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Summer 2024

A Public Registry for Safe Sport

Sport Dispute Resolution Centre of Canada

The Abuse-Free Sport Registry (Registry) went live on March 28, 2024, following several months of research, analysis and design to ensure compliance with applicable laws, and particularly Canadian privacy laws. It is the first of its kind in Canada and among the first in the global sport community.

When Abuse-Free Sport, the new independent program responsible for upholding and administering the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), launched in June 2022, one of its established objectives was to eventually publish a public registry.

A searchable database would be a key component of the enforcement of the UCCMS, with the code itself anticipating in Sections 8.1 and 8.2 the creation and publication of a searchable database or registry of persons whose eligibility to participate in sport has in some way been restricted.

Such a public registry is paramount to protect participants and deliver safer experiences in sport programs at all levels and in all contexts. It helps to reduce safety risks by providing another safeguarding against maltreatment tool to the general public, and it contributes to the deterrence and denunciation of maltreatment and helping prevent reoccurrence.

The Registry catalogues participants subject to the UCCMS whose eligibility is restricted due to provisional measures and/or sanctions imposed as part of, or as a result of, the Abuse-Free Sport complaint management process.

Provisional measures are restrictions or limitations placed upon a respondent alleged to have violated the UCCMS in order to protect sport participants from potential harm while the Abuse-Free Sport complaint process is ongoing. They may be issued by the Director of Sanctions and Outcomes (DSO) prior to any investigation being conducted or any decision being rendered about what occurred, and are based on unproven allegations.

Provisional measures are not sanctions and may take various forms, such as eligibility and contact restrictions, third-party monitoring and check-ins, for example.

Sanctions are imposed at the end of the complaint management process by the DSO upon finding that a violation of the UCCMS did occur. Examples of possible sanctions include temporary and permanent suspension, amongst others.

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The Registry only contains information regarding respondents subject to eligibility restrictions and is not a comprehensive list of all individuals named in all reports received by the Office of the Sport Integrity Commissioner (OSIC), nor does it include respondents subject to other types of sanctions and provisional measures, such as education and training.

The OSIC maintains the Registry in accordance with its mandate and applicable laws. It is routinely updated as provisional measures and sanctions are issued and/or finalized or completed.

With regard to minors or other vulnerable persons who may be subject to provisional measures and/or a sanction, the disclosure of their information on the Registry is considered on a case-by-case basis, taking

into account the sensitivity of personal information and the need to carry out the objective of the UCCMS, in accordance with applicable laws.

Particular consideration is also given to foster the protection of the identity of individuals directly impacted by the UCCMS violation or other relevant third parties (such as those who experienced the behaviour directly).

Sport organizations, as well as individuals, across the country and internationally are encouraged to search the Registry and utilize this public tool to help make sport more welcoming, inclusive and safe—both in Canada and around the world. ■

The Abuse-Free Sport Registry

and governing documents are accessible at the following link:

sportintegritycommissioner.ca/registry.

■

Notable Dates:

- July 26 – August 11, 2024: Paris 2024 Olympic Games;
- August 8, 2024: Virtual presentation to coaches of CSI Calgary's Advanced Coaching Diploma;
- August 28 – September 8, 2024: Paris 2024 Paralympic Games;
- September 23, 2024: SDRCC 2024 Annual Public Meeting, Brossard, QC;
- November 14 –15, 2024: Kiosk at the Petro-Canada Sport Leadership sportif Conference, Regina, SK;
- November 20, 2024: CAC Responsible Coaching Movement Webinar;
- Dates to be determined: Abuse-Free Sport and SDRCC Webinar Series – *stay tuned!*

SAVE THE DATE! April 24 – 26, 2025: SDRCC Mediator and Arbitrator Conference ■



SDRCC Roster Member Profiles: Women in Arbitration Mentorship Program

Three short years ago, women accounted for only 15% (4 out of 27) of the arbitrators on the SDRCC’s roster while women made up 41% (14 out of 24) of mediators. With the goal of increasing the number of qualified women arbitrators on the SDRCC roster in an accelerated manner, the **Women in Arbitration Mentorship Program (WAMP)** launched in February 2021. This program allowed women demonstrating great potential to benefit from training, mentoring, coaching and evaluation in relation to sport disputes, and to then apply for admission to the SDRCC roster without having to wait for the next renewal.

