



SDRCC : the Canadian Experience



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OUTLINE



- ❑ Welcome & Introduction
- ❑ ADRsportRED : Our Predecessor
- ❑ SDRCC Constitution & Funding
- ❑ Organizational Structure
- ❑ Tribunal Operations
- ❑ Prevention Programs
- ❑ International Outlook
- ❑ Discussion & Questions




PROBLEM STATEMENT




“ Due to a lack of fair and consistent policies, or to the improper administration of those policies, athletes and other participants in sport are being disciplined, harassed and denied opportunities without proper recourse to a hearing or appeal.”

Report of the Work Group
to the Secretary of State (Amateur Sport)
May 2000



History and Corporate Overview





ADRsportRED

January 2000: Minister commissions Work Group to conduct a consultation process

May 2000: Group submits report to Minister

October 2000: Minister appoints Implementation Committee

August 2001: Committee submits proposal for a dispute resolution system

January 2002: Interim ADRsportRED is launched



Sport Dispute Resolution Centre of Canada (SDRCC)

March 2003: Parliament enacts Bill C-12, a federal law constituting the SDRCC

December 2003: Minister appoints inaugural SDRCC Board

April 2004: SDRCC becomes fully operational

June 2004: SDRCC becomes Canada's Doping Tribunal






Constitution (Federal Law)

MISSION:

“ to provide to the sport community a national alternative dispute resolution service for sport disputes and expertise and assistance regarding alternative dispute resolution ”

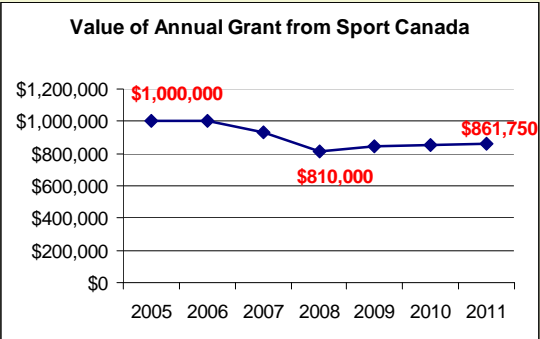
- Composition of Board of Directors
- Legal Obligations
- Restricted Activities
- Applicable provisions of Canada Business Corporations Act

