment of necessary services and programs of the Centre in accordance with its objectives and long-term strategic goals; training arbitrators and mediators in preparation for the implementation of the new Canadian Antidoping Program; and the development and implementation of a comprehensive communication strategy for the Centre.

## 2.0 MANDATE

### 2.1 MISSION STATEMENT

In keeping with the goals of the Canadian Sport Policy, and in accordance with the Act, the mission of the Centre is to provide the sport community with a national centre for the avoidance and resolution of sport disputes. The Centre will be set up as a model for conflict avoidance and ethically-based sport dispute resolution, and to offer a substantive resource base for the ongoing development of sport at all levels.

The Centre will contribute, in particular, to the Canadian Sport Policy goals of enhanced capacity and enhanced interaction. Moreover, it will support the promotion of safety, fairness in play and decision-making, and ethical behaviour in sport environments by offering fair, accessible, and cost-effective services to better resolve or avoid disputes.

## 3.0 CORPORATE PROFILE

### 3.1 BACKGROUND

Currently, national sport organizations (NSOs) funded by Sport Canada are required to have internal appeal mechanisms to address disputes. Historically, when disputes were not resolved through these mechanisms, athletes and NSOs either let the matter drop or turned to the courts, a process that could be very costly for all the parties involved and did not always allow for the timely resolution of disputes.

The Secretary of State (Amateur Sport) established a working group composed of experts in alternative dispute resolution (ADR) and sport. In its report in September 2001, the working group recommended that a national ADR system for sport be developed to provide the Canadian sport community with ADR services. In response, the Secretary of State (Amateur Sport) tabled the Act, which included provisions for the creation of the Centre.

In the period leading to the creation of the Centre, an interim program called ADRsportRED was initiated in January 2002 under the auspices of the Canadian Centre for Ethics in Sports (CCES). Its mandate was to provide dispute resolution services in the sports community. It offered arbitration and mediation services to resolve disputes quickly, transparently and in a cost effective manner.

### 3.2 LEGAL ENTITY

#### 3.2.1 NOT FOR PROFIT CORPORATION

The Act establishes the Centre as a not-for-profit corporation and outlines its structure, mission, powers and rules of operation. Given the intention to make the Centre an arm's length entity from government, the legislation explicitly states that the Centre is not an agent of the Crown, a departmental corporation or a Crown corporation.

### 3.3 ORGANIZATIONAL STRUCTURE

The Act indicates that the Centre shall be composed of a Dispute Resolution Secretariat ('Secretariat') and a Resource Centre. But it allows the Centre to define its own mandate, duties, and functions to ensure that it is responsive to the evolving needs of the sport community and in a position to enhance overall capacity.

Pursuant to the Act, the affairs and business of the Centre are managed by a Board of Directors consisting of not more than 12 directors, including the Chairperson, and the Executive Director of the Centre who does not have the right to vote. The Minister appoints the directors, and does so in accordance with guidelines established in consultation with the sport community.

These guidelines 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 capacity to enable the Centre to achieve its objectives; (c) are representative of the sport community; and (d) are representative of the diversity and linguistic duality of Canadian society.

The Centre will be managed by a full-time Executive Director who will be charged with the fulfillment of the objectives and mission of the Centre, including oversight of all projects, programs, and services across Canada.

The Secretariat will be managed initially by a service provider specializing in case management, which will provide logistical support to the Centre.

The Resource Centre will be managed by a full-time coordinator who will oversee the establishment of the Resource Centre's programs and services.

The Board will review and revise 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.

### 3.4 PROGRAMS & SERVICES

#### 3.4.1 ADR<sub>SPORTRED</sub>

The Centre will continue the services provided by ADR<sub>sportRED</sub> as of April 1, 2004. The Board will review and revise the Centre's programs as necessary to best serve the sport community throughout the fiscal year.

Once operational, the Centre will continue to build upon the ADR<sub>sportRED</sub> services and make such changes as become necessary. Dispute resolution services shall continue to be based upon principles of fair, timely, equitable, transparent, and cost-effective resolution of disputes for the benefit of the sport community.



