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IMPROVE ARBITRATION IN PROFESSIONAL SPORTS

[Austin, Texas, Mar 28, 2023] The Human Rights Clinic of the University of Texas at Austin School of Law will be releasing its report, [Unsportsmanlike Conduct: Remedyng Human Rights Violations in U.S. Professional Sports Leagues](#). The report highlights the current arbitration procedures within the professional sports leagues that deny key stakeholders the right to remedy and due process, which is a right guaranteed to everyone under international human rights law.

In this new report released today, the Human Rights Clinic argues that the current arbitration system in the five major professional sports leagues does not provide enough due process guarantees. This 98-page report demonstrates that the dispute resolution process within the professional sports industry – arbitration – often does not guarantee the right to an effective remedy for key stakeholders. This is in particular because of the discretionary and unchecked power of the Commissioner and the partiality of arbitrators as well as the inability to appeal arbitration decisions in the traditional court system.

Systematically, players face issues relating to due process and access to an adequate remedy within their leagues. The availability for an effective remedy is hindered by numerous factors, including the provisions within the Collective Bargaining Agreement (CBA). Since professional sports leagues are business operations, they are particularly required under the United Nations Guiding Principles on Business and Human Rights to protect stakeholders' human rights and to recognize the negative impact that their operations could have on human rights. The Clinic has found that “although arbitration provides specialized and speedy remedy, it often lacks the necessary due process guarantees to ensure a participant’s human rights are protected.” Ariel Dulitzky, Director of the Clinic said that “by incorporating a human rights approach into their governing documents, leagues can provide effective and expedited remedies without simultaneously sacrificing the human rights of their players.”

The Clinic recommends the leagues to “adopt a human rights framework into their Constitution and explicitly state how the league and its business relationships should provide appropriate remedies where abuses occur.” They should also “incorporate due diligence by periodically and independently monitoring and collecting data on how social issues are currently identified and

managed and take appropriate action to address, minimize and prevent human rights impacts.” In addition, the Clinic also calls for management within the leagues and the professional sports industry to “build skills, experience and knowledge on human rights” and “ensure appropriate division of responsibility for human rights issues at the operational, management and board level.” Specifically, the Clinic recommends the leagues to “expand accessibility to arbitration to former players, athletes in their first year or entering the draft, players in minor leagues and in affiliated development academies, coaches, and referees.”

Professor Dulitzky called the Leagues, Players Associations, and Players to adopt these recommendations to respect, protect, and fulfill the rights of players and other stakeholders.

Please read the full report [here](#). Learn more about the Clinic at <https://law.utexas.edu/clinics/human-rights/> or follow @UTLawHRClinic on Twitter.