

Intimidation tactics are sometimes used to create a power imbalance among the parties on the basis of factors which have nothing to do with the conflict between them: communication skills, legal knowledge, economic resources, hierarchical status, etc. Intimidation can take different forms: using abusive language, displaying aggressive behavior or a condescending attitude, uttering of threats, interrupting others or not letting them speak, raising voice or yelling, pointing finger, etc.

The members of the appeal panel can limit the impact of these tactics by recognizing them and by intervening quickly, and prevention strategies can begin right from the first contact with the parties. Taking the following precautions could deter parties from using intimidation tactics during the appeal process.

### During the Preliminary Meeting with the Parties

- Inform the parties that you are expecting a certain level of decorum during the proceedings and that disrespectful behavior will not be tolerated;
- Explain to the parties your neutrality in this appeal process and your role in ensuring that it is conducted properly. Establish “ground rules” (e.g.: wait your turn before speaking, avoid raising your voice, use a respectful language, etc.);
- Note that the appellant is within his/her right to request a reconsideration of a decision that undoubtedly has important consequences for him/her; it would be unacceptable that the appellant be penalised for exercising this right. *Disturbing fact: Only 53% of Canadian sport community members who responded to an SDRCC survey in 2012 felt that they could file a complaint with their sport organization without fear of reprisal.*

### At the Beginning of the Hearing

- Remind the parties of the “ground rules” agreed upon during the preliminary meeting (or establish them, if not done yet) and that it is your duty to ensure that they will be respected;
- Mention to the parties that it is normal that they do not agree with certain facts or arguments that the other parties or their witnesses may present during the hearing; everyone will have the opportunity to explain its position in turn.

### During the hearing

- Make sure that the parties who do not have legal representation understand what is going on, that they feel comfortable asking questions; if needed, adjust the vocabulary accordingly (be careful that this not create a perception of bias);
- Do not tolerate any inappropriate behavior; point out to the parties any unacceptable actions or reactions and intervene immediately to restore order in the event of personal attacks, provocative or inflammatory statements;
- If tension or voices rise, suggest taking a break in order to give the parties a chance to calm down or some time to reflect.

**NOTE:** This document is provided for information purposes only and is not intended as legal advice.