#### 3.4.2 RESOURCE CENTRE

The ADRsportRED Resource Centre will be administrated by the Centre on April 1, 2004 and will form the basis of the new Resource Centre. It will provide tools and information to members of Canada's sports community with a view towards preventing conflicts and informing stakeholders as to their rights and responsibilities within the sports system.

The objective of the Resource Centre is to prevent disputes and, in cases where disputes persist, to help NSOs build competence and capacity to handle them effectively. The Resource Centre will consist of a national repository of dispute resolution policies and best practices in the sports field, and of dispute resolution decisions. It may also provide assistance and expertise to decision-makers in sports organizations to promote conflict avoidance and dispute resolution in sport. The intention is for the Resource Centre to be proactive in the development of good policies and fair and effective dispute mechanisms through educational campaigns, training, monitoring, and other initiatives.

The Resource Centre will offer a wide range of information and materials, including:

- An Appeal Policy package
- A Major Games package
- Appeal policies of different national organizations
- A best practices collection from worldwide sources
- A database of previous ADRsportRED decisions and sport case law
- Relevant legislation
- Sample contracts, templates of contractual arbitration clause and contractual mediation clauses, sample arbitration agreements and mediation agreements
- Practical information on arbitration and mediation
- List of qualified arbitrators and mediators
- Other prevention and educational materials

#### 3.4.3 ANTI-DOPING

Currently, doping disputes are handled by the *Centre for Sport and Law Inc.* under the Canadian Policy on Antidoping in Sport. With the implementation of the World Anti-Doping Agency Code in Canada, a new Canadian Antidoping Program will become effective and will provide that the Centre administer all hearings and appeals under this program.

The Centre will build upon the present Canadian Antidoping Program to ensure that anti-doping disputes are dealt with in a timely, transparent, and fair manner with the requisite expertise required to address all relevant issues. In order to fulfill this function, the Centre will train arbitrators and mediators to prepare them to deal with specific cases.

### 3.5 CLIENTELE

The Sport Canada accountability framework requires all NSOs to have an internal dispute resolution mechanism. Furthermore, if a dispute is not resolved internally, disputes with respect to national team athletes and coaches must be managed by the Centre.

The services rendered by the Centre may additionally be offered for other matters on a consensual basis, provided they meet any admissibility criteria adopted by the Centre. All sport organizations and anyone affiliated with a sport organization (including its members), may agree to refer a dispute to the Centre and benefit from the Centre's services.

Where other sport organizations and their members request access to the Centre's services, the Board may, under certain conditions, grant access to the Centre.

### 3.6 ALTERNATIVE PROVIDERS

In addition to the Centre, dispute resolution may be achieved through the courts or private agencies. While athletes, coaches, and other stakeholders may pursue private dispute resolution, these services are often prohibitively expensive. Further, such dispute resolution mechanisms would be contingent on both parties consenting to refer the dispute to the private agency. Moreover, the courts and private agencies may not have the necessary expertise to deal with the unique issues raised in sport disputes.

## 4.0 STRATEGIC ISSUES AND PERFORMANCE

### 4.1 CURRENT PERFORMANCE

Since its inception, the ADRsportRED program has handled over 27 disputes, including matters such as team selection and athlete carding.

### 4.2 PROJECTED PERFORMANCE

With the introduction of the new Canadian Anti-Doping Program slated to come into effect in June, 2004, and taking into consideration the on-going cycle of major games, the projected annual caseload for the Centre is 75+ cases per year.

## 5.0 CORPORATE OBJECTIVES

### 5.1 MAJOR OBJECTIVES

The Centre's main objectives during the planning period will include the administration of the ADRsportRED program. The Centre will initially be located at 8305 Chemin Cote De Liesse, Montréal (Saint Laurent), Québec, Canada, until a permanent location for the Centre is established.

The Board, in conjunction with the Centre's Executive Director and staff, will develop a comprehensive long-term strategic plan for the Centre, including a review of policies, programs and practices commensurate with the objectives of the Centre, and will develop a comprehensive communications strategy to introduce and inform the Canadian public and the sports community in particular about the new Centre.

