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## Mitigating the Effects of a Dispute Within a Team

The SDRCC, in collaboration with Luc Arseneau, Member of the Board of Directors

*An athletic career is so much more than selection or carding. It is important to talk to your athletes about the need to respect the entire path of a career and to not allow only one obstacle to end it."*

*Luc Arseneau, ChPC, Head Coach, National Cycling Canada - Atlantic Canada*

Disputes within sport teams are common. At a national team level, these disputes often involve athlete selection, carding or disciplinary sanctions. Such disputes can have a serious impact on team chemistry when team members momentarily become adversaries in resolving a dispute that opposes them.

In many cases, disputes within a team are unavoidable. When faced with this type of situation, those in charge of the team play a key role in making sure that the impact of a conflict opposing two or more members is kept to a minimum and that it does not impede the performance of the team as a whole. The role of the coach, who must lead by example, is particularly crucial in the way in which the dispute will be handled by the team.

How one reacts to a conflict situation varies for each individual. Personalities on a sport team are as diverse as they are numerous, and athletes may find themselves divided not only over the dispute in question, but also over how it should be addressed. Each athlete on the team may react very differently to the conflict, so several interventions may be needed to reach out to all of them. To try to minimize the potential negative impact of sport-related disputes, the coach may choose from a variety of actions, depending on the situation. Here are a few examples.

### *When the Coach's Decision Itself is Challenged*

Disputes associated with disciplinary sanctions or team selection are among the most difficult that face coaches, because in many cases it is their own decision that is being called into question. Without admitting an error or losing face, coaches can help the other team members understand that the situation, while difficult, must not affect the team's training and preparation.

- ◆ Demonstrate that you comply with the rules in effect and be the first to show your support for the appeal process adopted by your sport organization;
- ◆ Lead by example, even if it is your decision that is being challenged, and express confidence in the appeal process underway;
- ◆ Explain to team members that the athlete who launched the appeal is showing a lot of courage in defending his or her rights;
- ◆ Show openness to the possibility that the process you followed in making the decision may not have been perfect, but that you made what you felt was the best decision at the time;
- ◆ Anticipate and be ready to answer questions that may be asked by other team members, while making sure that you maintain the confidentiality of the appeal underway;
- ◆ Answer questions using positive terms in order to reassure team members who may have concerns about possible outcomes of the dispute.

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## Mitigating the Effects of a Dispute Within a Team (continued)

### ***When Two or More Teammates are up Against Each Other***

Disputes involving carding can often create tension between two or more members of the same team. This type of situation can divide the entire team, with some members supporting the appellant and others supporting the athletes affected. The role of the coach is crucial in ensuring that such a rift does not occur and in maintaining a healthy team spirit despite the adversity. It is important to help team members remain focused on their collective results and performance.

- ◆ Underscore the fact that the athlete contesting the decision (of being refused carding or of not being selected) is exercising his or her rights. “The athletes affected must understand that this is just one aspect of the overall process and that the team and the performance of its members are much bigger than this single hurdle”, said Luc Arseneau;
- ◆ Remind members who are vying for the same carding opportunity that, despite being in competition with one another individually, they all are part of the same team on the field of play;
- ◆ Encourage athletes who are divided by the dispute to take part in the mediation process offered, if applicable, to better understand each other’s point of view and find common ground;
- ◆ If mediation services are not available, ask the athletes in question to recognize the reasons why another athlete may also deserve to be carded. Speaking in favour of the other person helps promote an understanding of their rationale and in doing so enables people to see the situation differently;
- ◆ Encourage other team members to withhold their judgment and to not take sides. Help them to understand that in the final scheme of things they are not the ones deciding, and therefore which teammate they agree with will have no impact on the final outcome;
- ◆ Do not tolerate any disrespectful comment or gesture towards an athlete who is appealing a decision;
- ◆ Remind all team members that athletes who appeal a decision do so for themselves and not against the team or against another teammate.

### ***When a Member is “Reintegrated” Following a Ruling by an Appeal Committee or Arbitrator***

If an athlete wins a team selection appeal, he or she must now be reintegrated into the team under conditions that can be less than ideal or even a little embarrassing for the athlete. Without necessarily rolling out the red carpet, all efforts should nevertheless be made to prepare a harmonious return to the team for that athlete.

