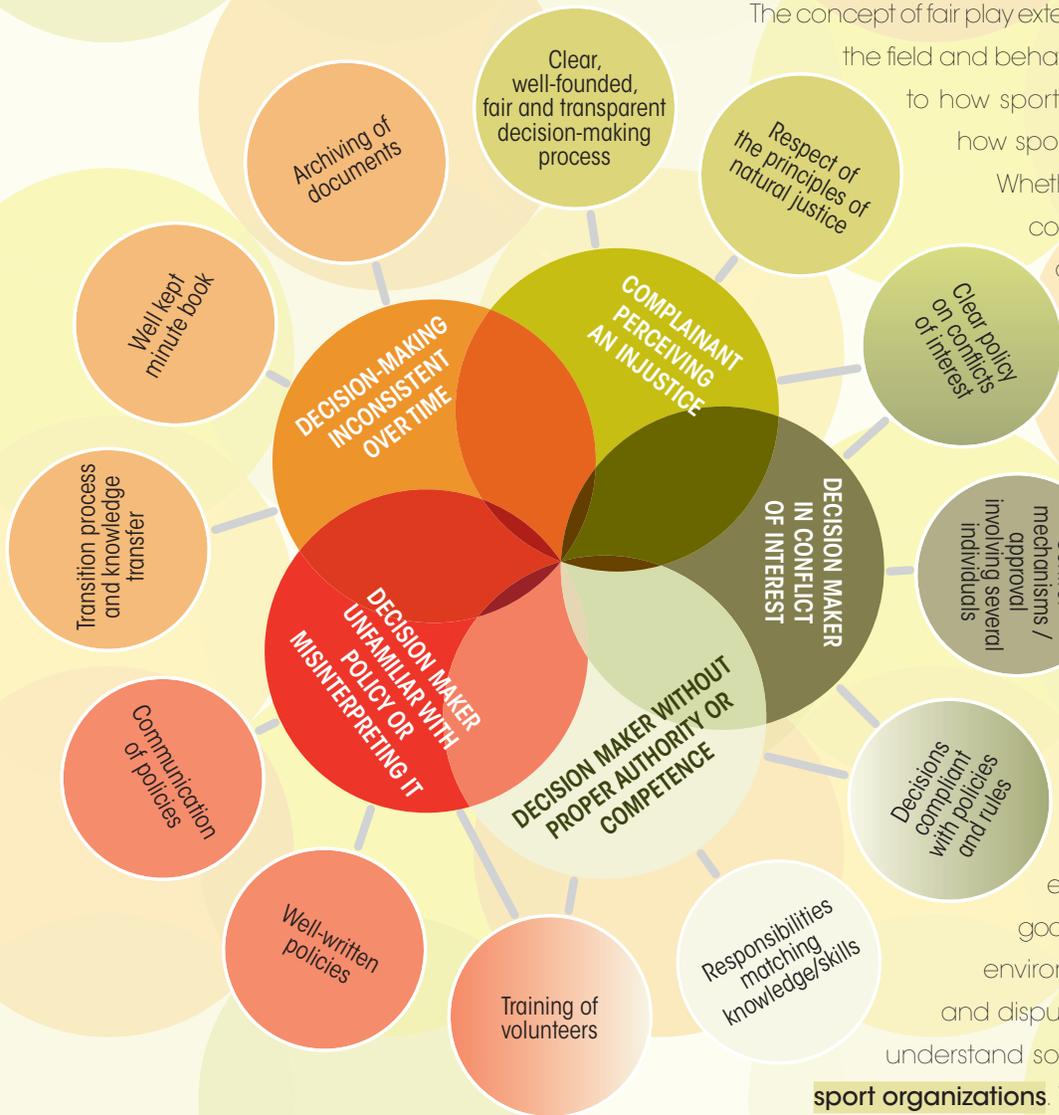




MAIN CAUSES OF DISPUTES AND PREVENTION STRATEGIES

A MUST FOR SPORT ADMINISTRATORS



The concept of fair play extends beyond how athletes compete on the field and behave on game day; fair play also applies to how sport organization meetings are run and how sport administrators conduct themselves.

Whether to create sound policies, to clearly communicate information to all members or to foster an environment free from conflicts of interest, sport administrators have the responsibility to maintain an honest and transparent organization. Given their role as decision makers who help shape the lives of athletes, coaches, officials and support personnel, sport administrators have the ability and the responsibility to establish a level playing field where everyone can succeed and flourish.

To ensure that your organization operates fairly and equitably, it is essential to follow some basic principles of good governance and create a harmonious environment to reduce the risk of conflicts and disputes. To do this, it is useful to know and understand some **common causes of disputes in sport organizations**.

When you are aware of situations that are often a source of dispute, you will be in a better position to prevent them from occurring.

The diagram above sets out **common causes of disputes** (centre of the diagram) and their **corresponding prevention strategies** (on the outside), based on best practices in management, that can be implemented within your sport organization. While the diagram recognizes that disputes are a fact of life, it also implies that good management practices can protect your sport organization by containing disputes or preventing them.

