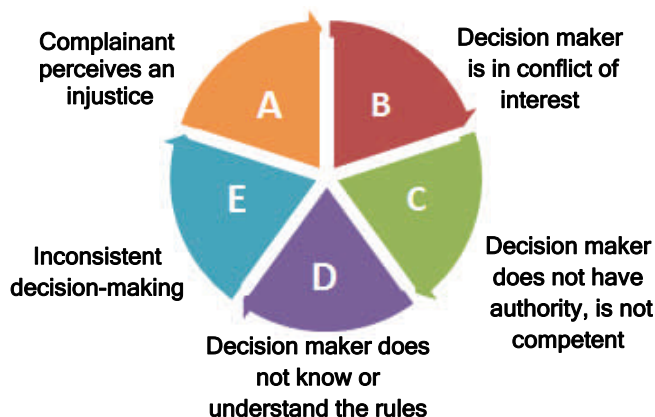




12 Strategies for Minimizing Disputes in Your Organization

To ensure that your organisation operates in a fair and just manner, it is essential to respect certain fundamental principles of good governance and to create a harmonious environment to reduce the risks of conflicts and disputes. In order to do so, it is useful to know and understand some of the common causes of disputes in sport organizations. If you are aware of situations that are often at the origin of disputes, you will be in a better position to prevent them from occurring.

Some of the more common causes of disputes are shown in the diagram below:



These causes can be mitigated or eliminated by the implementation of best management practices. They are presented here as 12 strategies that can be followed by your organization as pre-

ventative measures. As illustrated on the next page, each of these strategies targets one or more sources of disputes, and together they form a protection that can prevent potential disputes from occurring.

1. When an organization's decision-making process is not clear and transparent, it is easy for its members to assume injustice when a decision does not go in their favor. In order to reduce such risks, it is important to have a **clear, sound, fair and transparent decision-making process** which will clarify who decides what, as well as the extent of their authority and discretion, and which will allow decisions to be based on facts that are defensible, if challenged.

2. Being in full compliance with the **principles of natural justice** is a must: (1) the right to be heard (to have the opportunity to present one's case and to respond to allegations put forward by others); and (2) impartiality (decision rendered by independent individuals in consideration of all evidence submitted).

3. A **clear conflict of interest policy** will reassure members that decisions rendered on behalf of the organization are not influenced by private or personal interests. This policy will also help ensure that members have clear guidelines to be able to identify and/or declare a conflict of interest and be able to remove themselves from

(continued on page 2)

In this edition :

2013 SDRCC Conference - A Successful Partnership

3

SDRCC at the Canada Games / SDRCC Activities

4



12 Strategies for Minimizing Disputes in Your Organisation (continued)

(continued from page 1) the decision-making process with no fear of repercussions.

4. An organisation's structure should reassure members that the decision-making process is objective. However, certain **control mechanisms and approvals involving several individuals** should still be implemented in order to help reduce the likelihood of bias. Examples of this include submitting important decisions to a higher authority for review or approval (a decision of a committee to be approved by the board; a decision of a coach to be approved by a high performance committee, etc.), or assigning decision making authority to a group of individuals (committee/board) rather than to a single person.

5. A good way to reduce the risk of decisions being perceived as biased is to render **decisions that are compliant with the policies and regulations** set out by the organization. In the event a perceived conflict of interest is raised, the decision is easier to defend if the outlined policies and regulations were respected in the decision-making process. Each policy or regulation should clearly identify who (e.g., president, head coach, discipline committee, board of directors, etc.) has the authority to render a particular decision.

6. Consistency between responsibilities and knowledge ensures that decisions are rendered by individuals who are properly qualified to do so. Decision-making positions are best assigned to individuals

who have sufficient knowledge and expertise to perform the duties associated to the position.

7. Any individual required to render decisions on behalf of an organization should receive at minimum, basic **training** in order to understand his/her role and responsibilities, and be familiar with the policies and regulations that apply. A portion of the training should deal with the limits of this person's authority, in order to clarify which matters must be left to be decided by another person or committee.



8. When policies are ambiguous (lack of clarity), incomplete (too much room for interpretation) or incoherent (contradictory provisions), there is a risk of confusion and disagreement. Despite the good intentions of the decision maker, any decision may be challenged on the mere basis of other members interpreting a policy or rule differently, which is why it is important to have **well-written policies**.

9. Policy dissemination/interpretation is essential to ensure that both the decision makers and the concerned

members are aware not only of the terms of the policy, but also of its intent. In the event that the wording of a policy is unclear, it will be easier to the decision maker to interpret it correctly if he/she understands the essence of the rule. Similarly, members will be less likely to challenge decisions when they know how and why they have been rendered.

10. In order to ensure fluidity or *(continued on page 3)*

Notable Dates:

- **June 13:** Joint orientation session with the CCES for AthletesCAN's Sport Solution managers (Ottawa, ON);
- **June 17-18:** Executive Director Marie-Claude Asselin to speak at the 2013 International ODR Forum to showcase SDRCC's own Case Management Portal in a session entitled 'ODR: Beyond eCommerce' (Montreal, QC);
- **September 13-14:** Presence at the AthletesCAN Forum;
- **September 20-22:** Presence at the Sport Officials of Canada Conference (Ottawa, ON).



2013 SDRCC Conference - A Successful Partnership

The SDRCC held its 2013 Arbitrator and Mediator conference this year in Halifax, Nova Scotia with an exciting new twist: a partnership with the ADR Atlantic Institute (ADRAI) to deliver the public portion of the conference. This partnership allowed to expand the public portion of the conference to a full day and generated a record number of participants.

