

Sport Law & Strategy Group

Dispute Resolution

“So You’ve Got a Complaint”

How Conflict Becomes Dispute ...

Policies



none
contradictory
unclear
bad fit

Personalities



past history
miscommunication
lack of “people” skills
inherent bias

Lack of Knowledge



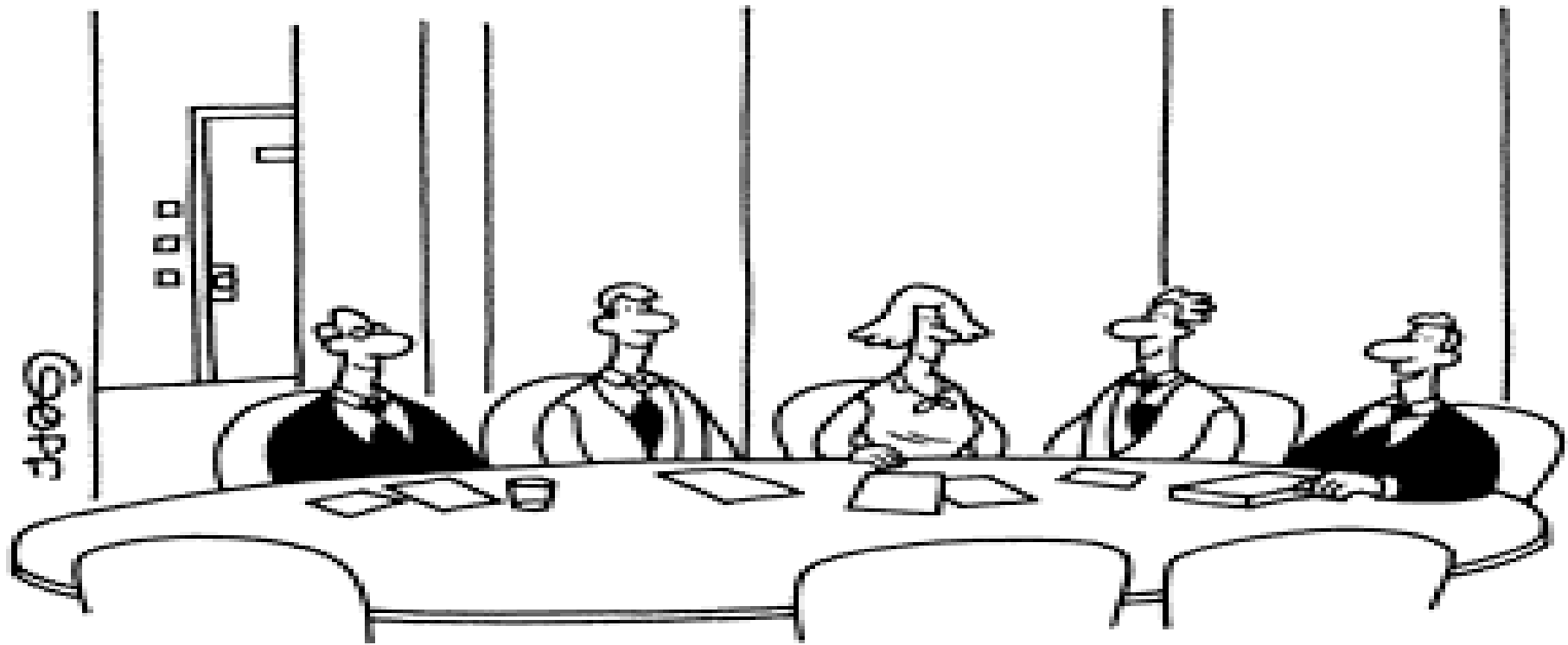
individual rights
dispute management
implementing policy
leadership

A Dispute Is Not Static

A dispute changes over time:

- Issues “mutate” and “multiply”
- Parties take positions
- Positions harden
- Trust dissolves

Thus timely intervention is key!!



"We've decided to devote more people to ignoring the problem to make it go away faster."

Relevant Policies

- Code of Conduct
- Discipline and Complaint Policy
- Dispute Resolution
- Appeal Policy



Code of Conduct

- **Purpose:** to ensure a safe and positive environment within Apline Ontario's programs, activities and events.
- **Applies to:** athletes, coaches, referees, officials, staff, volunteers, parents/guardians, directors and officers

Code of Conduct

- **General Responsibilities:**
 - Showing respect
 - Avoiding public criticism
 - Ensure adherence to rules of the sport
 - Refrain from harassment/bullying/violence
 - Abstain from non-medical use of drugs or performance enhancing drugs
 - Comply with AO by-laws and policies

Code of Conduct

- **Specific Responsibilities:**

- **Athletes**

- Report medical problems in timely fashion
 - Adhere to rules regarding clothing/equipment
 - Act in a sportsmanlike manner and not display appearances of violence, foul language or gestures to others

- **Parents/Guardians/Spectators**

- Respect decisions/judgements of officials and encourage athletes to do the same
 - Condemn the use of violence in any form
 - Never ridicule a participant for making a mistake

Discipline and Complaints

- **Purpose**: sets out the mechanics of how to report and deal with non-compliance of AO By-laws/policies/rules, including the Code of Conduct.
- **Applies to**: athletes, coaches, referees, officials, staff, volunteers, parents/guardians, directors and officers

Discipline and Complaints

- **Report an Infraction/Make a Complaint**
 - In writing, to Discipline Chair, within 14 days
- **Minor v. Major Infraction**
 - If Minor, Discipline Chair determines sanction
 - If Major, Case Manager appointed
 - Determine whether complaint is frivolous
 - Attempt to resolve via Dispute Resolution Policy
 - Appoint panel to conduct a discipline hearing
 - Determine timelines and format of hearing

Discipline and Complaints

- **Respondent's options**
 - Acknowledge facts and waive right to hearing
 - Provide submissions and participate in hearing

- **Discipline Hearing**
 - Parties have a right to:
 - Appropriate notice of date/time
 - Representative/counsel at own expense
 - Copies of all written documents provided to Panel
 - Panel will determine if infraction occurred and if so, impose appropriate sanctions (within 14 days)

Dispute Resolution

- **Purpose**: provide an option to resolve a dispute/complaint through mediation
- **Applicable**: at any point in a dispute provided all parties agree
- **Process**:
 - Mediator appointed and sets timelines for decision
 - If negotiated decision reached & AO approves - closed
 - If negotiated decision not reached – proceed under Discipline and Complaints Policy.

Appeal Policy

- **Purpose**: to enable fair and expedient appeals of certain Alpine Ontario decisions
- **Applicable**: to decisions relating to:
 - Eligibility Selection Conflict of Interest
 - Discipline Membership Athlete Assistance
- **Grounds for appeal**
 - No authority for decision
 - Not following procedures
 - Bias
 - Grossly Unreasonable

For more information, visit:

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