



# Managing Disputes Internally

## Part 2

by Julie Duranceau

February 2006

The Sport Dispute Resolution Centre of Canada (**SDRCC**) regularly receives requests for information from athletes, coaches, officials, administrators, volunteers, and employees of sports organizations regarding disputes they are trying to resolve. Most of the time, these individuals contact the SDRCC because they are unsure of how to go about ensuring their rights are respected. As part of its mandate, the SDRCC must offer assistance to all members of the Canadian sport community, regardless of their title or position. However, this mandate does not allow us to offer legal opinions to those who solicit our help, but rather requires that we help provide structure to the conflict resolution approach. The following are a few practical pointers you can use if ever you feel that certain rights have not been respected.

### 6 tips for parties involved in a dispute

#### 1. Act immediately

If you feel you have been unfairly treated, don't let the wound fester. It is much better to address a problem when it surfaces than to stay silent in the hopes that it will disappear. Most conflicts are easily managed when handled early. Moreover, acting quickly reduces the risk of losing the right to appeal due to the expiry of the period of prescription ("prescription" refers to the date after which a right can no longer be exercised).

#### 2. Read the applicable rules

It is important to read the applicable rules :

- » to understand the rights and obligations of each party in a given case
- » to determine whether or not these rights and obligations have been respected
- » to find out the time period within which a decision may be appealed
- » to understand the prescribed appeal procedure

Sport organizations are governed by various rules, and reading them is an essential step in effective conflict management. Depending on the circumstances of the case, the rules may help those involved to realize that a decision, although unpopular, is not necessarily unfair or erroneous. An understanding of the rules can also provide legitimate arguments to appeal the decision or prompt you to ask certain questions, the responses to which will permit a better understanding of the issue and lead to the most appropriate conflict resolution method. For reference purposes, the following are a few important rules, based on the type of conflict you are involved in. This list is by no means exhaustive:



»All types of disputes	Internal appeal policy
» Selection	Selection criteria documents Athlete contract/ agreement Employment contract
» Sport Canada funding (carding)	Sport Canada Athlete Assistance Program (AAP) Documents outlining attribution criteria for carding nominations Athlete contract/ agreement
» Harassment	Harassment policy Code of ethics Athlete contract/ agreement
» Doping	Canadian Anti-Doping Program (CADP) Anti-doping policy Athlete contract/ agreement SDRCC Code of Procedure

### 3. Visualize the conflict steps

Conflicts often arise due to poor communication between the parties. Before concluding that a dispute exists, it is strongly recommended that you clearly communicate your needs and questions to the other party. One way to do this effectively is to draw up a chronological list of the events, decisions, exchange of correspondence, conversations, etc. Such list will allow you to easily identify what has already been covered and what remains to be done.

### 4. Clarify and validate your intentions

**CLARIFYING YOUR INTENTIONS** means asking yourself what objective you hope to attain by initiating the dispute resolution process (e.g. participate in a competition, change criterias you feel are irrelevant, receive a letter of apology, have your point heard, be reimbursed for travel expenses, etc.).

**VALIDATING YOUR INTENTIONS** means putting them to the test. In other words, it is not enough to define an objective - it is also essential that this objective be realistic. How can you test your intentions and choices? By referring to pertinent documents or by sharing your ideas and visions with people able to guide you or provide you with the facts.

### 5. Communicate your intentions to the other party

Once you have defined your intentions, we recommend that you communicate them to the parties involved by presenting them with a summary of your reasons for proceeding in the manner you have chosen. This communication will allow the other parties to balance the issue in light of your analysis and react before a formal request is submitted, if applicable.

### 6. Be available

Some conflicts take a very long time to resolve, simply because of the difficulty in reaching the parties involved. To avoid unnecessary delays and frustration, we suggest that you provide your contact information and availability to those managing the case as well as to the other parties involved.