



# Dealing with Conflict Best Practices Guide

This Guide was created following a breakout discussion at February Council 2019, and is designed to assist Law Students' Societies and Associations (LSS/As) with practical advice for dealing with situations of conflict. It covers some of the most common examples of conflict to face LSS/As. While it aims to provide general advice, LSS/As should be mindful that all circumstances are different and that these suggestions may not always be applicable.

## General tips

**When do conflicts arise** - Conflict often arises from a breakdown in communication – either from unclear expectations or inadequate responses. This creates uncertainty, disengagement and criticism.

**Planning and being proactive** – LSS/As should prepare for conflict and create steps to manage common scenarios. A good starting point is to have a LSS/A formal grievance policy or publicly accessible clauses (in a Constitution, or by-laws) which flexibly sets out a procedure where issues are flagged and resolved. This provides legitimacy to the process and a point of reference for all actions. Some LSS/As have a policy which redirects any issues to their Guild's resolution process.

**Response** – It is crucial to frame any response so that it becomes either a constructive discussion or it facilitates the ending of that conflict scenario. This requires identification of the issue. While it's important to understand the position the other party is coming, your response will vary from a sympathetic apology and action plan, to a decision to not respond or go towards a mediation.



**Acknowledging your limitations** – Acknowledging your limitations comes in two separate forms:

- First, it may be necessary to concede where mistakes have been made, where the LSS/A cannot deliver on promises or where you have deviated from expectations. Here, being concessionary early on, shifts the emphasis from one of ‘problem-hunting’ or ‘venting’ and can instead give way to a more constructive discussion and future focus
- The second, is an understanding that you’re not always able to solve the problems on your own. Knowing when to approach another party or organisation for advice (or hand over responsibility of the issue) is an important part of prioritising things within your LSS/As control.

## Scenarios

### (1) Membership criticism

LSS/LSAs can face criticism from their members on a range of different issues – from the operation of Competitions, to the perception of ‘clique-ness’ at initiatives and events.

**Event or initiative specific feedback** - Where the issue is related to the running of a particular event, initiative or portfolio, it is often appropriate to address the issue in a direct manner. This may include:

- Acknowledging the issues and inefficiencies upfront;
- Requesting a face-to-face meeting and including the relevant VP or officer into the discussion;
- Focus your questions, keep asking why they think that, what the criticism is coming from, and ask for input on improvements; and
- Putting a clear communication or action plan in place.

When the issues are based around criticism of the committee members themselves, it may be appropriate to provide a scope to these discussions. For example, by framing any



discussion the LSS/A engages in as a collaborative attempt to create solutions rather than recount problems.

**Clique-ness** - Addressing 'clique-ness' requires action and transparency with the wider-membership. Some LSS/As have internal strategies in place to combat this perception (for example, an 'open-door' office policy; or a requirement that members of the committee are not allowed to congregate together at an event if there are people at the event by themselves.

Often, membership criticism comes from not having a transparent system of communication in place. It therefore may be appropriate for LSS/As to explore different methods for collecting feedback like:

- An anonymous feedback box;
- Surveys at the end of semester or at events (with certain incentives i.e. discounts if necessary); and
- Organised catch-ups for knowledge sharing and collection of feedback.

## (2) Conflict within the committee or executive

Conflict between members of the committee / executive occurs regularly. These develop because of various reasons, including: clashing personalities, fatigue and burnout, over-commitment.

**Beginning of tenure** - A proactive approach is to have a committee 'planning day' or brainstorm session at the beginning of tenure to create an internal code of conduct. By including each member of the committee in this discussion, they have a stake in its function. It serves a dual purpose of setting expectations clearly at the start of the year and as a tangible reference point for identifying acceptable and unacceptable behaviour.



**Managing friendships** - Ensure that at the start of tenure, a standard of professionalism is set. For example, by enforcing a communication rule where all correspondence should be professional in tone, and take place over Slack/email rather than Facebook.

**Formal processes** – Formal processes are meant to be easy-to-access reference points (i.e. in the by-laws, on website, in an expectations email, handover guide etc.) which provides a process to follow in order to handle a committee member. Examples implemented by LSS/As include:

- having a 'strike system';
- having a minuted meeting with the committee member to reiterate issues and discuss expectations;
- appointing a subcommittee to support that role;
- holding a committee vote for removal (note: it might be necessary to seek legal advice or your Guild's advice on this process to ensure that you are not removing someone from their position against any rule or convention); and
- escalating or referring the conflict to the faculty or Guild – allowing them to play a 'bad guy' role and providing a measure of accountability to actions arising from the discussion

**Informal processes** – Informal processes take a 'soft approach' to dealing with conflict. As an example, the first step may be to have a 'coffee' policy in place, where the VP or President invites the member out for coffee to gauge their current situation in a non-judgmental way. This may be the time to check-in on that member's mental health, assess their priorities in a conversational way or help them develop a timeline for certain events. Other informal processes may be to push forward deadlines or use management tools like Microsoft Teams, Trello or todoist (which integrates with Slack).



### (3) Social media

Parties will sometimes use social media as an impactful way of airing their grievances. If this is a concern, it may be important to have a social media in place which allows infringing posts and authors to be removed from the relevant platform. Deleting posts or comments upfront without a policy in place can often aggravate the issue.

It is strongly suggested that any reply which may be published by or on behalf of the LSS/A is made after consultation with other members of the committee or executive. Other times it will be necessary to leave the comment as is, without a response; or publish a public statement which indirectly addresses all criticism at once.

### (4) Third parties

Conflicts may arise with third parties (for example, sponsors, Faculty, other societies and associations). It is good to decide whether a face-to-face meeting (pros: more immediate feedback, greater collaboration etc.) or email correspondence (easier to draft responses, and discuss with others) is a more appropriate avenue of communication.

**Conflicts with other societies** – Before working with other societies it might be appropriate to draft a Memorandum of Understanding, detailing the scope and expectations of the collaboration. Where both societies or clubs are under a Guild or part of the same university, the authoritative bodies can be called in for assistance. It is necessary to avoid a tit-for-tat approach and instead, treat other societies as allies.

**Where complaints are misdirected** – Some complaints are misdirected at LSS/As. Decisions made by the Faculty or a Guild (e.g. restructuring classes or changing membership pricing) may sometimes be perceived as a decision by the LSS/As.

Occasionally, parties may also accuse that LSS/A of inaction, it may be appropriate to collate all these complaints and present them to the relevant authority/decision-maker.



## Conclusion

Conflicts are unfortunately an unavoidable part of running a LSS/A. It is an important reminder that the day-to-day operation of an organisation is already tiring and stressful, and it is often necessary to pick your battles. Where possible, we recommend having a grievance policy in place and including your Faculty/Guild in a conflict management process (either as a mediator or adviser).



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