

SPORT GOVERNANCE WEBINAR SERIES

LA GOUVERNANCE DU SPORT SÉRIE DE WEBINAIRES

CONFLICT MANAGEMENT

HOSTED BY/
PRÉSENTÉ PAR



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Why can't we all just get along?



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TODAY

- General Process
- Specific Disputes
- Questions



Conflict is Anywhere



TAKE AWAYS

- Not alone in problem
- Every communication is a crossroads.
- Not what is said but what is heard
- Dispute resolution has nothing to do with being “right”
- Dispute resolution has everything to do with how the parties move forward.

Conflict Resolution Process

1. Dispute arises
2. Informal Resolution
3. Hearing before Internal Dispute Panel
4. Hearing before Internal Appeal Panel
5. Sport Dispute Resolution Centre of Canada (SDRCC)
 1. Mediation
 2. Arbitration
6. Appeal to Court of Arbitration for Sport

Note: also some scope for Judicial Review

What types of disputes do
you encounter?

Conflicts are about:

- **Facts**
 - Right, wrong, incomplete
- **Interests**
 - Parties' needs, motivations
- **Relationships**
 - Preserving / changing our social interactions
- **Values**
 - Core things we rely on to justify behavior
- **Structures**
 - Policy/procedures that dictate behavior

Every moment in a conflict is
an opportunity to:

- learn
- understand
- educate
- re-think
- Re-evaluate
- change

Every moment in a Conflict is
NOT an opportunity for the
parties to:

- Prove you are right
- Prove they are wrong
- Win
- See them lose
- teach them a lesson

For every Conflict
ask WHY are we
fighting and WHAT
is this about?

(Facts, Interests, Relationships,
Values, Structures)

How do YOU
resolve Conflict?

What do YOU do?

WE RESOLVE CONFLICT BY:

- **Satisfying needs / interests**
- **Determining Rights**
- **Exercising Power**

DISPUTE RESOLUTION PROCESSES

- **Negotiation**
- **Mediation / Facilitation**
- **Arbitration**
- **Litigation**

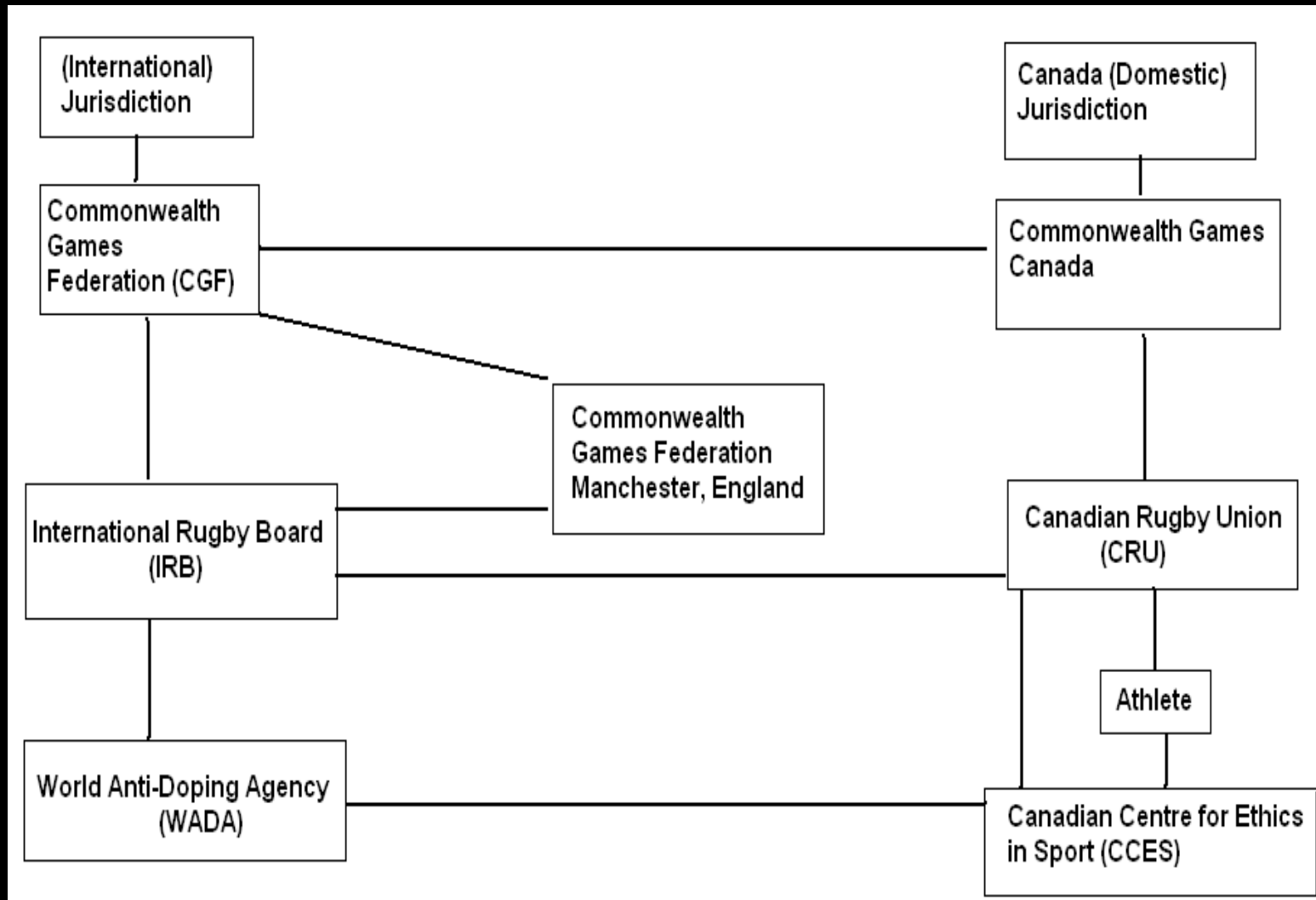
Resolution can only be achieved by a fair process...