Revenue Sources

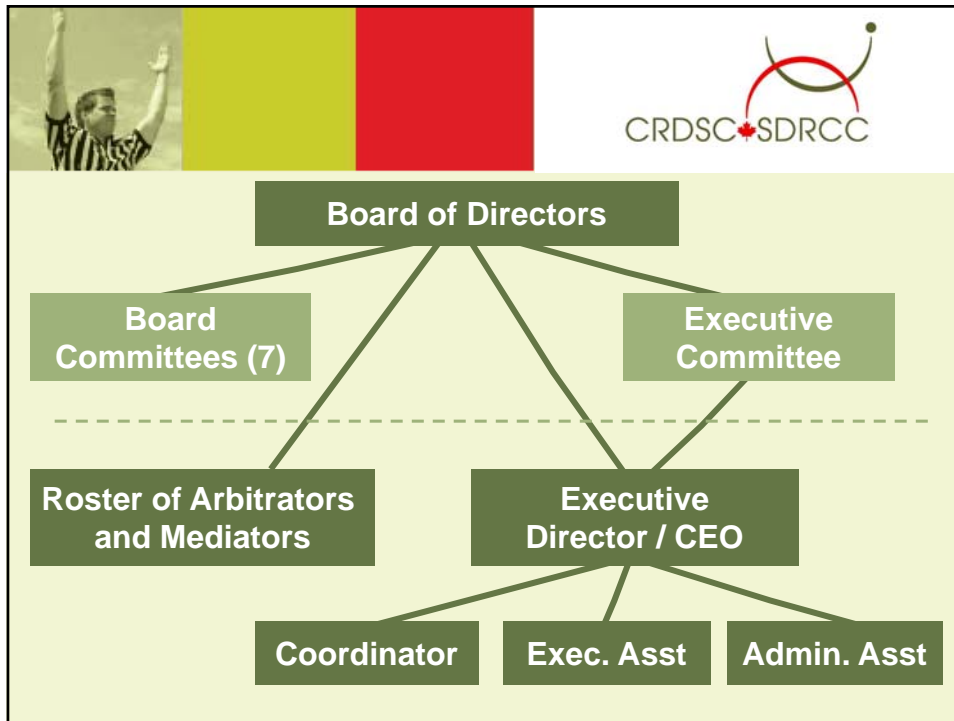
- Funded 100% by Sport Canada*

Value of Annual Grant from Sport Canada



Year	Value of Annual Grant
2005	\$1,000,000
2006	\$1,000,000
2007	\$950,000
2008	\$810,000
2009	\$850,000
2010	\$850,000
2011	\$861,750

- Generated about \$15,000 in independent revenues since 2004
- Fee-for service program offered (first case in 2009)



Organizational Structure
BOARD OF DIRECTORS

Advisory Capacity / Provide Strategic Direction

12-Member Board Appointed by Minister :


- Representation of sport community stakeholders
- ADR expertise
- Overall representative of Canadian society
- Staggered mandates
- Maximum 2 terms of 3 years each



**Organizational Structure
PERMANENT STAFF**

Daily Operations According to Board's Strategy

- Executive Director / CEO
- 3 full-time staff members:
 - Executive Assistant
 - Education and Communication Coordinator
 - Administrative Assistant



**Organizational Structure
ROSTER OF MEDIATORS AND ARBITRATORS**

Professional ADR Services

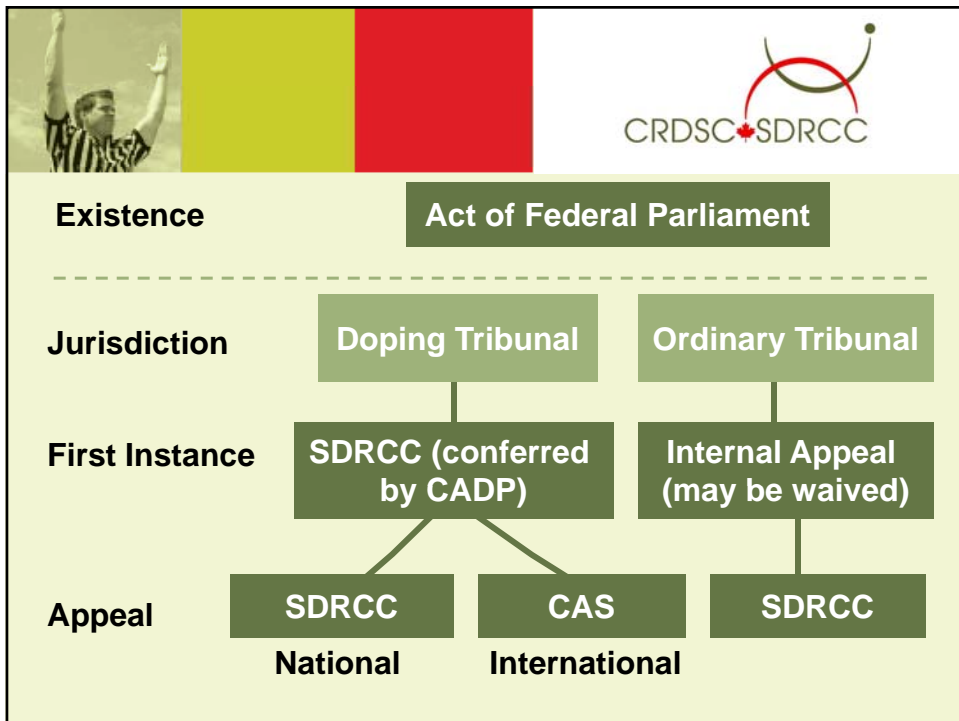
- 45 roster members
- Hired on a case-by-case basis
- Selected by parties or by rotational list
- Located across Canada
- Capable in French or English