### 5.2 IMPLEMENTATION

The Centre will continue to operate the ADRsportRED program as of April 1 2004 and will undertake the following steps during the fiscal year to achieve the identified objectives :

- Hire the ADRsportRED Executive Director and Resource Centre Coordinator on a five-month contract basis to ensure a smooth integration of the ADRsportRED program to the Centre and to assist in the establishment of the Centre;
- Hire a permanent Executive Director and staff (advertising, interviewing, selecting), at least one month prior to September 1, 2004, on a full-time basis;
- Establish court office services (Secretariat) on either a contractual or in-house basis;
- Select a location for the Centre and establish offices, including a toll-free number;
- Establish a panel of arbitrators and mediators. This will include a review of the existing panel from ADRsportRED and the determination of changes/additions to be made, if any;
- Hire any additional Centre staff required for the Resource Centre and/or Secretariat;
- Establish office infrastructure;

- Implement the new Canadian Antidoping Program, including training programs for staff, arbitrators, and mediators;
- Establish guidelines to deal with athletes who have been suspended under previous doping provisions where the new WADA Code provides for lesser suspensions;
- Revise the rules, code, and procedures for arbitration and mediation services in accordance with the objectives of the Centre;
- Develop and implement a communications plan to inform key audiences about the Centre:
  1. Printed materials consisting of brochures will provide an overview of the new Centre, highlighting its mission statement and background. The products will offer detailed descriptions of the Centre's projects and programs, including the continuation of the ADRsportRED services by the Centre, the role of the Centre with respect to the new Canadian Antidoping Program, and the creation of an enhanced Resource Centre. Other written products may offer updates on new initiatives and success stories highlighting dispute resolution in the sport community;
  2. Website development and launch
  3. The Centre's communications strategy will additionally include protocols and procedures for the management of media inquiries in a manner that demonstrates openness to public scrutiny but that also respects the independence and procedural fairness aspects of its programs.

## 6.0 FINANCIAL PLAN

PROJECTED FINANCIAL STATEMENT APRIL 1 2004-MARCH 31 2005

THE TOTAL PROPOSED BUDGET FOR THIS PERIOD IS \$1,300,000  
BROKEN DOWN AS FOLLOWS:

### BUDGET FISCAL YEAR 2004-2005

ADMINISTRATION	<b>\$265,000</b>
• OFFICES	<b>\$119,000</b>
• PROFESSIONAL SERVICES	<b>\$ 50,000</b>
• BOARD OF DIRECTORS MEETINGS	<b>\$ 96,000</b>
OFFICIAL LANGUAGES	<b>\$ 79,000</b>
• PRINTED MATERIALS	<b>\$ 46,000</b>
• LIBRARY TRANSLATION	<b>\$ 33,000</b>
OPERATIONS (PROGRAMS AND SERVICES)	<b>\$685,750</b>
• ADMINISTRATION OF CASES	<b>\$562,750</b>
• RESOURCE CENTER/EDUCATION PREVENTION/LIBRARY/RESEARCH	<b>\$ 63,000</b>
• ARBITRATORS AND MEDIATORS	<b>\$ 60,000</b>
SALARIES	<b>\$289,000</b>
• INTERIM EXECUTIVE STAFF	<b>\$103,000</b>
• EXECUTIVE STAFF	<b>\$128,000</b>
• ADMINISTRATIVE STAFF	<b>\$ 58,000</b>
TOTAL EXPENSES FOR FISCAL YEAR 2004-2005 :	<b>\$1,318,750</b>
REVENUE: 75 FILES @ \$250	<b>\$ 18,750</b>
TOTAL BUDGET (FUNDING) :	<b>\$1,300,000</b>

### FUNDING BLOCK (% OF THE SPORT CANADA CONTRIBUTION)

• ADMINISTRATION (20%) :	<b>\$265,000</b>
• OFFICIAL LANGUAGES (6%) :	<b>\$ 79,000</b>
• OPERATIONS (SERVICES & PROGRAMS) (52%) :	<b>\$685,750</b>
• SALARIES (22%) :	<b>\$289,000</b>