

Rights and *Responsibilities*

Taking Charge of Your Coaching Career

By Julie Stronach and Marie-Claude Asselin

Do you know your rights and responsibilities? The Sport Dispute Resolution Centre of Canada (SDRCC) is working on several initiatives that will help educate members of the sport community on how to better manage their sport careers and aspirations. The goal of these initiatives is to provide information to individuals on their rights and responsibilities related to governing policies and decision-making processes taking place within sport organizations.

When rights and responsibilities of coaches are discussed, they often revolve around ethical behaviour, respect, fair play, and adherence to sport regulations. While these topics are also tremendously important to address, the areas of concern for the SDRCC are those regarding governance matters and the processes by which decisions are made that may have a direct impact on you as coaches.

“I believe that every right implies a responsibility; every opportunity, an obligation; every possession, a duty.”

John D. Rockefeller, Jr.

Through its role in resolving sports-related disputes in Canadian sport, the SDRCC has witnessed several conflicts that were the result of one or more parties being unaware of the decision-making processes and associated policies. Too often, people only become concerned about their rights after a decision has been made that affects them negatively. In most cases, looking back on the series of events that led to those disputes, one often finds that these individuals have also failed in their responsibility to ensure their rights were being respected. While this does not excuse the wrongful decision or the improper decision-making process, it certainly hinders the affected person from making a strong case.

The following section identifies some of the rights that you have as a coach, which you must ensure are being respected. Corresponding responsibilities are also discussed to help you be accountable for and in control of your career.

YOUR RIGHT:

To be advised of policies and rules that apply to you

You led the provincial team to an outstanding performance at the last national championships with some of your athletes breaking old national records. You are convinced that you have made all the right moves in the past few years and are now ready to step up to the next level; you are excited at the thought of being invited to become an assistant with the national team. The call never comes. Do you know why?

Organizational policies are often renewed and published on a cyclical basis (i.e. same time each year). Selection policies for a competition or for the national team are usually published a certain number of weeks or months before the selection takes place. We often think of selection policies in terms of athletes, but similar processes take place with regard to coaches such as the granting of accreditation or certification, or the selection of coaches to lead the team to an important competition.

Are coaching jobs and advancement opportunities in your sport posted? Are coaching appointments made through fair selection processes? You have the right to know in advance what is expected of you in order to move up the coaching ranks. You also have the right to know that the processes by which coaches are accredited, certified, or named to certain positions are fair and transparent. In order to give you a fair chance of achieving your career aspirations, your sport organization must provide you with relevant details: criteria to meet and processes to follow for you to reach your goals.

Rights and Responsibilities of the Coach as a Decision-Maker

A coach's role within an organization is unique; coaches often find themselves on both sides of the decision-making "coin". Coaches are affected by the decisions made by the sport organization but they also have the ability to affect athletes' lives and careers with their own decisions. Coaches must be mindful at all times of the immense power that they are given in their decision-making roles and must always act responsibly.

YOUR RIGHT as a decision-maker:

To have your decisions and your authority respected by the organization and its members.

As a national team coach, your difficult relationship with one of the athletes has deteriorated significantly in the past few days. Yesterday, infuriated with what you consider unacceptable behaviour, you told the athlete that he/she was suspended indefinitely and would not travel with the team next week. The athlete then filed an appeal, claiming that only the Executive Committee, not the national team coach, has the authority to suspend an athlete.

No one likes to have his/her decisions challenged. When authority is conferred upon you as a decision-maker, you have the right to see your decisions respected by your superiors and by those affected. This respect, however, does not come by the sole virtue of your authority. Respect is conditional to your decision-making being sound, justifiable and within the confines of your authority. In the example above, one will need to consult the applicable policies, agreements or rules to determine whether the coach had the authority to make the decision.

YOUR RESPONSIBILITY as a decision-maker:

To make fair decisions based applicable rules and policies

You are responsible for making decisions that are reasonable and compliant with applicable rules and policies. And even then, others have the right to question or dispute them. Being prepared to provide clear reasoning for the decisions you rendered and having documented your process will help you defend your rights as decision-maker. You need to know the policies, agreements and rules that define your authority (and its limits), to never make a decision while in conflict of interest, and to make transparent decisions that are respectful of published criteria and policies. Doing so will give you confidence in your decisions being just and unbiased and will reduce the risks of your authority being challenged.

YOUR RESPONSIBILITY:

To know and understand policies and rules that apply to you

Coaches are known to spend a lot of time and effort ensuring that their teams and athletes are treated fairly. It is equally important that the same efforts be made at a personal level. Do you know where to find the policies that apply to you? Not all sport organizations are diligent in making their policies available to all their members through their website, or in both official languages, or in advising members that amendments to a certain policy have been made. Ask for these policy publication schedules and follow-up with your organization to make sure that this schedule is respected. You must always be aware of all of the policies and rules that are applicable to you and ensure that they are accessible to you at all times.