The SDRCC is pleased to present the WAMP’s first wave of graduates in these two arbitrator profiles. Enjoy!

DANA HIRSH, Toronto, ON

What led you to a career in ADR?



I began my legal career as a commercial litigator at a large Bay Street firm. A partner at the firm suggested that I consider mediation because I developed a reputation for resolving files, even ones that were highly contentious and complex.

The door to my career as a dispute resolution expert opened when I accepted a position in 2005 as a mediator at the Financial Services Commission. At FSCO, I mediated and assisted parties in settling over 3,000 disputes. I subsequently became an arbitrator at FSCO.

In 2017, I left the government and decided to practice law again as Senior Litigation Counsel at an insurance company. Once again, it became known in the insurance industry that I had the ability to establish a positive rapport with the other side and settle files expeditiously. It was at that point that I decided to utilize my expertise and work as a private mediator and arbitrator so that I could assist counsel and parties in resolving all types of disputes.

As an arbitrator with the SDRCC, I...

...look forward to applying my expertise and assistance in resolving sports disputes. I am honoured to be a part of a group of highly regarded dispute resolution professionals.

I also strongly support the SDRCC’s mission which is primarily about education and prevention. From the first day that I became involved with the SDRCC, I was impressed with their goals as the SDRCC truly contributes towards the sport community in a positive and meaningful way.

Favourite sport(s):

I have been an avid downhill skier since I was a child, and I enjoy swimming and running. I have been fortunate to have Dick Pound, a swimming champion, as my mentor in the sport dispute resolution field.

Having a teenage son who plays competitive baseball and hockey, I spend the majority of my time at baseball fields and hockey arenas. I also enjoy attending baseball, basketball, hockey and tennis games.

Dispute prevention tips for athletes:

It is said that the only two certainties in life are death and taxes. I would add conflict to that list. The good news is that most conflicts can be resolved. I recommend taking 24-72 hours to reflect upon the situation when a conflict arises. Sometimes with time and space, you can see the situation in a different light.

Always try to communicate in a respectful manner, be open to hearing what the other person has to say, don’t jump to conclusions and don’t take things personally. Creative solutions can be found when parties are willing to be open.

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Sport Dispute Resolution Centre of Canada
Abuse-Free Sport Sans Abus



SDRCC Roster Member Profiles: Women in Arbitration Mentorship Program

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AMBROSIA VARASCHIN, Martensville, SK

What led you to a career in ADR?



I was originally pursuing a career in international development, which led me into warzone management. Unfortunately, between a combination of a catastrophic car accident with two rare conditions called Ehlers-Danlos Syndrome and Dysautonomia, my health faltered severely, and I needed to approach life much differently than I had planned. So, I pivoted into ADR.

After a decade of rehabilitative therapy, I started my private practice, Modern ADR, two weeks before the world shut down for COVID-19.

It has been a rollercoaster journey thus far, but I absolutely love what I do, and I can't help but feel like fate has moved my feet to the path I truly belong on.

As an SDRCC arbitrator, I...

...aim to remove as much stress as possible without jeopardizing the integrity of the process. In my experience, keeping things simple and clear not only speeds up the process, it also helps the parties feel comfortable and engaged.

While the obvious goal is a final and binding resolution, it is equally important to me that all parties go away feeling like they had a fair shot at presenting their cases and that they were heard.

Field of specialization/Area of expertise:

I am currently focussed on administrative law, but my practice usually includes professional misconduct and malpractice, labour disputes, commercial disputes, and international trade.

Favourite sport(s):

I am a huge Formula 1 fan. I grew up watching racing with my grandfather and it's my favourite way to spend a Sunday. I also love equestrian, swimming, and rowing.

Dispute prevention tips for athletes:

1. Approach every issue calmly and respectfully, but don't allow people to dismiss your concerns. Just as you deserve to be heard and treated with respect, you have the responsibility to hear others with grace. When you feel your emotions building, step away from the problem and take a breath. Cool heads and calm minds are the foundation solutions are built on.
2. Try to see the other side (or all sides) of the argument—perspective is everything. Then, consider all of your options, and outcomes, carefully before acting. Above all else, read VERY carefully and don't delay! ■

In our next edition, look for the profile of an SDRCC Mediator.