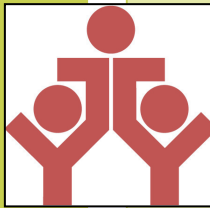
Partnering with local associations such as ADRAI not only helps promote the SDRCC's work in the local legal community, but provides an exciting opportunity to network and share information with other ADR professionals and help stimulate interest in sport ADR in the regions. This year the event provided a valuable

opportunity for practicing arbitrators and mediators to learn more about arbitration and mediation in a sport-specific setting, as well as to meet with representatives from provincial sport organizations to discuss the particular needs of the sport community with regards to dispute prevention and resolution. ADR and technology, unrepresented parties and the role of the panel, and the viability of med/arb were some of the topics for the public portion of the 2013 conference included:

The SDRCC hopes to renew the experience and will explore other opportunities for partnerships in future host cities. ■

"The partnership certainly exceeded our expectations. The number of members and non-members from all over Canada was beyond our projections and the program exposed attendees to challenging, modern and developing approaches to the practice of mediation and arbitration. This event stretched participants' understandings about what is possible in the world of applied ADR and I would be happy to partner again in the future! Thank you SDRCC Board for initiating this partnership."

Andrew D. Butt, C. Med.
President, ADR Atlantic Institute



"On behalf of the National Board of Directors and members of the ADR Institute of Canada (ADRIC), I would like to commend the organizers of the 2013 SDRCC Arbitrator and Mediator Conference in Halifax, Nova Scotia, and the conference participants, for an exceptional event. There was a clear commonality of interests and attitudes between SDRCC and ADRIIC in every session I attended. I do hope that this is only the beginning of a closer working relationship between our communities."

Jim Musgrave, Q.C., C. Med
President, ADR Institute of Canada

(continued from page 2) stability when new directors join the board, setting up a **transition process** will allow for adequate **information transfer** between exiting and new directors (e.g. a charter that provides overlapping mandates or the creation of a Past Chair position). An adequate transition process and proper training of newly appointed individuals will generate more consistency over time in the decisions rendered by and on behalf of the organization.

11. The minute book is an essential tool for the transfer of information between succeeding decision makers. Each board and committee should be rigorous in its **minute keeping** and refer to previous minutes as often as required in order to ensure consistency.

Unless it is specifically intended to modify a practice which appears unreasonable or obsolete in the eyes of the newly appointed decision makers, previous decisions rendered should, at the very least, be known and taken into consideration.

12. Proper **archiving of documents** is necessary not only for tax or legal compliance purposes, but also to ensure continuity in its decisions. For example, if the code of conduct provides for the establishment of a discipline committee, all prior decisions of such committee should be available for consultation by current discipline committee members. This will help ensure that their interpretation of the code of conduct is coherent when applied to similar situations. ■



EXITING BOARD MEMBERS



On July 12th, four SDRCC Board members will have completed their second and last term as Directors of the SDRCC. Over the past 6 years Anne Benedetti, Clayton Miller, Aimable Ndejuru, and Carla Qualtrough have dedicated their time, energy and expertise into the organisation, and in so doing their passion for both sport and alternative dispute resolution has had an invaluable impact on the Centre. A special thank-you to our Chairperson of the Board for the last 3 years, Carla Qualtrough, for her unwavering support and commitment in helping the Centre grow. ■



THANK YOU !!!

SDRCC at the CANADA GAMES



As part of its partnership with the Canada Games Council, the SDRCC will provide alternative dispute resolution services on site at the Canada Games in Sherbrooke, QC, from August 2 to 17, 2013.

Each athlete at the Games will receive a copy of the special edition of the booklet "Rights and Responsibilities: Dispute Prevention and Resolution for Canadian Athletes".

For more information regarding the SDRCC at the Games, please contact jstronach@crdsc-sdrcc.ca or visit us at our kiosk in the Athletes' Village. ■

LET THE GAMES BEGIN !

SDRCC ACTIVITIES: The SDRCC staff has been very busy attending, planning or presenting at numerous conferences and forums in the past several weeks, working hard to increase the level of awareness of sport ADR in Canada as well as to promote the Centre's dispute prevention information resources to the sport community. In line with its strategic objective to extend business beyond national teams and the boundaries of the country, the Centre has increased its presence at both provincial and international events. These were the events in the SDRCC's calendar from the beginning of the fiscal year:

- **April 26:** Presentation of a workshop on team selection policy with Nova Scotia PSOs (Halifax, NS);
- **April 26-27:** Presentation of two workshops on 'Risk Reduction Strategies in the Team Selection Process' at the 2013 Atlantic Coaching Conference (Halifax, NS);
- **April 30:** Attendance with a kiosk at Les Assises du Sport 2013 of SportsQuébec (Montreal, QC);
- **May 2-4:** 2013 SDRCC Arbitrator and Mediator Conference (Halifax, NS);
- **May 10-11:** Attendance with a kiosk at the Canadian Paralympic Congress (Toronto, ON);
- **May 16:** Presentation to the Chefs de Mission of the 2013 Canada Summer Games (Sherbrooke, QC);
- **June 6-8:** Board member Frank Fowlie was guest speaker at the World Forum of Mediation Centres on the topic of sports mediation (Prague, Czech Republic). ■



1080 Beaver Hall, Suite 950, Montréal, Québec, H2Z 1S8

Tél: (514) 866-1245 1-866-733-7767 Fax: (514) 866-1246 1-877-733-1246

www.sdrcc.ca

ISSN 1712-9923



Patrimoine
canadien

Canadian
Heritage

The Sport Dispute Resolution Centre of Canada thanks Sport Canada for its generous financial contribution.