

## More Coaches Being Sued

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Another selection matter, and two more coaches are named in a lawsuit. But this one is a bit different. No matter what the outcome of a selection exercise, there is always going to be someone who is somewhat deflated. After all, the objective is to be selected to the team and anything less is going to carry with it some disappointment. Managing expectations and communicating information properly are important aspects of the selection process that can do much to prevent bitter disappointments and subsequent acrimony. But more about that later.

This lawsuit is different because the plaintiff is seeking damages for “emotional pain and suffering” as well as financial loss. Most lawsuits ask that the disputed decision be reviewed and made properly. The plaintiff in this case is seeking financial damages for decisions she alleges were made unfairly.

The plaintiff is a sixteen-year-old soccer player. (Minors cannot bring legal actions themselves but do so through an adult or guardian ad litem [guardian for the litigation] whose role is to represent the interests of the minor.) The defendants are the local minor soccer association and two of its coaches.

We are going to go into some detail describing the claim of the athlete because, while the details and identities may vary, the situations described are, unfortunately, repeated right across the country more times than one might think.

The athlete is basically making two claims with regard to the coaches’ behaviour.

First, even though the athlete is an acknowledged skilful player, for three years running she has been “overlooked” for participation on representative teams coached by one of the defendant coaches. The second time the athlete was passed over, her father asked for an explanation why his daughter was not selected. The athlete’s Statement of Claim alleges the coach was evasive and not at all forthcoming with reasons. A complaint was then lodged with the All-Star Committee responsible for the team and was reportedly dismissed without explanation or contact with the athlete. The athlete further appealed to the board of the association, which endorsed the decision of the coach again, reportedly without further investigation or discussion with the athlete.

The athlete alleges that the real reason she was not selected by the coach “was not due to her lack of skill or ability, but due to personal disagreement and strained relations” between the coach and the athlete’s father (which, if true, would be an irrelevant consideration in the selection process).

Although the athlete was not selected to play on one particular representative team, she was chosen for another. The athlete states she was “benched” for an alleged misconduct involving the team captain the night before the game. She states she was given no opportunity to explain her actions and believed the second defendant coach was forced to bench

her due to undue influence exerted on him by the captain's mother, who was a board member, a member of the All-Star Committee, and the team's manager.

The athlete's father intervened in order to find out details of the matter; however, this ended in a verbal altercation between father and coach. Subsequently, the athlete was expelled from the team pursuant to a written incident report prepared by the coach, but without any contact with the athlete. The athlete's second allegation is that "expelling her from the team due to the behaviour of her father was prejudicial, unfair, harassing, and discriminatory."

The athlete was later reinstated, but says she was never told of game and practice schedules and so was effectively precluded from participating.

In all, the athlete alleges that many of the described actions were

- a violation of the policies and rules of the association
- a breach of her right to respond to allegations before punitive action was taken
- outside the scope of authority of the defendants (the association and its coaches)
- examples of harassing and discriminatory behaviour.

What are the consequences of all this to the athlete? In other words, what is the athlete looking to be compensated for? The athlete states that the attempted expulsion from the team left her "embarrassed, emotionally upset and has alienated her from other team members and potentially from consideration by other coaches of elite teams." The lawsuit also makes reference to the possible "adverse effect on her ability to secure a college or university soccer scholarship which will in turn have a potentially negative effect on her academic and financial future."

Obviously the association and the coaches are strenuously defending this action—at great expense of time and money as well as aggravation and worry. In fact, the Statement of Defence refutes virtually all the allegations of the athlete's Statement of Claim. And in the long run, the association and the coaches may well be successful in their defence.

The point is that all the parties have already lost and one small part of sport is becoming a soured experience for some valuable volunteers, coaches, and athletes. The saddest thing of all is that this situation probably did not have to happen.

As one reads the player's Statement of Claim, one can feel the frustration oozing out. In fact, of the many complaints that we receive concerning harassment by coaches, very few reflect real harassment. What they reflect is a frustration with a situation that has grown out of a glaring lack of communication and a growing intransigence in the positions of the parties.

The intervention of a mediator early on in the situation might have resolved the issues between the athlete and her coaches. Better yet, clearly communicated selection criteria and expectations going into the selection process, and a comprehensive post-selection "debriefing" of athletes to explain clearly and honestly what they need to work on in order to be a contender next time round, would have prevented much of the rancour.

A simple but fair appeal process where athletes can "make their case" is rudimentary to a fair and democratic system. (A learned judge once said that justice

must not only be done, it must be seen to be done. This may mean going further than a literal interpretation of a policy may require.) Equally important, the organization needs to be clear on the goals and philosophy of the team and communicate this to coaches, parents, and athletes. This way, people can choose the environment in which they wish to compete, whether that be recreational, competitive, aggressive, or whatever, and accept the consequences of being in such an environment.

All of this is not to say there weren't other problems plaguing this particular situation (one of the first lessons a novice lawyer learns is that there are always two sides to every story). For example, meddling parents can be a very real problem. But they need to be dealt with in and of themselves, not through the athlete and, especially, not through an athlete who is a young person.

For some readers, this column may have seemed a bit of a rant. Really it is not. The lawsuit described is very real, as are the two coaches and local association defending the action. And we're sure the anger and frustration of the athlete and the two coaches is also very real, as is the anger and frustration of others caught in similar circumstances.