

Leading for Learning

DEALING WITH DIFFICULT PEOPLE - ISSUES

Dr. deGoeij
ATA Member Services





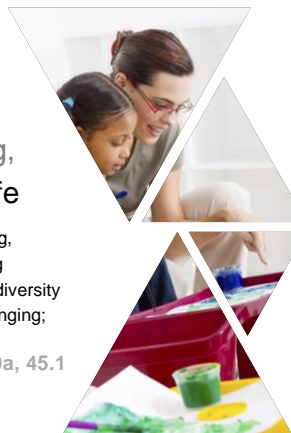
TOPICS

- Why is this important to me?
 - Pertinent legislation
- Exploration of Conflict
- Exploration of Actions for Dealing with Difficult People
- Making conflict work for you

Welcoming, Caring, Respectful and Safe

Provide a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;

Sections: 12(g); 16.2(b); 20a, 45.1



Parents

Section 16.2



Students

Section 12 and
Student Code





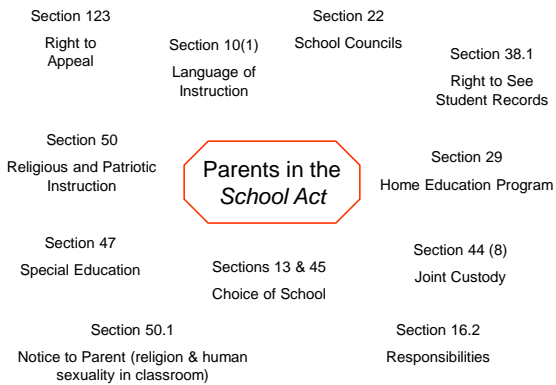
ATA

Code of Professional
Conduct

Clause 1—The teacher teaches in a manner that respects the dignity and rights of all persons without prejudice, as to race, religious beliefs, colour, gender, sexual orientation, gender identity, gender expression, physical characteristics, disability, marital status, family status, age, ancestry, place of origin, place of residence, socio-economic background or linguistic background.

Clause 18—The teacher acts in a manner which maintains the honour and dignity of the profession.

Clause 19—The teacher does not engage in activities which adversely affect the quality of the teacher's professional service.



Who is a Parent?



- The *School Act* states that a parent is a guardian as defined by section 20 of the *Family Law Act*.
- Or the guardian appointed under the *Child, Youth and Family Enhancement Act*
- Any person claiming to be a guardian has the onus of proof of that claim.

DUTIES of TEACHERS AND PRINCIPALS

Sections 18 and 20



Section 12
Conduct of Students

Section 13
Compulsory Attendance

Section 16
Liability for Damage to
Property

Section 123
Appeal to the Board

Protections
under the
School Act

Section 18
Duties of Teachers

Section 60
Indemnification

Section 20
Duties of Principals

Section 44
Resident Students:
Attendance Boundaries

Section 27
Prohibited Activities:
Disruptions of School

Section 24
Suspension (of students)

School Act SECTION 27



27(1) No person shall

- (a) disturb or interrupt the proceedings of a school,
- (b) disturb or interrupt the proceedings of a school meeting or board meeting, or
- (c) loiter or trespass in a school building or on property owned by a board.



27(2) No person shall canvass, sell or offer to sell goods, services or merchandise to a teacher or a student in a school without the prior approval of the board.



Other Protections

Multiculturalism, Human Rights

- Charter of Rights and Freedoms
- Alberta Human Rights Act

Board Policies

- Conduct and Discipline
- Harassment
- Assault

Criminal Code of Canada

- Section 43: In Loco Parentis
Protection where physical force is needed

Occupational, Health and Safety Act

- health, safety and welfare
- * physical, psychological and social wellbeing

Board

Policies and
Regulations





EXTERNAL

1. *Alberta Occupational, Health and Safety Act*
(OH&S)



Prior to June 1, 2018 ...

- ▶ The OHS legislation focused primarily on physical safety of workers
- ▶ Prioritized assessment and mitigation of risks of physical harm to workers



Purposes of the New Act

2(a) Promotion and maintenance of the **highest degree** of physical, psychological and social well-being of workers...

- ▶ "Health and safety": includes physical, psychological and social well-being



Section 3 – Employer Obligations

- ▶ (1) ...ensure, health/safety, as reasonably practicable...
 - c) None of the employer's workers are subjected to or participate in harassment or violence at work site



Section 5 – Worker Obligations

Every worker shall, while engaged in an occupation* ...

