



Managing Disputes to Prevent Conflict

By L. Deborah Sword, Mediator/Arbitrator



A recurrent theme of *In The Neutral Zone* is dispute prevention. This article contains strategies for dealing with contentious issues that leave you feeling unfairly treated, angry, misunderstood, and/or victim of an injustice. First, we discuss what makes a sports conflict unique; second, explore how disputes

differ from conflicts; and, third, map an ordinary incident looking for patterns that reveal opportunities to prevent disputes.

1. Sports conflicts differ

Usually, interest-based conflict resolution features “expanding the pie”, that is, creating innovative win/win solutions, where the decision can satisfy everyone’s interests by brainstorming options the parties to the dispute had not considered before. However, when the issue concerns decisions such as, for example, team places and number of cards, not everyone who wants pie will get a piece. Then the situation is constrained to a “fixed pie” that is win/lose, or 50/50 compromise at best.

Because sports has complex layers of rules, hierarchies of decision-making organizations, limited funders, set deadlines, intense scrutiny, few spots on the team roster, and a naturally competitive culture, sports-related issues have an organic inclination towards the “fixed pie” type of dispute. When there are budget and places for a team of three, there are few ways to make the pie feed four.

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The classic 1981 *Chariots of Fire* demonstrates both fixed and expanded pies. It had a typical “fixed pie” because of unchangeable race dates and distances. Teammate Lord Lindsey traded 400 and 100 metre races with Eric Liddell, so that Liddell could run on Thursday, not Sunday. Had Lindsey not been willing or able to swap, Liddell had lose/lose options of not running or breaking the Sabbath, which were both unpalatable to him. The solution was an “expanded pie” because Lord Lindsey had a medal, which met his interest, and he had an interest in Liddell competing for King and country. Everyone’s interests were met by expanding the pie within the fixed boundaries. Obviously, this solution could not expand a ‘seeded’ pie.

2. Definitions

A definition of dispute is a challenge over the truth, or competing ideas. A definition of conflict refers to the parties’ intentions or needs, such as “competing interests, different identities and/or differing attitudes” (Schellenberg 1996: 8). Rex (1981: 3) defined conflict as “action which is oriented intentionally to carrying out the actor’s

will against the resistance of” others.

Let’s use a very linear and simple example to explain the distinction. If a coach reprimands an athlete and the athlete accepts that, there is no dispute. If the reprimand feels unfair, the athlete challenges the coach creating a dispute if that is how the coach responds. If they put this incident into a framework of ongoing personality and stylistic differences and make the reprimand about everything the two of them ever had differences about, it is a conflict.

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Managing Disputes to Prevent Conflict (continued)

A characteristic of nesting discrete disputes within larger conflict systems is that, thereafter new disputes pile up more quickly. If one discrete dispute incident is settled but the conflict remains, the next dispute will erupt more easily. Once in a conflict, they are less likely to give each other the benefit of the doubt, are more likely to attribute bad intentions to the other, and be far more likely to make negative assumptions about each other. This is sometimes referred to as 'bad blood' between people or teams or schools or countries, based on history of ongoing unresolved conflict and a pattern of discrete incidents that feed the conflict with dispute fuel.

3. Mapping conflict systems

A simple map of interactions, using the coach/athlete example above, can explore the interactions in the context of preventing conflict.

There is no dispute.

Athlete might accept the reprimand because: athlete admits wrongdoing; coach is too powerful to contradict; athlete feels reprimand is trivial in the bigger picture; coach speaks in a way athlete does not take seriously; athlete does not respect coach's opinion, and so on. In each possible option, the athlete makes meaning of the coach's words and decides, consciously or unconsciously, how to react. The dispute is prevented because the athlete mentally normalizes the reprimand as less important than, say, training or getting along.

The athlete challenges the coach.

Once athlete engages coach, it is coach's turn to decide what meaning to put on the interaction. The dispute may emerge or not, depending on the respective meanings they put on each other's words and attitudes. Decisions about meaning are not made in isolation. They are grounded in history, character assessment, judgment of effort, value to the team, and other factors. The prevention strategy at this level is to ask yourself: What assumptions am I making without verifying their accuracy? How are my feelings about the person affecting how I perceive the person's words and deeds? What are my words, deeds and attitude contributing to how this interaction is unfolding? If I change or manage how I feel and react, what else would change?