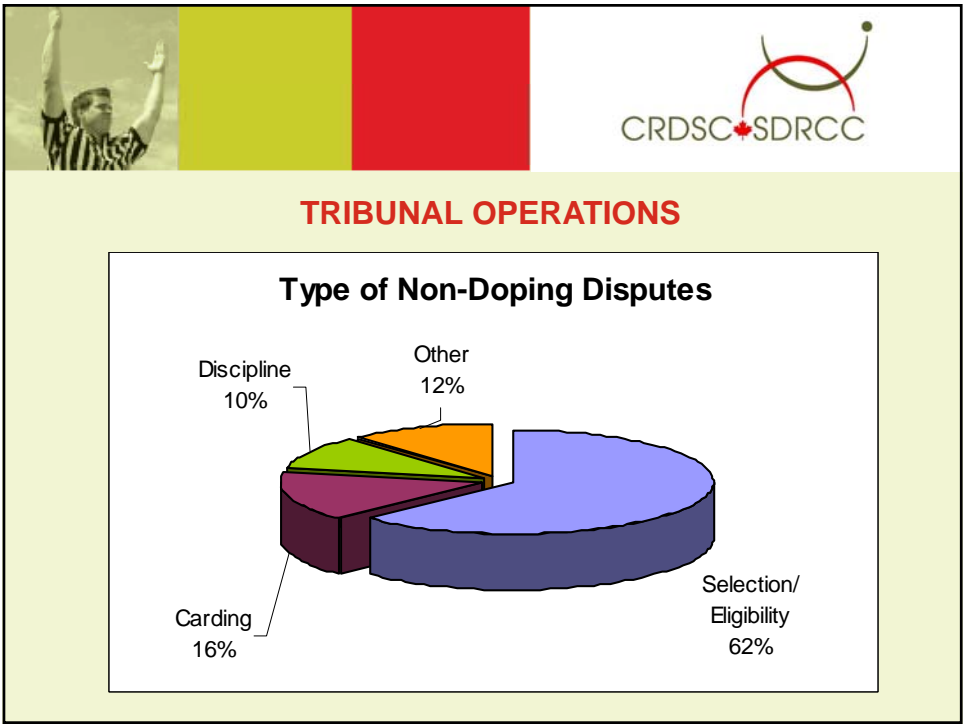
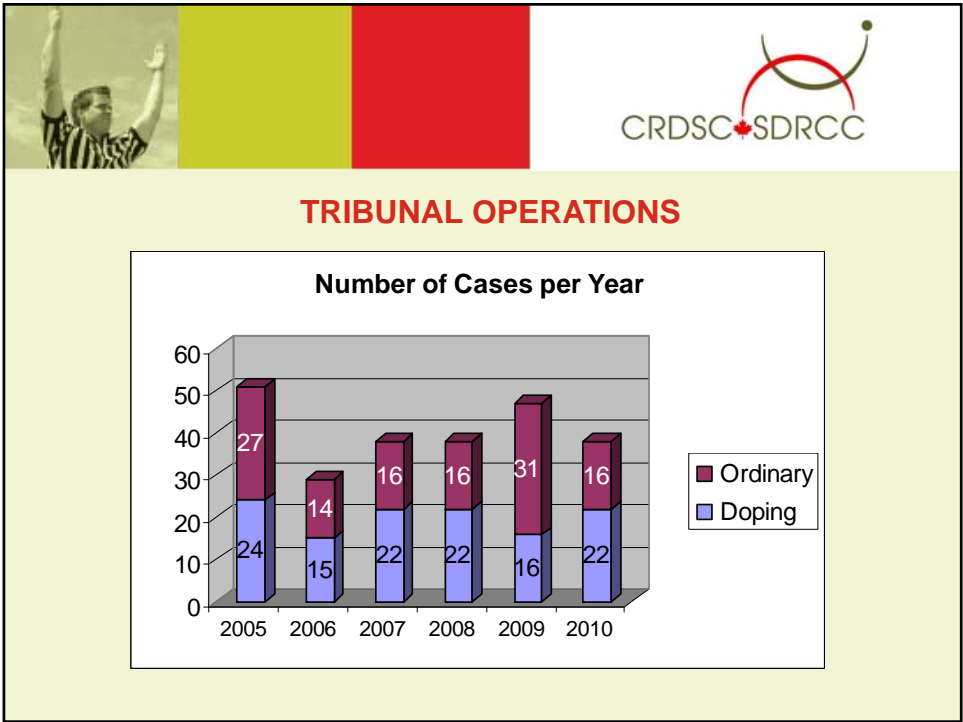