- d) Not cause or participate in harassment or violence
- e) Report to employer or supervisor a concern about an unsafe or harmful work site act or an unsafe or harmful work site condition that exists or has existed

Joint Work Site Health and Safety Committee/Health & Safety

- ▶ A worksite **must** have either a joint worksite health and safety (JWSHSC) committee or a health and safety (HSR) representative
- ▶ to have a minimum of four meetings per year
 - ▶ may need to hold emergency meetings should the need arise



Amendments to the OHS Code provide further guidance on implementing the expectations set in the new OHS Act.

- ▶ These include the requirement to establish and implement harassment and violence prevention plans.



Hazzard Assessment

- s 389 of the OHS Code (Part 27)

- ▶ Violence and Harassment are considered hazards
- ▶ Reasonable / Adequate Control = if not is a Potentially Serious Incident (PSI)



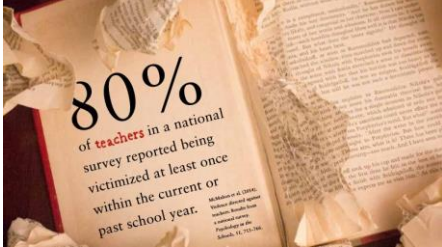
- ▶ **Hazzard** = situation, condition or thing that may be dangerous to health and safety



- ▶ **Harassment** (s 390 of the Code)= any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying, action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety



► **Violence** (s 390 of the Code) = threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm



2. Constructive Dismissal (Board of Reference)
3. Civil litigation
4. Criminal proceedings

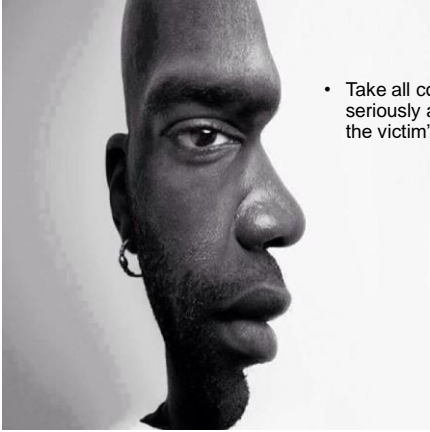


The "test" is always—
Is the situation or alleged harassment
evident to the reasonable observer?

The employee who **commits** the act of harassment is **personally** liable.

The **employer** may be vicariously liable for the acts of any employee **unless** the employer can show that

- a) it took steps to prevent the acts from occurring in the first place, or
- b) it took steps to lessen the consequences.



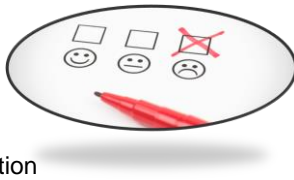
- Take all complaints seriously and consider the victim's perspective.

- Address the problem of harassment with clear policies and procedures.



Appropriate Complaint Routes Open to Parents

- Teacher
- Principal
- Superintendent
- School Board
- Minister of Education



Inappropriate Complaint routes open to parents

- Other parents
- School council
- Media
- Social Media
- Group parent meetings
- Community group meetings
- Gossip and rumors

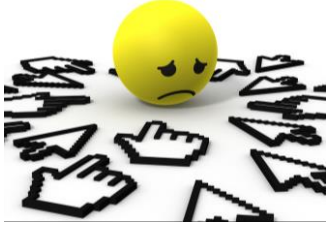


Roles of Administrators

1. Make a distinction between legitimate concerns and parental harassment.
2. Never act upon an anonymous complaint.
3. Direct parents who phone to voice a concern about a teacher to speak to the teacher first.
4. Ensure that teachers keep them informed about parental concerns and complaints.



- 5. Address parental complaints on an individual basis.
- 6. With staff, establish a common protocol to deal with parent complaints.
- 7. Do not allow performance issues to be discussed at school council meetings.



- 8. Do not evaluate teachers as a result of parental complaints; this is a misuse of the evaluation process.
- 9. Consider as harassment the actions of parents who continue to complain after an issue has been dealt with.



Call the Association for advice and assistance.

What To Do



- Be aware that the severity or pervasiveness of harassment is not narrowly defined.



Do

- Take any complaint seriously.
- Learn and record the facts concerning the incident.
- Interview complainants individually.
- Have complainants record, in writing, any and all incidents including the circumstances under which they occurred.
- Attempt to establish the credibility of the complainant(s).
- In student/parent situations, ensure the parents/guardians are involved in achieving a resolution.
- In staff/student situations where the complainant and complaint are credible, report to the appropriate senior administrator.