- ◆ Welcome the athlete as a full-fledged member of the team;

### **An Inspiring Story**

The SDRCC heard an appeal by an athlete who believed he had the right to be carded by Sport Canada. The filing of his appeal required the identification of a number of his teammates as affected parties, who risked losing their carding status if the athlete was successful. In this case, the appellant and the affected parties trained together almost every day, a situation that makes most of these cases difficult to the point of becoming unbearable. After several weeks of defending his case, carding for the athlete was denied. Bitterly disappointed with the decision, the athlete nonetheless had to go to the training site as usual, where that morning everyone was already busy preparing equipment for the session. When the athlete arrived, all of his teammates stopped what they were doing, turned towards him, and gave him a warm round of applause to acknowledge the courage he had shown in defending his rights and beliefs, demonstrating to him that, carded or not, he was still an important member of their team.

*Editor’s note: This situation actually occurred, but is being shared anonymously. Those involved will no doubt recognize themselves. The SDRCC wishes to thank them for this touching gesture, which demonstrated extraordinary maturity and team spirit.*

- ◆ Talk about the positive contribution that this new team member will make, stressing the individual’s strengths and how he or she will complement the team’s existing strengths;
- ◆ If the arrival of the athlete has meant the departure of another, a specific intervention may be needed with team members who are close friends with the athlete being replaced;
- ◆ When the opportunity presents itself, comment on the legitimacy of the appeal process that led to the selection of the athlete who is joining the team;
- ◆ Take advantage of the situation to allow the team to draw positive conclusions from the experience and be better equipped next time, by giving feedback to team members and asking them to share their own experience.

### ***Rallying the Right Support to Better Manage the Impact***

A coach cannot be left alone to deal with a complex situation, such as a conflict that pits one or more team members against another or, worse, a conflict that sees the coach pitted against one or more athletes on the team. A coach’s success is closely linked to his or her ability to rally other strong leaders associated with the team, such as assistant coaches, athlete representatives and team veterans.

*(Continues on page 4)*



## SDRCC Roster Member Profile: Learning More About our Arbitrators and Mediators

They come from every region of Canada and have extensive experience in alternate dispute resolution and sports-related issues, but how much do we really know about them? The SDRCC has an impressive list of 42 mediators and arbitrators and will slowly be introducing you to some of them through regular installments of “SDRCC Roster Member Profiles”. In this edition, we present to you, **the Honourable Paule Gauthier, from Quebec (Quebec)**.



### What lead you to a career in ADR?

Throughout my career as a lawyer I had an interest in arbitration and mediation.

I am interested in bringing my expertise in arbitration and mediation to the field of sport. This way, I feel like I am able to help youth grow and reach their dreams. When an athlete faces a dispute related to his or her career in sport, it becomes a difficult period in their life

as he or she has to direct all energy and focus on resolving that problem. My personal interest in ADR is based on my desire to help these athletes get back to their normal life with certainty that justice was properly rendered.

### Specialization/Area of Expertise:

First in labour law and disciplinary law, and then in commercial litigation. My interest in acting as an arbitrator is exceeded by my enjoyment of conducting mediations. Both as an arbitrator and mediator, the disputes on doping are the ones that interest me the most.

In out next edition, look for our first profile of an SDRCC Arbitrator

### As a Mediator and Arbitrator with the SDRCC, I...

...try, in each case, to give to all parties a chance to express their point of view and ensure that they can exercise their rights. In order to do so, and remain rigorous in the procedures that need to be followed, I simplify as much as possible the rules of the game and as much as possible, give parties the opportunity to express themselves in a less formal or procedural manner. I try to know the facts and the interests of the parties involved.

### Favorite Sport(s):

Even though I am not an athlete, I have always found great interest in sports and the Olympic Games. My favorite sports are baseball and tennis. I also never tire of skating. If I was younger, I would probably be part of a hockey team.

### Dispute Prevention Tip for Athletes:

Family, friends and coaches are important influences in the athlete’s life, but sometimes contradictory. It is good to pay attention to their advice and seek to understand the goals sought, but an athlete should also question them and make sure that all training and regimes fit within the rules and regulatory framework. Athletes must be the masters of their own decisions.