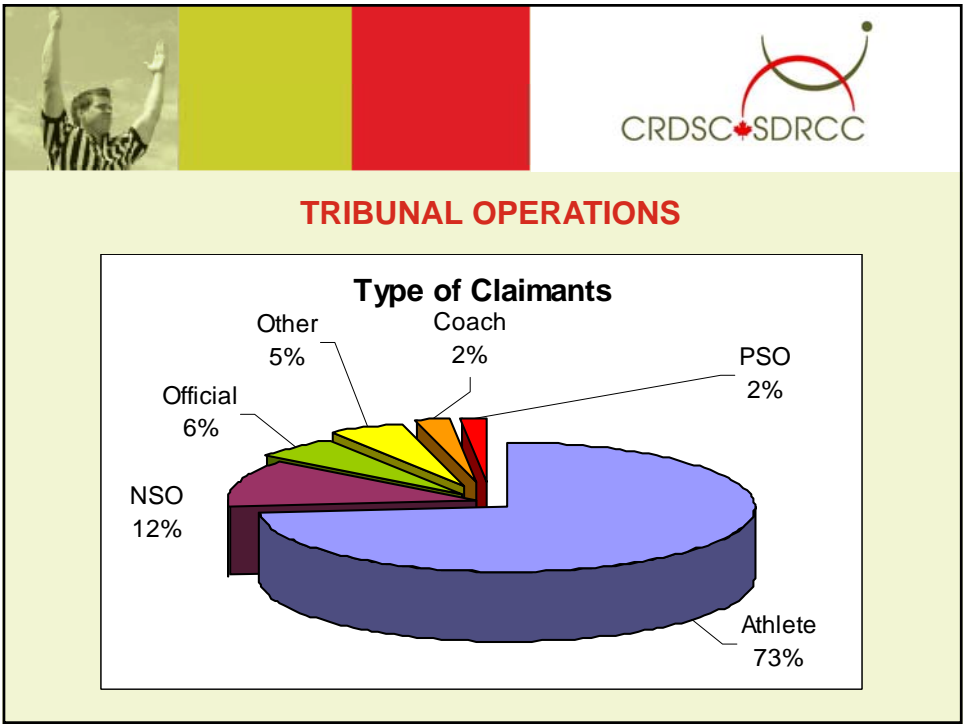
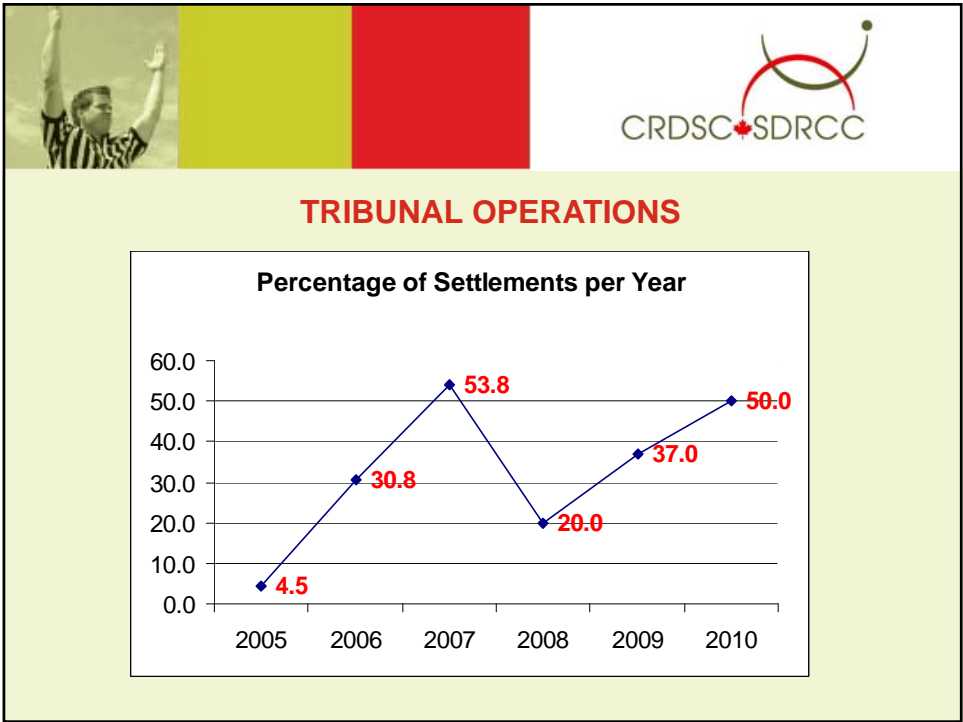
CRDSC SDRCC