They put this incident into a framework of ongoing differences.

Because coach and athlete have a history, a dispute over the reprimand will recall each time the other has been perceived as irritating, overbearing, wrong, or an obstacle to success. Their words are no longer about the reprimand, but call up experiences such as: "you always", "you never", "last time this happened", "you promised", "when will you ever", and reconstructions of

other times that expectations were disappointed. The reprimand takes on the meaning they make of their entire relationship. The incident that caused the reprimand is replaced with allegations of character flaws, inadequacies in abilities, and judgments about the other one's lack of ethics and honour. The prevention strategy at this level is to ask yourself: what am I attributing to the person that has nothing to do with this incident? Is how I feel about our relationship affecting my response to the words the person is saying now? If my best friend said exactly the same things what would I assume s/he meant?

Every new dispute incident piles up in the context of the ongoing conflict.

Things may seem calm until the next incident, at which time the fuse is shorter, recovery time to equilibrium is longer, hurt feelings are deeper, and mistrust is stronger. The next time coach makes a decision athlete takes it personally. The next time athlete stumbles coach perceives it as lack of commitment. The prevention strategy at this level is to ask yourself: is my judgment

about this situation being affected by left over feelings from the conflict? Do I perceive this as being done to me rather than something that just is? What is my responsibility, if any, for the situation?

You can address disputes before they become conflict systems. First, talk to yourself honestly about what is really going on and how you are interpreting it to fit your image as the innocent party. Whether it is coach, teammate, trainer, or other person, the question is not who is right or wrong - each believes s/he is right and the

other is wrong. The better question is what meaning are you, a human with feelings, making of what is going on? Change the meaning you attribute to the situation, and your perception of the qualities you attribute to the other person can also change.

4. Conclusion

The process of making attributions about others, and assuming what they intended, is the meaning you make to meet your needs and interests. If you understand the options you have and are mindful of what occurs within you, you can devise a personal dispute prevention plan. That may not resolve the dispute or conflict, but it will give you a basis for discussing the situation with the person you thought you could never talk to. That talk might resolve the issue. ■

Rex, J. (1981). *Social Conflict: a conceptual and theoretical analysis*. London and New York, Longman.

Schellenberg, J. A. (1996). *Conflict Resolution: Theory, Research, and Practice*. Albany, N. Y., State University of New York Press.

"If one discrete dispute incident is settled but the conflict remains, the next dispute will erupt more easily."



Dispute Resolution for Coaches

By Wayne Parro, ChPC, Executive Director of Coaches of Canada



Coaches, as do many other professionals and volunteers, occasionally stumble into the unpleasant world of dealing with a dispute. Disputes become distractions that take too much time and energy, and can end up affecting athlete training and development. They may be as simple as a disagreement with an athlete or parent, or as complex as an issue involving legal matters. Regardless of the perceived or real degree of the dispute, it is critically important that the coach pursue a resolution in order to move past the issue and get on with the business of coaching.

Resolving simple disputes may be as easy as following established protocols learned through coach training programs: the twenty-four hour rule, the two-deep rule, fair and unbiased evaluation of the situation, etc.

The twenty-four hour rule is often difficult to observe when a situation presents itself at a competition or a training session, because the coach's instinct is to deal with the situation now and get on with the business of coaching. The premise, however, is a good one: convene a meeting a day or so later when all parties have had an opportunity to cool down! This will lead to more productive discussion and hopefully a quick resolution.

It is wise that coaches never pursue disputes one on one with the athlete, parent or person with whom the dispute has occurred. Ensure that there is at least a third party involved in the discussion, preferably someone with which both parties feel comfortable and can assist by keeping the discussion to the point and working towards a solution. It is also wise to document the discussion, including the resolution, and provide a copy of the documentation to those involved. Also provide a copy to your employer or sport governing body for their records.

Fair and unbiased evaluation of a conflict can be achieved by following the steps outlined above, but it is very important that all participants know these expectations at the beginning of the coach's relationship with the principles. At your initial meeting with the athlete and related parties, you should describe your dispute resolution process and put it in writing along with the rest

of the documentation for this meeting.

"Experienced coaches learn to recognize the early signs of conflict and take action in order to avoid overt conflict", adds Steven Sugar, ChPC, President of Coaches of Canada and a professional figure skating coach. "They are very sensitive to body language, tone of voice and the 'sub text' of any conversation, as early signs of pending conflict."