COMPLAINANT PERCEIVING AN INJUSTICE

Clear, well-founded, fair and transparent decision-making process

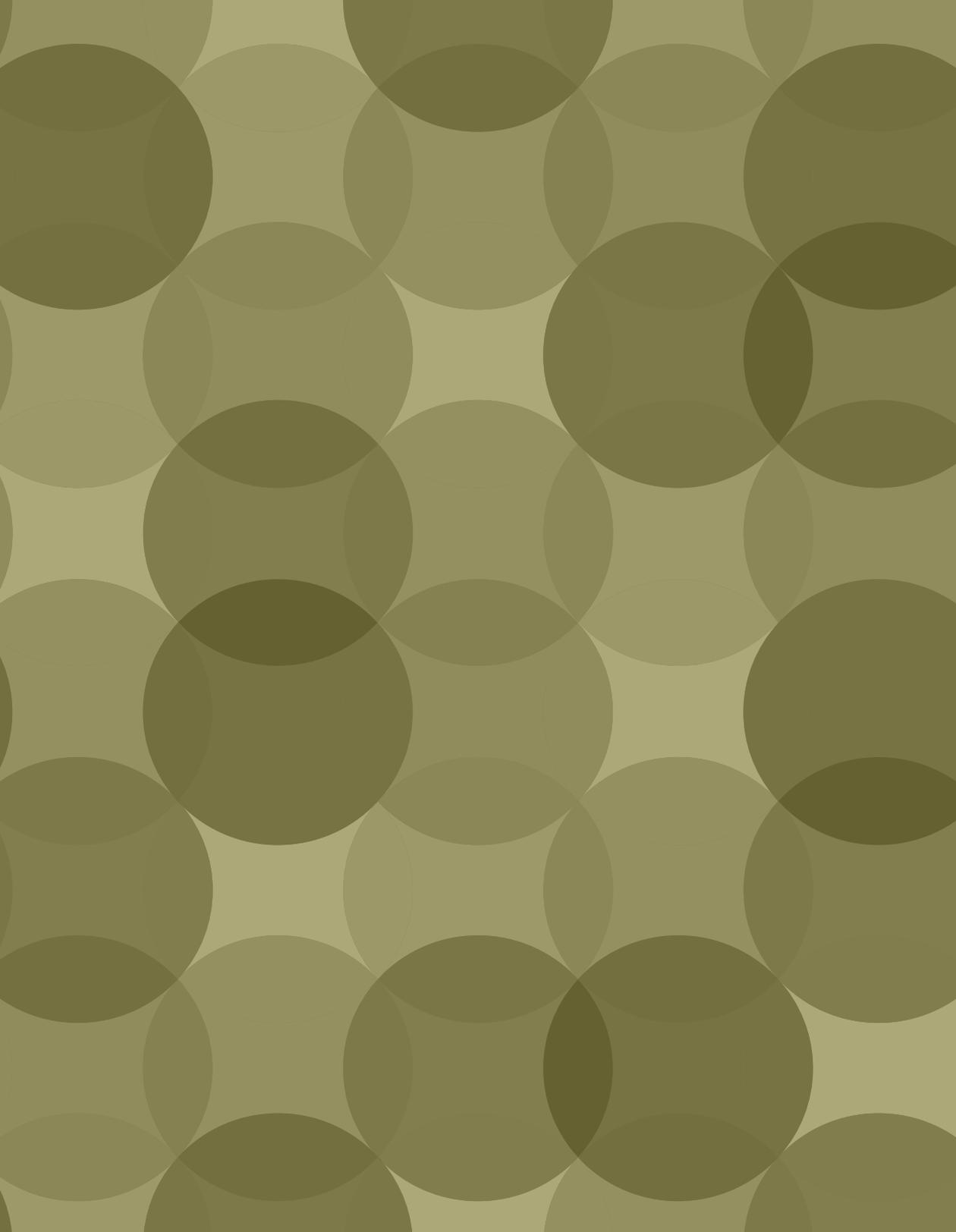
When decision-making processes of an organization are not clear and transparent, members can too easily perceive an injustice when a decision is not in their favor. To reduce that risk, your organization can: assign the right people to decision-making roles and clarify to members who decides what (to each coach, administrator, or committee its own area of expertise and authority); specify which decisions require approval by the Board of Directors; when there is room for discretion, be sure it applies strictly to issues that cannot be settled by objective criteria; and ensure that decisions are based on solid facts and that they can be defended if challenged.

Respect of the principles of natural justice

The two fundamental principles of natural justice must be respected: **the right to be heard** (the chance to present one's case, submit evidence and arguments, and to know and respond to allegations made by other parties) and **impartiality** (the decision is made by independent individuals, free from conflict of interest, and having considered all the evidence presented).