Being a high performance athlete or training for personal interest means sharing aspirations, failures and successes with others. ■

## New Canadian Nominations by the Court of Arbitration for Sport (CAS)

### Nominations as mediators

- ◆ Carol Roberts (SDRCC Arbitrator)
- ◆ Paul Godin (SDRCC Mediator)
- ◆ Frank Fowlie (SDRCC Board Member)

*BRAVO !!!*

### Nominations as arbitrators

- ◆ Andrew McDougall (SDRCC Arbitrator)
- ◆ Robert Décarry (SDRCC Arbitrator) appointed to the ad hoc Division for the Sochi 2014 Olympic Games



**Follow us on LinkedIn!** The SDRCC will be more active in the months to follow. We will inform you of new decisions available on our website. Other announcements will also be made.





- ◆ Identify individuals who have a lot of influence on the team, and ask for their help in maintaining a positive atmosphere within the team during the dispute. Be careful however that doing this is not perceived as an effort to rally the group around your own position in the dispute;
- ◆ Ask these individuals to refrain from representing the interests of one particular athlete and to instead represent those of the entire team;
- ◆ Because successfully overcoming obstacles and challenges can have a positive impact on team spirit, a well-planned response strategy with these leaders may even strengthen the bonds among team members.

### *An ounce of prevention...*

Coaches play a vital role in preventing disputes on their team; the coach must therefore ensure that there is understanding by all team members and must also act as a role model on which his or her athletes can count.

- ◆ Communicate with each athlete to ensure that they all clearly understand the processes from the outset. They'll know better what to expect, how to behave or perform in order to be on the team, and as a result they will be less inclined to contest the decision if they have not respected the rules or met the criteria. "First and foremost, a good coach is obligated to clearly communicate his or her selection criteria," states Luc Arseneau. "Whether established by a committee or the coach alone, everyone, especially the athletes, must understand these criteria in detail. It's much easier to dispel doubts before rather than after the fact."
- ◆ Right from the start of the season, talk to your athletes about the possibility that disputes will arise, and prepare

team members to accept that these kinds of situations will require that they make an extra effort to maintain a positive atmosphere within the team;

- ◆ Be open to explaining how you align your coaching decisions to the policies and regulations of your sport organization, before you render important decisions as much as afterwards;
- ◆ If you must communicate a decision that has the potential to not be well received, ensure that you also clearly communicate the reasons for such decision;
- ◆ Ensure that the members of your team feel comfortable enough to talk about their concerns in order to avoid an existing conflict becoming worse or a new conflict being created;
- ◆ Once a dispute has been resolved, debrief with the athletes in order to gauge the positive and negative effects of the experience on the team and to identify the lessons learned from it to prevent or better respond to a future situation. Team members must be capable of taking responsibility for their behaviors during a conflict and for any positive or negative repercussions that their actions had on the team.

Have you dealt with conflict situations on your team that were successfully resolved? Do you know other strategies to help prevent or manage disputes that occur within a sport team? Share them on our [Facebook](#) page. ■

### **References:**

- Lencioni, P.M. (2002) *Five Dysfunctions of a Team*. San Francisco, Jossey-Bass.
- Runde, C.E. and Flanagan, T.A. (2008), *Building Conflict Compe- tent Teams*, San Francisco, Jossey-Bass.

## **NEW ONLINE TOOL AND NEW PUBLICATION**

Following many months of hard work, the SDRCC launched its new tool, the *Internal Appeal Panel Online Orientation*. This tool is intended to serve as a resource for volunteers called to serve on internal appeal panels. We invite you to consult it at: <http://prevention.crdsc-sdrcc.ca/>

Also, the SDRCC has published its new leaflet on Conflicts of Interest in Sports-Related Decision-Making available to members of the sport community. Because the sport community is small and the appearance of conflicts of interest is frequent, this tool was created to help decision makers identify what is or isn't a conflict of interest and also to guide them in determining when it is necessary to inform the concerned individuals. ■



### **Cynthia Colas Livernois**

Cynthia joined the SDRCC on October 28, as the Education and Communication Coordinator. She has a Bachelor in Political Communication and is completing her Masters in Dispute Prevention and Resolution. Cynthia is responsible for creating and coordinating education programs and will also be in attendance at various sport community events to promote the SDRCC's publications and services. In her free time, Cynthia likes to participate in obstacle races such as the Spartan Race and Prison Break. She also enjoys Crossfit training. ■



1080 Beaver Hall, Suite 950, Montréal, Québec, H2Z 1S8

Tél: (514) 866-1245 Fax: (514) 866-1246  
1-866-733-7767 1-877-733-1246

[www.sdrcc.ca](http://www.sdrcc.ca)

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