Once this information is made available by the organization, the responsibility is now placed in your hands. Reading and understanding all criteria or conditions is essential so that you know what is needed to be a part of the organization or to meet a particular objective. At any time,

should you require help in understanding details outlined in a policy, you can contact the sport organization to seek clarifications. After all it is their policy, and your personal interpretation of it may not be correct. Once you know the expectations, you must take the necessary steps to comply with all rules and criteria set out by the organization, including relevant deadlines.

YOUR RIGHT:

To have the opportunity to thoroughly review and negotiate a contract or agreement before signing.

Congratulations! Your hard work has just paid off... You were finally offered the position that you have been after for years. They hand you a 15-page contract and tell you that you can begin as early as tomorrow if you sign the contract now. It is tempting to sign it and read it later. STOP! You could be signing your life away without knowing it!

It is to be expected that the contract is designed to protect the person or the organization who drafted it, and not necessarily to protect you. As some of these types of documents may be long and complicated, the supplier of

the document must provide you with an adequate amount of time to read through the document in detail and, if deemed necessary, seek advice or discuss items of concern to you.

YOUR RESPONSIBILITY:

To read and understand a contract/agreement (request clarification or seek legal advice if needed) before signing.

Many people can relate to being discouraged or overwhelmed by endless pages of clauses and conditions or even footnotes and fine print. This discouragement may have even caused you to skip ahead to the “sign here” section of the contract without reading the document in its entirety. If you sign too quickly you may lose the right to challenge a statement you believe to be ambiguous or incorrect. Beware of references to other policies and rules (e.g. code of conduct, human resource policy, etc.) that are not expressly stated in the contract itself; such references also bind you to those policies and rules so you should also become familiar with them before signing. The time must be taken to read through the documents thoroughly before signing.

YOUR RIGHT:

To appeal an unfair decision or a decision that is taken in an improper manner.

As national team coach for the past few years, you have always received positive performance reviews; you felt that your sport organization was supportive of your work. Today, you were told by the CEO that you were demoted to the role of assistant-coach; the organization had found another head coach. It was insinuated that if you were not comfortable with this new arrangement, your resignation would be accepted. Devastated, you go home to realize that the decision which was announced today is in breach of your coach's agreement.

All sport governing bodies have the authority to make decisions that affect their members. With this authority comes the responsibility to render decisions that are compliant with their legal and contractual obligations as well as to provide a process or mechanism to allow for those decisions to be questioned. To facilitate this process, all sport organizations should have an appeals policy available for their members. This policy must outline the principles and procedures to be followed in the event that a decision rendered by or on behalf of the organization is challenged by one of its members. Does your sport organization have such an appeal policy?

YOUR RESPONSIBILITY:

To keep copies of all documents and correspondence that could be used to support an appeal in case of conflict.

In the event of an appeal, or simply in order to assist in a discussion regarding a decision made, your position will be more easily justified if you are capable of supplying proof -- concrete examples and relevant facts. At a time when communications

can take several forms, electronic or not, keeping records of documents and correspondence is not very complicated. Written communications about potentially contentious issues should be kept as long as necessary, including notices, instructions, and interpretations. Your testimony claiming that someone said something to you could be very honest and credible before an adjudicator, but there is nothing like a copy of this person's message to you (letter, email, etc.) to avoid the typical “he said / she said” conundrum.

A fair number of these communications may have taken place in person or by telephone. In such cases, you may consider the possibility of writing a short memo or email to the other person. By outlining the context and nature of your discussion in written form, you can confirm your understanding of the discussion that took place. Of course, when all seems to be going well, we become trustful and tend to forget the importance of properly documenting our communications with those we consider our friends. Without becoming overly paranoid, remember that keeping proper records is a best practice in any business relationship.

Many people fall victim to the idea that they will never be involved in a conflict that will affect their careers. The thought “If I work hard and perform well, I will get what I deserve” may seem to be a reasonable one, but unfortunately it is not always reality. Best practices in planning involve assessing risks and being proactive in reducing them. Planning your coaching career is not any different. Many decisions are dependent on the interpretation of policy clauses and exceptional circumstances, sometimes from a mix of different policies and agreements that can render the decision-making process quite complicated. Staying abreast of new policies and of policy changes is the best way for anyone to filter through this complexity. Knowing how decisions are made will allow you to better focus on what is important and increase the chances of achieving your goals. As a coach, no matter the level or the experience, it is imperative that you take responsibility for yourself and hold your sport governing body or other decision-makers accountable for the decisions they make.

Do you think your rights have been, or are about to be, breached? Hopefully you have met all of your responsibilities and are well-equipped to defend them. In any event, do not hesitate to contact the Sport Dispute Resolution Centre of Canada to be referred to the proper resources or visit its website at www.sdrcc.ca to consult a list of lawyers to obtain legal advice or representation. ✓