Clear policy on conflicts of interest

The smaller a sport organization is, the more common conflicts of interest are. Conflict of interest refers to a situation whereby an individual has a private or personal interest sufficient enough to appear to influence the objectivity of his or her function as a decision maker (for instance, an athlete's parent sitting on a board when a decision affecting his or her child is being made). Your organization needs to adopt a clear policy on conflicts of interest to reassure members that individuals making decisions on behalf of the organization do not benefit personally.



DECISION MAKER IN CONFLICT OF INTEREST

Clear policy on conflicts of interest

Conflict of interest refers to a situation whereby an individual has a private or personal interest sufficient enough to appear to influence the objectivity of his or her function as a decision maker (for example, a businessman who sits on the board while it is making a decision to award a contract to his company). Your organization must have a clear policy allowing members to recognize problematic situations, declare a potential conflict, and voluntarily withdraw from the decision-making process without fear of repercussion.

Control mechanisms / approval involving several individuals

The structure of your organization should reassure its members that the decision-making processes are objective. Some mechanisms can reduce the concerns of bias, such as subjecting major decisions to review and approval by a higher authority (such as committee motions requiring executive or board approval, or coaches' decisions requiring approval from the high performance committee. Another way of reducing the apprehension of bias is to assign decision-making to groups of individuals (committee or board) rather than to one individual (e.g. president, coach, etc.)

Decisions compliant with policies and rules

The best way to counter perceptions of subjectivity is to ensure all decisions abide by your organization's policies and rules. While sometimes the decision maker can "appear" to be in a conflict of interest, the ruling is easier to defend if it correctly applies the policies and rules. In fact, sometimes, a proper decision alone is not good enough: the **process** leading to that decision has to comply with the rules as well.

DECISION MAKER WITHOUT PROPER AUTHORITY OR COMPETENCE

Decisions compliant with policies and rules

Policies and rules should clearly identify who (e.g. president, coach, discipline committee, etc.) has the authority to make certain decisions in the implementation of the policy or enforcement of the rules. Any decision made by someone without authority conferred by a policy or rule could be overturned if challenged afterwards. The best way to reduce the risk that decisions are appealed is to ensure that decisions are in compliance with and respectful of the policies and rules adopted by the organization.

Responsibilities matching knowledge/skills

It is important to ensure that decisions are made by individuals who are qualified to do so. Decision-making roles should be entrusted to individuals who have at minimum the qualifications needed to carry out the duties of their positions in a reasonable manner. A reorganization of job descriptions may be necessary if elections or resignations leave gaps between skill sets and position requirements.

Training of volunteers

Individuals enlisted to make decisions on behalf of your organization should receive basic training or orientation that properly acquaints them with their roles and responsibilities and with the policies and rules that they have to respect and implement. Part of this orientation should focus on levels of authority of each position with an emphasis on where such authority ends. Individuals with a certain authority in an organization need to know the issues on which they have control and those under the authority or jurisdiction of another person or another committee.

DECISION MAKER UNFAMILIAR WITH POLICY OR MISINTERPRETING IT

Training of volunteers

Many sport organizations rely entirely on volunteers to serve on their Board of Directors, to manage daily operations and, in some cases, to coach or officiate. Individuals enlisted to make decisions on behalf of your organization should receive basic training or orientation, and each individual with a certain authority needs in-depth knowledge of the policies and rules on which his or her decisions are based.

Well-written policies

Whether ambiguous (lack of clarity), incomplete (too many issues open to debate) or inconsistent (contradictions between clauses), a poorly written policy creates a tremendous risk of confusion and dissension within an organization. Despite the decision makers' best intentions, it is possible that a decision be challenged simply because other members interpret a policy or procedure differently.

Communication of policies

Policies and rules of your organization must be well communicated to decision makers as well as the members to which they apply. It is essential for decision makers to understand both the wording and the spirit or intent of each policy or rule. In a situation where a decision maker has to interpret a policy because of an ambiguity in the wording, he or she will be able to do so more effectively if he or she understands the essence of the rule. Members will also be less inclined to challenge decisions if they know how and why they were made.



DECISION-MAKING INCONSISTENT OVER TIME

Transition process and knowledge transfer

Not-for-profit organizations have to contend with high turn-over rates among their human resources. For more stability and continuity, it is essential to have a succession plan for a good transfer of information between outgoing and newly elected administrators. For example, one may consider a constitution that calls for multi-year terms of office that overlap, for a past-president's position, or for elections that allow administrators to be appointed before their term officially takes effect. A good transition process and orientation of newly elected officers will facilitate consistency in decisions made by or on behalf of the organization.

Well kept minute books

The minute book is an essential tool for the transfer of information between successive administrators. Each board should keep the minute book very diligently and refer to it as often as necessary to ensure consistency in its decisions. Unless there is a desire to consciously change a practice that seems outdated or unreasonable, it should at the very least take stock of and consider the decisions and rulings of past boards.

Archiving of documents

An organization must maintain archives, not only to meet fiscal and legal compliance, but also for consistency in decisions. For instance, if your code of conduct provides for a discipline committee, all previous decisions of this committee should be available for consultation by future committee members so that interpretations of the code of conduct are consistent when applied to similar situations.



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