- Must have Jurisdiction
- Entitled to Procedural Fairness

JURISDICTION

- Sport specific matters are rule bound
- Generally required to follow “internal” avenues completely
- Often have overlapping (confusing) jurisdictions

DOPING AT A MAJOR GAMES – Jurisdiction(s)



Legal Foundation – (Administrative Law)

- Organizations are Private Tribunals
- Autonomous & Self-governing
- Power to write rules
- Power to make decisions
- Power to take actions that affect members

Governing Documents

- Constitution
- Bylaws
- Policies
- Procedures
- Rules

- **SDRCC for TEMPLATES!!!!**
- <http://www.crdsc-sdrcc.ca/eng/home.jsp>

Organization-Member Contract

- Governing Documents spell out the TERMS of the Contract
- Terms spell out the legal rights of the parties (and consequences of a breach of the terms)
- Joining an Organization = accepting the Contract's Terms & the Organization's authority
- Members entitled to PROCEDURAL FAIRNESS in event of a dispute

Procedural Fairness

Two Basic Rules:

1. Right to present your case
2. Right to an unbiased decision maker

Fairness is:

- “flexible”
- A variable concept

You CAN'T make
the right decision
the wrong way!!

Two Scenarios

1. ED vs. Board

2. NSO vs. PSO

As a PSO do you feel valued
by your NSO?

ED vs. BOARD

ED

- Paid professional
- Want to move things forward
- Trained to know what's best
- Must seek approvals

BOARD

- Committed volunteer
- Want to stay true to Strat Plan
- Elected to represent the group
- Must accept input

Keys

- Recognize parameters of the other's position
- Recognize parameters of your position
- ASK- Where is the roadblock to resolution?
- Identify the Root Cause:
 - Facts, Interests, Relationships, Values, Structures?
- Clarify – Tactics vs. Policy
 - ED should link to Strategic Plan
 - Board to identify what are the tactics

As an NSO do you feel your
PSO's value the national
goals?

NSO vs. PSO

NSO

- Makes national policy
- Wants PSO's to follow along

So:

- Acknowledge the NEED for PSO engagement
- Acknowledge the importance of PSOs
- ASK: Why wouldn't I involve the PSO?

PSO

- Is supreme in Province
- Has all the members

So:

- Recognize that you are PART of a national system
- Recognise value in consistency
- ASK: Why wouldn't I follow along with the NSO?

During a Conflict Ask Yourself:

- Am I at a cross roads?
- Will my response help or inflame?
- What do I want them to hear?
- How do I want them to perceive this?
- Is this the hill I want to die on?

TIPS and TRICKS

- Use “I” statements:
 - “I feel”
 - “I hear”
- Words to avoid:
 - “you have to...”
 - “you must...”
- **ARTICULATE** that you value their role / interest
- Body language:
 - open vs. closed
 - say it with a smile!
- Active listening - Or just plain LISTENING
- W.A.I.T. – why am I talking?

To Avoid / Simplify Disputes:

- Clarify roles & responsibilities - early and often
- Recognize every communication is a crossroads.
- Recognize where we / they are being positional instead of interest based.
- Identify Cause- Facts, Interests, Relationships, Values, Structures
- Not what is said but what is **HEARD**.
- Always remember we all have the same goals

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SIRC
Sport Research
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QUESTIONS?



THANK YOU



December 17

Building a Communication Plan

January 14

Canadian Olympic Team Marketing Vision

March 25

Leadership in the Eye of the Storm

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