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.”


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*
- 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
Dispute Resolution

Existence: Act of Federal Parliament

Jurisdiction:
- Doping Tribunal
- Ordinary Tribunal

First Instance:
- SDRCC (conferred by CADP)
- Internal Appeal (may be waived)

Appeal:
- SDRCC
- CAS
- SDRCC (National - International)
TRIBUNAL OPERATIONS

Percentage of Settlements per Year

- 2006: 4.5%
- 2007: 30.8%
- 2008: 20.0%
- 2009: 53.8%
- 2010: 50.0%

TRIBUNAL OPERATIONS

Type of Claimants

- Athlete (73%)
- NSO (12%)
- Official (6%)
- Coach (2%)
- Other (5%)
TRIBUNAL OPERATIONS

Type of Respondents

- MSO 14%
- NSO 77%
- Other 9%

TRIBUNAL PRINCIPLES

- Independence
- Access (low-cost, time-efficient)
- Parties’ agreements
- Scope of review: Trial de novo
- Deference
- Final and binding
Dispute Prevention

Publications

Jammed in a sport dispute?

Do you feel...
- you were declared ineligible to compete?
- wrongly excluded from a team?
- unfairly sanctioned for a disciplinary matter?

SELECTION CRITERIA FOR MAJOR EVENTS IN SPORT
Guidelines and Tips

CARING PROCESS
Guidelines and Tips
Dispute Summary
At the wrestling Olympic Trials held in December 2007, Mr. Cleopas Ncube and Mr. Hassan Garcia met in the final of the 65kg division. While leading the fight, Mr. Ncube was injured by a maneuver 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 CRDSCC, each seeking to be declared the winner of the Olympic Trials.

Website / Interactive Game

That was a threat and I'm calling your bluff right now!
## CHALLENGES AND RESPONSES

<table>
<thead>
<tr>
<th>Case management outsourced to commercial case managers</th>
<th>Case management brought in-house (permanent staff) to allow for a more flexible and adapted process for the lay users</th>
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<tbody>
<tr>
<td>Rigid</td>
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<td>Not-adapted to sport</td>
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<td>Legal-heavy</td>
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<tr>
<th>Geography and size of Canadian territory</th>
<th>Most mediations and arbitrations are by conference call</th>
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<tr>
<td>Costly / time-consuming to conduct in-person proceedings</td>
<td>Use of technology:</td>
</tr>
<tr>
<td></td>
<td>- Conference calls</td>
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<td>- Filings done by email</td>
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<td>- Case management page</td>
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Mediation was not used / requested intuitively by disputants
- Process did not encourage preserving parties’ relationships

Mandatory mediation (resolution facilitation) was introduced in 2006 for all arbitration requests
(in-house mediator first, now using roster mediators)

Some civil courts in Canada not friendly to ADR
- SDRCC decisions overturned/annulled by civil courts with limited understanding of SDRCC role

SDRCC will appear as amicus curiae in future civil court proceedings to better explain rules and procedures of our tribunal
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**
- Stability and security of existence
- Mandatory use by funded organizations
- Increased credibility with partners

**CHALLENGES**
- Limited room for creativity and change
- Increased accountability and reporting obligations
- 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