Do Not

- Do not trivialize complaints.
- Do not rely on gossip—ascertain the facts.
- Do not interview complainants in groups.
- Do not rely on your memory—write it down.
- Do not involve parents in situations that may be construed as assault—contact the police and/or social services.
- Where the complaint may be construed as criminal harassment or assault, report immediately to the police. Under no circumstances should the administrator attempt to pursue an investigation where suspected criminal activity is involved.





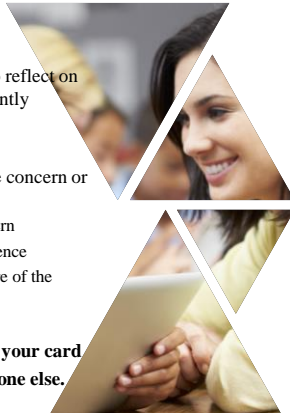
Think of a specific difficult conversation...
you need to have

This is an opportunity for you to reflect on a issue with which you are currently working.

On your card please describe the concern or issue:

- State the issue behind the concern
- Outline the concern in one sentence
- Identify what you see as the core of the concern

This is a private exercise and your card will not be shared with anyone else.



DEFINITION OF CONFLICT

Conflict is influenced by perceptions, values and emotions.



Conflict occurs when individuals or groups are not obtaining what they need or want or when there is a clash of self-interests, and the concerns, goals or values appear to be incompatible.



Outcomes of Conflict



DESTRUCTIVE CONFLICT

CONSTRUCTIVE CONFLICT

**Destructive
Conflict**



- Results in no decision or behaviour change and the problem remains.
- Diverts energy from more important activities and issues

**Destructive
Conflict**



- Destroys or reduces the level of trust.
- Divides people. Polarizes

**Destructive
Conflict**



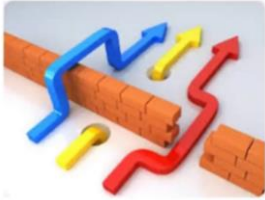
- Results in debilitating emotional experiences.
- Is hard on people.

Constructive Conflict



- Increased the involvement of everyone affected by the conflict.
- Opens up discussion of issues resulting in clarification.

Constructive Conflict



- Identifies alternate solutions.
- Serves to release pent-up emotions, anxiety and stress.

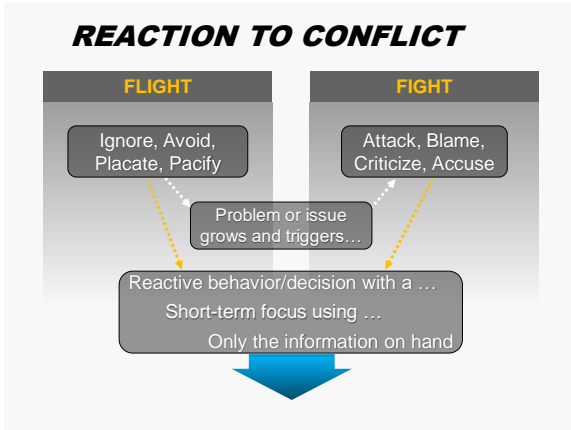
Constructive Conflict

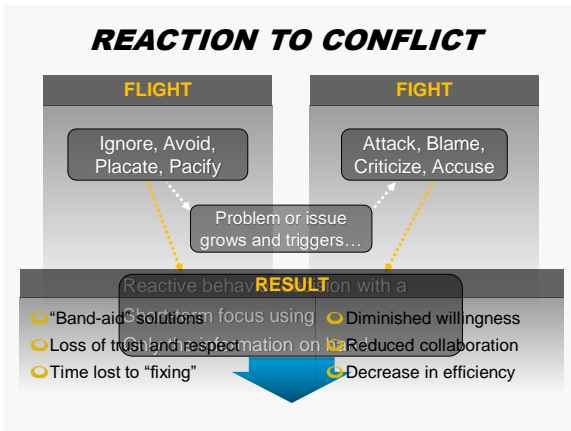
- Builds cohesiveness among group members.
- Helps individuals and groups to grow personally and apply their knowledge to future conflicts.
- Is hard on the problem.



MAIN TRIGGERS OF CONFLICT







WHAT DO I BELIEVE?

Conflict is **BAD** so it should be...