We will soon be issuing a public call to solicit new candidates for the SDRCC's Alternative Dispute Resolution (ADR) roster of arbitrators and mediators. Here are some of the selection criteria:

- Geographical location
- Experience in conducting multi-party proceedings
- Previous experience in sport law, ADR or SDRCC
- Decision writing skills
- Professional designations and credentials
- Knowledge of the sport system and nature of disputes which may arise
- Generational representation
- Availability to respond to the nature of the requests (urgency)
- Experience in conducting proceedings
- Independence
- Bilingualism
- Familiarity with technology

Please note that additional criteria apply for specialized rosters in the Doping Tribunal and the Safeguarding Tribunal. ■



New SDRCC Staff Members



Valérie Allard joins the OSIC as Special Advisor to the Interim Commissioner. She earned her Bachelor of Laws from Université Laval with an international profile. She was called to the bar in 2017. Valérie completed her internship and practiced civil law at a private firm, and later worked for a non-profit organization in the field of administrative law and labour law. She practices on the Labour and Employment Law team at BCF Business Law.



Owen Bravo joins the SDRCC as Education and Policy Support Coordinator. Having always been passionate about sports, he decided to pursue both his undergraduate and Master's degrees in Sport Management at the University of Windsor. Owen grew up playing hockey and remains an avid fan of both hockey and baseball, attending live games whenever possible. He's stayed involved in hockey by becoming a Hockey Canada official and through volunteering with his local minor hockey association.



Amara Malena Maraj joins the OSIC as Program Coordinator. She completed her Honours Bachelor of Arts at the University of Toronto in 2021, with a focus primarily on European History and International Criminology. She then completed her Law degree at the University of Edinburgh in 2023, focusing on International Human Rights Law. Amara is in the process of receiving her NCA certification and completing the requirements to be called to the Ontario Bar in June 2025. Passionate about sports from early on, she played multiple sports including soccer and flag football in high school.



Emma Nuara joins OSIC as Program Coordinator. She completed the joint Bachelor of Civil Law, Juris Doctor with Integrated Master of Social Work program at McGill University. Following the completion of her internship with renowned human rights lawyer Julius Grey, Emma was called to the Quebec Bar in 2023 and later worked for a firm specialized in workplace investigations. Emma has a keen interest for alternative dispute resolution and has the professional goal of one day becoming a certified mediator.



Aymen Benbouzid joins the OSIC as Program Coordinator. After obtaining a Bachelor's degree in Common Law and Civil Law from McGill University, he completed all the requirements for admission to the Quebec Bar. After articling with a litigation firm in Montreal, he decided to redirect his career towards sport, his lifelong passion. Interested in ethical issues in amateur and professional sport, Aymen is eager to put his legal skills to work for a safer Canadian sport system.



André Lepage joins the OSIC as the Interim Commissioner. A clever strategist and dedicated lawyer, André has a diverse experience in human rights law in the workplace, in labour law, along with a specialty in sport labour law. He often acts as negotiator during collective bargaining agreement negotiations as well as strategic counsel to small, medium and large business in connection with occupational health and safety and labour standards.



Rachel Nicol joins the SDRCC as Athlete and Survivor Engagement Coordinator. She is newly retired from a 26-year competitive swimming career, where she reached Olympic heights in 2016. Throughout her athletic career she was a student, most recently completing a Master's degree in Kinesiology from the University of Calgary. Rachel became increasingly involved in athlete advocacy and representation through various roles with Swimming Canada, the Canadian Olympic Committee and the OSIC.



Sandra Palmieri joins the OSIC as Senior Program Manager. She is an experienced attorney with a demonstrated history of working in human rights and immigration issues. She is committed to helping those who have experienced loss and hardships and helping them onto a better path. Prior to becoming a lawyer, she earned an undergraduate degree in Civil Law from University of Ottawa and has been a member of the Quebec Bar since 2004. Aside from her law degree, Sandra is a certified personal trainer, nutrition specialist and life coach. ■