In more extreme situations, it is important for coaches to be aware of all avenues of support. A coach facing a serious dispute may choose to employ legal counsel. There are also alternative dispute resolution services offered by the Sport Dispute Resolution Centre of Canada.

"Experienced coaches learn to recognize the early signs of conflict and take action in order to avoid overt conflict."

Coaches of Canada members can receive legal advice as part of their current membership. This service is free and is simply a matter of contacting our national office in Toronto (416.426.7023 or info@coachesofcanada.com). You will receive a case number and be put in touch with a legal professional that can provide guidance with respect to pursuing a quick resolution.

Gail Donohue, ChPC, vice president of Coaches of Canada and chair of the Membership Committee feels that members are highly respected in the sport community because they must meet high experience/education standards, agree to abide by the Code of Conduct and Code of Ethics, undergo a successful police record check, and be a person of "good character" as acknowledged by peers in the coaching community. Without minimizing the importance of dealing with disputes, and with this support behind the coach, it is likely that most frivolous disputes will never evolve. "Membership with Coaches of Canada provides the coach access to support and tools as well as propels them to the top of the class in the sport community", adds Gail.

Conflict can be like cancer. It starts small but can spread rapidly - insidiously - eventually overwhelming the host. It is critical that the coach plan in advance for dispute resolution and communicate the expectations to all stakeholders at the beginning of the relationship. ■

Notable Dates

- **Oct 3-5, 2008:** AthletesCan Forum, Mississauga, ON. The SDRCC will be there with an information kiosk.
- **Oct 23-24, 2008:** SDRCC Arbitrator and Mediator Conference, Mississauga, ON.
- **Nov 7-9, 2008:** Petro-Canada Sport Leadership sportif, Calgary, AB. The SDRCC will have a display at the Sport Exchange and will hold a roundtable discussion.



CONGRATULATIONS TO ALL CANADIAN ATHLETES AT THE BEIJING OLYMPIC AND PARALYMPIC GAMES!!!

Thank You and Farewell to Exiting Board Members

At the end of November 2008, four of the Board members originally appointed by the Secretary of State (Sport) will have completed their second and last term as Directors of the SDRCC. Over the past 5 years, **Susanne Dandenault, Bruce Kidd, Steven Sugar** and **Tamar Pichette** have dedicated their time, energy and ex-



pertise into the establishment of the organization, from the ground up. As they move on to other successful endeavours, their contribution to the creation of a culture of fairness in the Canadian sport system will be felt for many years to come by athletes, coaches, officials, decision-makers and all others who truly care about sport. ■

ON BEHALF OF ALL OF US, THANK YOU!!!

2008 SDRCC Arbitrator and Mediator Conference

Arbitrators and Mediators will converge on Mississauga from October 23-24, 2008 to take part in an intensive training session. Among other topics on the program, the participants will learn about the new anti-doping rules coming into effect on January 1, 2009 and discuss current issues relating to team selection and carding disputes. The last conference for the SDRCC mediators and arbitrators took place in January 2007, shortly before the new list of 41 arbitrators and mediators became effective. ■

New Bilingual Mediators Added to Roster

The SDRCC is pleased to announce the appointment of three new mediators to its roster: **Dominique F. Bourcheix, Julie Duranceau,** and **Steven C. Gaon.** The call for applications was issued as a result of an increasing demand for French-speaking or bilingual resolution facilitators. The new mediators are expected to attend the upcoming SDRCC Arbitrator and Mediator Conference. ■

Your Input Sought : The SDRCC is Revising its Code

The SDRCC invites comments and suggestions from the members of the Canadian sport community on the proposed amendments to the Canadian Sport Dispute Resolution Code. The proposed draft is available for review on the SDRCC's website. The consultation process closes on October 31, 2008 at 5 p.m. (EDT).

In order to be coherent with the new Canadian Anti-Doping Program effective January 1, 2009, the rules and procedures of the Doping Tribunal and of the Doping Appeal Tribunal (Article 7) will soon be revised as well. ■



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1080 Beaver Hall, Suite 950, Montréal, Québec, H2Z 1S8

Tél: (514) 866-1245 Fax: (514) 866-1246
1-866-733-7767 1-877-733-1246

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