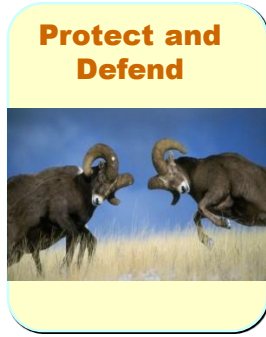
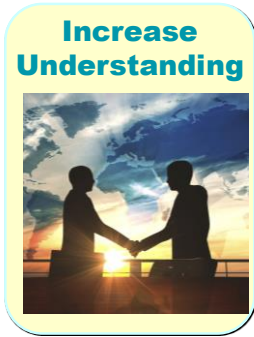


...attacked (fight)



...avoided (flight)

PROACTIVE vs REACTIVE



PROACTIVE VS REACTIVE

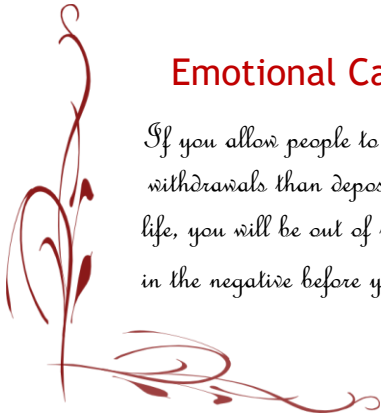


The conversation is the relationship.





The relationships *are* the culture.



Emotional Capital

If you allow people to make more withdrawals than deposits in your life, you will be out of balance and in the negative before you know it.



If the conversation is the relationship ... think about the EC that you have built

- how did you do it?
- What do you need to start doing, stop doing, and continue doing to improve, repair, or enhance your relationships?



MISUNDERSTANDING



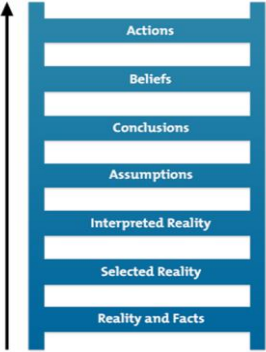
What are some of the prices that we pay?

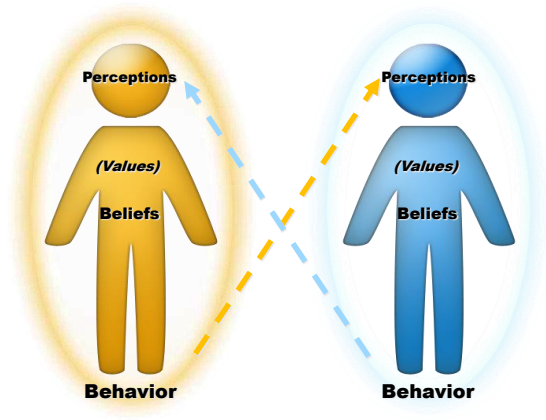
What filter are you using?

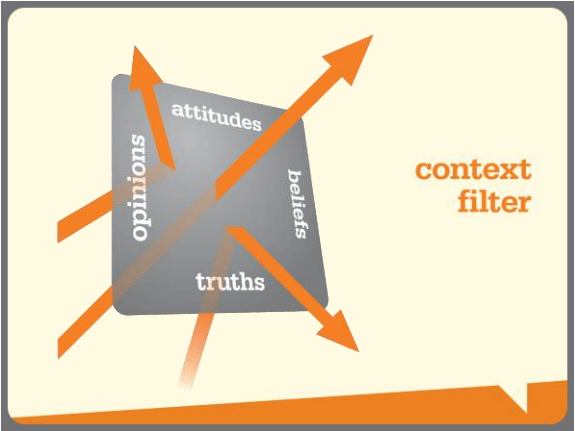


The Ladder of Inference

attributing meaning to data and experiences, developing assumptions, and coming to conclusions







Any context can be justified



Is your context working for you?

Not about changing your beliefs

- It is about challenging your
CONTEXT



**Our context determines how we
experience the content in our lives**



What we believe determines what we
perceive as reality.



What we believe determines
what we feel we can do about it



What we believe determines the exhilaration and joy we get out of life

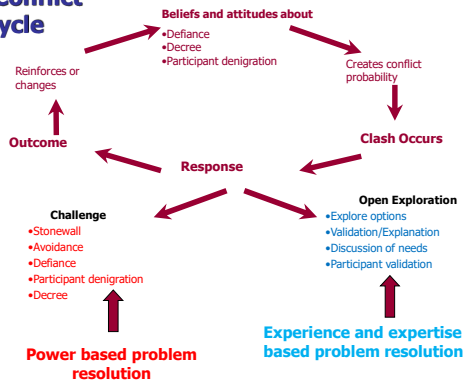
? What context is no longer working for you?

? What beliefs about your staff, your school or division, your students or parents may get in your way?

So ... when we imagine that we hear a subtext, a tone ... what should we do?



