Diagnosing Disputes

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This winter we have been teaching a new course at Brock University on negotiation skills for sport managers. We have structured the course around two themes: negotiating the dispute and negotiating the deal. The same techniques are used in both pursuits, and we think these skills are critical for all sport leaders, including coaches.

There is abundant literature on conflict management and negotiation from the worlds of business, law, politics and international relations, but virtually no work has been done in the area of sport. Our challenge with this course is to meaningfully adapt these negotiation resources and tools from other settings to the sport milieu.

In doing so, it has become clear that these concepts readily apply to the amateur sport world. It has been fascinating to reflect on the sport disputes we have helped to resolve over the past 10 years using concepts that were first developed in the Cold War years of the 1960s. What has become readily apparent to us is that long before an athlete or coach arrives at a hearing or arbitration, there are ample opportunities for intervention to resolve disputes so that imposing an "end-of-the-road" decision on the parties is unnecessary.

For such interventions to succeed, we need to have a better understanding of the nature of conflict and the process that occurs when conflict escalates into a dispute. What we have learned in our research and practice on dispute management is that conflict is not necessarily a negative condition: in fact, conflict must be viewed as a positive state, as meaningful change cannot occur without it. It's when the conflict goes unacknowledged and then manifests itself into a specific dispute that festers that some form of intervention becomes desirable.

In their book Social Conflict,[1] writers Rubin, Pruitt, and Kim identify a number of conditions that encourage conflict. These include periods of rapidly expanding achievement, comparison of worth and how worth is measured, weakening normative consensus, zero-sum thinking, communication among members of a group, and leadership.

PERIODS OF RAPIDLY EXPANDING ACHIEVEMENT. This condition has been used to explain civil rights unrest in the United States in the 1960s. After two centuries of oppression, African-Americans had made extraordinary gains in the 1950s and early 1960s, which led to rising expectations that could not continue to be fulfilled. We have seen this same condition encourage conflict in sport. For example, we saw extraordinary achievements in a number of sports in the 1980s and early 1990s, culminating in podium results in Atlanta in 1996. Not surprisingly, in many of these sports, these periods of achievement have been followed by periods of conflict as rising aspirations could not continue to be met.

COMPARISON OF WORTH AND HOW WORTH IS MEASURED. This premise underlies all selection disputes. In individual sports, the measurement of worth can be quite objective, which tends not to create conflict: however, in team sports, the measurement of worth can lead to ambiguity about the value to the team of one

athlete compared to another. We have also observed how these comparisons can lead to conflict within a national team when the small number of high achievers on the team are accorded greater status and preferential treatment. When a team includes a handful of “stars” who are valued differently (or are perceived to be valued differently), team cohesion suffers drastically and conflict erupts.

WEAKENING NORMATIVE CONSENSUS. Groups of people continually develop rules to govern themselves. Broader and longer lasting rules are referred to as norms, and they serve to identify the expectations of a person’s behaviour and the outcomes to which a person is entitled. When norms are weakening or changing, the gap in expectations about entitlements may widen, resulting in conflict. We have seen this widening gap occur with coaches as society places upon them continually higher standards of performance and conduct. Today’s effective coach is not only expected to possess technical and sport-specific skills but is also expected to be an exceptional communicator, a problem-solver, a computer and video operator, a psychologist, and a role model of the highest integrity. We are also seeing a shift away from a coaching philosophy that focuses on controlling the athlete’s environment and reducing distractions to one of empowering the athlete to make her or his own decisions in the face of environmental stresses. This period of weakening consensus about the norms pertaining to coach performance and conduct is contributing noticeably to conflict among coaches, athletes, parents, and sport clubs.

ZERO-SUM THINKING. Zero-sum thinking is the view that one party’s gain is another party’s loss, as the resources that are at the centre of the dispute are finite. It is common for people to adopt this line of thinking when engaged in dispute. For instance, when a dispute escalates, there is a tendency to revert to zero-sum thinking, as the parties’ motivations shift from doing well to doing better than the other party, to winning, and ultimately to harming the other party. We recall in one dispute about coach selection, a lawyer argued that “if his client couldn’t go, then no one should be able to go”. Although we concede that a small number of sport disputes revolve around dividing the pie (selection disputes are a clear example of such win–lose propositions), many more disputes lend themselves to expanding the pie by using techniques to reveal the parties’ underlying interests and finding ways to satisfy mutual interests. We are of the view that most sport disputes can be dealt with as win–win scenarios if proper negotiation techniques are understood and applied. When appropriate preliminary work is done to manage athlete expectations, even selection disputes can be moved away from a zero-sum starting point.

COMMUNICATION AMONG MEMBERS OF A GROUP. Communication is a two-edged sword, as conflict is encouraged by too little and too much of it. In our experience, there is a direct correlation between the pace at which a conflict escalates and the degree to which members of an organization, group, or team are connected via high-speed Internet. Almost everyone has e-mail, and messages can be conveyed to a large group almost instantaneously. We are so busy sending and receiving e-mails that we don’t talk to each other anymore. This makes defining a conflict or dispute very challenging, as yesterday’s take on a situation may differ from today’s. Aided by swift, indiscriminating, and, at times, ill-judged electronic communications, a dispute continues to mutate as single issues expand to multiple issues and as a single aggrieved individual transforms into an increasingly alienated but nonetheless tightly knit collective.

LEADERSHIP. Also a two-edged sword, poor leadership can be both the result and the cause of conflict. In our experience with sport organizations, disputes arise from a variety of factors related to poor leadership, and the existence of such conflict

inhibits new leadership from emerging or thriving. It is not surprising that a telling indicator of conflict and dysfunction within a sport organization is a revolving door of executive and senior management personnel. This door is going to continue revolving until the underlying conflict, which may have existed for years or even decades, is addressed and understood. As well, we have observed that new leaders may emerge from the alienated group, which serves to maintain the state of conflict.

Albert Einstein is reputed to have said, “If I were given one hour to try to solve the world’s most pressing issue, I would spend 55 minutes defining the problem.” Over the years, the Centre for Sport and Law has helped countless sport organizations hear and decide disputes using appeal and arbitration mechanisms. However, we are coming to the view that such interventions too often occur too late in the conflict and dispute cycle. Waiting until the 55th minute to do something means that the parties have taken positions, their positions have hardened, and whatever trust existed has entirely dissolved.

We think it is critical to help athletes, coaches, and sport organizations learn and use negotiation techniques to manage their conflicts before they become disputes.

1. J. Rubin, D. Pruitt, and S.H. Kim, Social Conflict (New York: McGraw-Hill, 1994).