

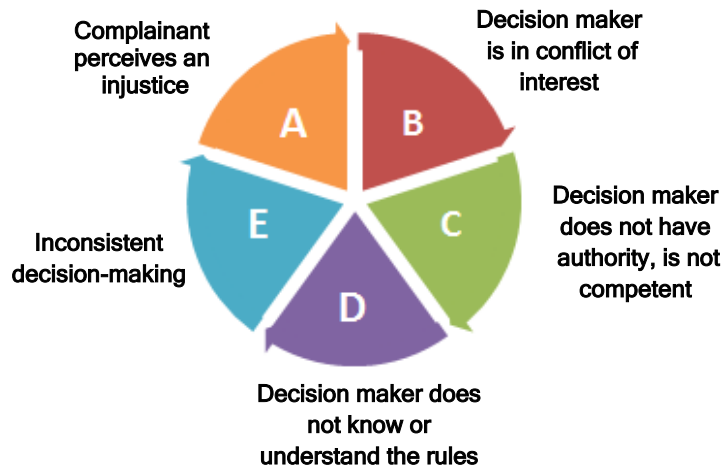


12 Strategies for Minimizing Disputes in Your Organization

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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 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 preventative 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.

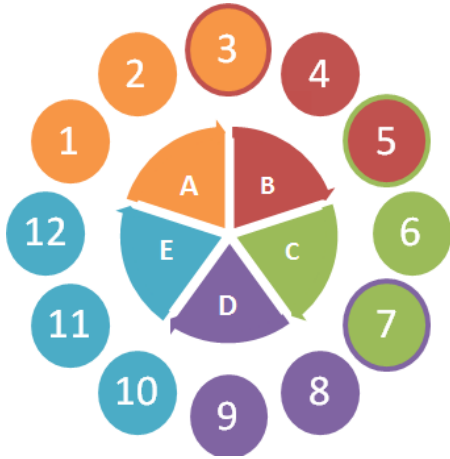
1. When an organization's decision-making process is not clear and transparent, it is easy for its members to assume injustice when a decision does not go in their favor. In order to reduce such risks, it is important to have a **clear, sound, fair and transparent decision-making process** which will clarify who decides what, as well as the extent 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 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 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.■