



Early Resolution Facilitation – A First Step Towards De-escalating Conflict

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Many sport community members who have experienced an SDRCC proceeding are familiar with resolution facilitation (RF). This process, a mandatory step to arbitration at the SDRCC, was introduced in 2006 as an informal resolution mechanism to help parties to a dispute explore possible solutions in a safe, confidential and non-prejudicial environment. This dispute resolution method, much akin to mediation, focuses on the relationship between the parties and on finding practical solutions to improve conditions moving forward and avoiding future conflicts. SDRCC mediator Paul Denis Godin speaks to the merit of this approach: “[Resolution Facilitation] also adds value even when disputes don’t settle, by improving understanding and respect amongst the parties, and helping to rebuild damaged relationships which may be crucial in a team context¹”.

This begs the question: why wouldn’t parties choose to explore this option **before** the dispute escalates to an arbitration before the SDRCC? The SDRCC believes it is in the best interest of sport organizations to introduce *Early Resolution Facilitation* (“Early RF”) as part of their internal appeal process. As its name implies, Early RF takes place **before** an **internal appeal panel** is conducted by the sport organization.

WHY EARLY RF?

Statistics show that nearly 40% of non-doping-related disputes brought before the SDRCC are settled amicably **before** escalating to an arbitration. By introducing Early RF to the sport community, sport disputes could settle prior to a National Sport Organization or Multisport Service Organization (NSO/MSO) internal appeal **instead** of at the SDRCC. How would this be possible? Early RF brings a neutral third party, the resolution facilitator, into play during the initial stages of a dispute rather than at the end. Too often the internal appeal process is hijacked by the perception that the only option left is to determine a winner and a loser; this leaves no room for parties to discuss the issue in a productive manner or attempt to better understand each other’s perspective. In the event that a settlement is not possible, the disputing parties often leave the RF session with a better understanding both of each other’s’ respective positions, as well as the alternative paths and resources available to resolve their dispute.

THE BENEFITS OF AN EARLIER INTERVENTION

For Athletes & Coaches, Early RF provides a less confrontational and antagonistic means of resolving their disagreement with decisions made by their NSOs/MSOs. Relationships in sport are built on understanding and trust, and this process can help maintain (if not strengthen) those bonds, despite a potentially difficult situation for all individuals involved



or affected. Early RF also provides an opportunity to expedite the resolution process. For athletes and coaches, this means less time and resources spent in a hearing room or preparing their case, and therefore more time and resources focusing on training, recovering, strategizing and competing in their respective sports.

For Administrators, the internal appeal process can place quite a strain on a sport organization. The time and money invested in internal appeal processes by NSOs/MSOs inevitably drain resources away from their high performance programs. Not only can a lengthy appeal further deplete sport organizations' already scarce resources, it also risks damaging relationships between athletes, coaches and administrators who play a key role in the overall success of their program. By adopting the Early RF process, NSOs/MSOs will have attempted cooperative dialogue as a means of resolving a dispute before having to resort to a more adversarial means. Similarly, the addition of the neutral third party resolution facilitator allows the NSO/MSO administrators to distance themselves from the decision-making process. This can be seen as an opportunity to increase the trust and perceived fairness between the athlete, coach, or fellow administrator towards its federation.

EARLY RF AT THE CANADA GAMES

Through its partnership with the Canada Games Council (CGC), the SDRCC has provided dispute resolution services for the Canada Games since 2005. The CGC is the first sport organization to point to the SDRCC's Early Resolution Facilitation services in its internal appeal policy. Aaron Bruce, the Acting Director of Sport and Games with the CGC spoke about his satisfaction of this process: "We have had organizations/individuals file an appeal simply because they didn't understand the decision-making process and wanted more information. With Early RF, we are able to quickly convene an informal dispute resolution process that provides an efficient way to openly discuss items and dispel any misinformation. Now we are sometimes able to sort out and close an appeal after only one meeting, without having to go through a formal appeal".

CONCLUSION

Based on the aforementioned advantages and the testimonial from the CGC, the SDRCC believes the sport community would benefit from implementing Early RF into their appeal policies. By prefacing an internal appeal with a process that focuses on open communication, NSOs/MSOs and disputing parties can envision drastically reducing their legal costs, improving their existing relationships and, if all else fails, moving forward to the appeal process with a better understanding of the issues at hand. The only question left to ask: what is your NSO/MSO waiting for? Contact the SDRCC now to learn more about integrating Early RF to your internal appeal process. ■

¹Godin, P. D. (2017). Sport Mediation: Mediating High-Performance Sports Disputes. *Negotiation Journal* 33(1), 25-51.