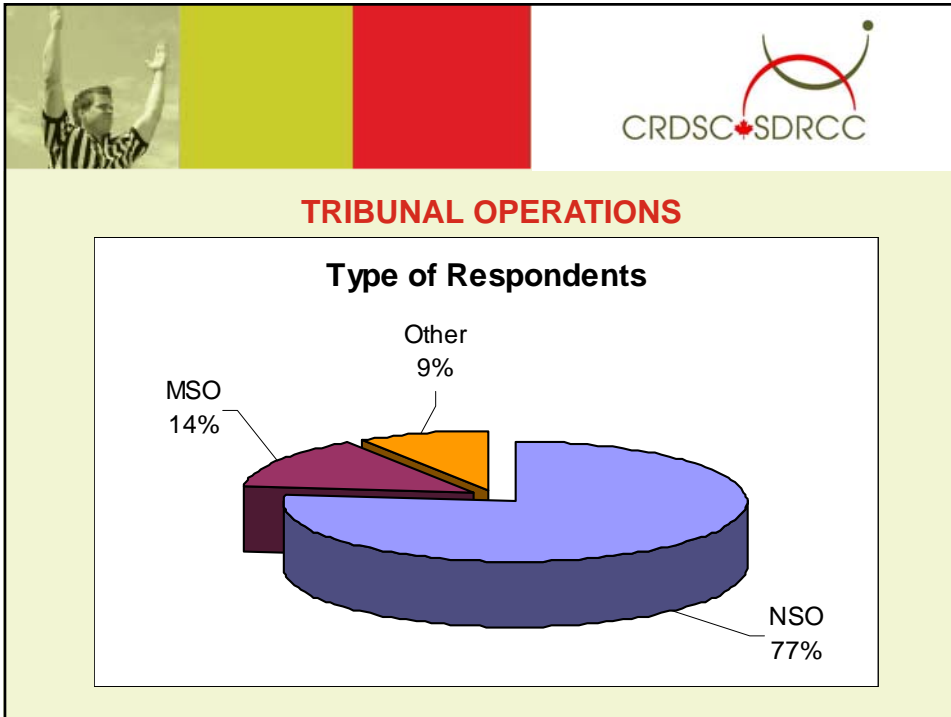
Dispute Resolution


 Patrimoine
canadien Canadian
Heritage









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- ### TRIBUNAL PRINCIPLES
- Independence
 - Access (low-cost, time-efficient)
 - Parties' agreements
 - Scope of review: Trial de novo
 - Deference
 - Final and binding




Dispute Prevention

 Patrimoine canadien 




Publications

Jammed in a sport dispute?

Do you feel...

- erroneously declared ineligible to compete?
- wrongfully excluded from a team?
- unfairly sanctioned for a disciplinary matter?



SELECTION CRITERIA FOR MAJOR EVENTS IN SPORT
Guidelines and Tips

CARDING PROCESS
Guidelines and Tips




Newsletter / Case Summaries




Dispute Summary

At the wrestling Olympic Trials held in December 2007, Mr. Cleopas Ncube and Mr. Haislan Garcia met in the final of the 66kg division. While leading the final, Mr. Ncube was injured by a manoeuvre by Mr. Garcia which is against the rules. As Mr. Ncube was unable to continue, Mr. Garcia was declared the winner.

Following an appeal by Mr. Ncube, the Executive Committee of the Canadian Amateur Wrestling Association ordered a one time wrestle-off between the two wrestlers.

Both Mr. Ncube and Mr. Garcia subsequently appealed to the SDRCC, each seeking to be declared the winner of the Olympic Trials.



Sport Dispute Resolution Centre of Canada




Website / Interactive Game






Should you have specific questions or comments about SDRCC, please [write us](mailto:info@sdccc.ca), call toll-free: 1-866-733-7767 or fax toll-free: 1-877-733-1246.

Recent Decisions | **News**

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In the Neutral Zone newsletter
(February 2010) Now Available!






CHALLENGES AND RESPONSES

<p>Case management outsourced to commercial case managers</p> <p>-</p> <p>Rigid Not-adapted to sport Legal-heavy</p>	<p>Case management brought in-house (permanent staff) to allow for a more flexible and adapted process for the lay users</p>
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CHALLENGES AND RESPONSES

<p>Geography and size of Canadian territory</p> <p>-</p> <p>Costly / time-consuming to conduct in-person proceedings</p>	<p>Most mediations and arbitrations are by conference call</p> <p>Use of technology :</p> <ul style="list-style-type: none"> -Conference calls -Filings done by email -Case management page
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CHALLENGES AND RESPONSES


<p>Mediation was not used / requested intuitively by disputants</p> <p>-</p> <p>Process did not encourage preserving parties' relationships</p>	<p>Mandatory mediation (resolution facilitation) was introduced in 2006 for all arbitration requests (in-house mediator first, now using roster mediators)</p>
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CHALLENGES AND RESPONSES

<p>Some civil courts in Canada not friendly to ADR</p> <p>-</p> <p>SDRCC decisions overturned/ annulled by civil courts with limited understanding of SDRCC role</p>	<p>SDRCC will appear as <i>amicus curiae</i> in future civil court proceedings to better explain rules and procedures of our tribunal</p>
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CHALLENGES AND RESPONSES

More parties, especially NSOs now hire lawyers for SDRCC proceedings -

An imbalance is created, favoring sport organizations that have more resources than individual athletes

A list of pro bono lawyers is being compiled so that parties without means to hire lawyers can obtain legal assistance





BENEFITS AND CHALLENGES OF CURRENT LEGAL STATUS

BENEFITS	CHALLENGES
<ul style="list-style-type: none"> <input type="checkbox"/> Stability and security of existence <input type="checkbox"/> Mandatory use by funded organizations <input type="checkbox"/> Increased credibility with partners 	<ul style="list-style-type: none"> <input type="checkbox"/> Limited room for creativity and change <input type="checkbox"/> Increased accountability and reporting obligations <input type="checkbox"/> Dependence on Minister (appointments, funding)



INTERNATIONAL OUTLOOK

- **Increased presence internationally**
- **Partnerships / joint projects**
- **Guidance in setting up sport ADR services**
- **Fee-for-service offer:**
 - Dispute prevention
 - Dispute resolution



Questions





www.crdsc-sdrcc.ca

www.sdrcc.ca

www.crdsc.ca