The Conflict Cycle



Common Errors



Getting to Yes

Fisher, Ury and Patton

“Most conflicts have negotiable interests and by focusing on the underlying interests rather than on the positions, even the most stubborn of conflicts can be resolved”



Types of Core Conflict Issues

1. IDENTITY

The person feels this his/her sense of self id threatened or denied respect

2. HUMAN NEEDS

Safety, security, love, belonging ... is denied

3. DOMINATION

Who is on top? (social, political, economic)

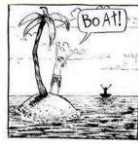
4. DISTRIBUTION

Perception of unfairness regarding who gets what and how much



Reframing

- Interests are the reasons why a person holds a particular position
- Needs are considered to be interests as well, BUT they are at a higher level of considered more fundamental



Reframing, or making the effort to define the underlying interests often makes it easier to solve conflict

Interest-Based Reframing

- Common to confuse positions and interests
- Reframing means looking behind statements for interests
- Focus shifts to "THE WHY"
- Focus on "THE REASONS"

Think: "Why do you want what you want?"



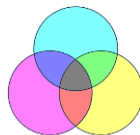
Identifying Interests

Position

- Aim to destroy
- Win-lose

Interests

- Looks at reasons why
- Reveals common interests
- Thorough understanding
- Rather than "all or nothing"—negotiate
- Both satisfy SOME of their interests



Identifying Interests

Position

I demand that my son be placed with a different teacher for the remainder of the school year.



Interest

This class seems to have a lot of bullying issues and I don't think my child will be kept safe.

Identifying Interest

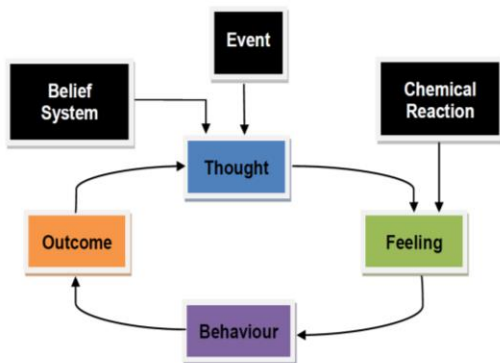
Position

I want that room for my classroom and there is no way I am going to let you talk me out of it.

Interest

I need a room that is large enough to store all of the equipment needed for my active daily physical education program.







Exploration of Interests

Exploration of Interests

Issue:

Subject matter/content on which there is a difference of opinion

Interests:

- “needs” that must be explored to attempt to reach a solution
- “needs” that motivate us to our “positions”
- What is important to each party in relation to this issue?

Why Interests?

- Resolution lies in meeting interests

Why Mutual Interests?

- One-sided outcomes only defer problems and create more issues

Interests/Needs:

acceptance	efficacy	love	safety
accountability	efficiency	listening	satisfaction
achievement	equality	learning	security
acknowledgement			sharing
adventure	fairness	organization	sense of order
affection	financial security	originality	sincerity
appreciation	freedom (from fear)		standards
autonomy	fulfillment	peace of mind	support
	fun	privacy	
belonging		profitability	teamwork
being heard	happiness		time
	honesty	recognition	trust
clarity		relaxation	
commitment	knowledge	respect	understanding
competency		responsibility	unity
consistency	independence		
creativity	inclusion		validation
connection	input		
control of...	integrity		well-being
contribution	intimacy		
communication			

Window open
Opposing
positions
Window closed



Identify Interests from the Early Stages

Ask yourself:

- how they arrived at that position
- why they have not made the same decision
- why the person has taken that position
- why the person has not made the decision you or other parties want

Put yourself in the other person's shoes:

- Write down the other person's interests as they arise
- *Really listen* and *acknowledge* that you have heard.
- Believe that more than one option can meet your needs
- Be open, but firm on the problem



Interest-based Resolution Model

STEP 1: Establish a Positive Environment

- Timing, neutral location, clear agenda/purpose

STEP 2: Clarify the Issues

- What it is, what it is not, check for clarification

STEP 3: Clarify Interests

- Probe for interests, bite sized pieces, how relate to one another
 - common interests & interests important to each



STEP 4: Problem Solve (Seek a solution)


- Summarizes interests
- Brainstorm for a mutually generated list of options
- Discuss alternatives
- Ensure fairness
- Evaluate options for legitimacy

STEP 5: Develop Action Plan

- Select the best alternative
- The plan: who, what, when, where, how
- Seek commitment and closure

STEP 6: Evaluate

- Establish criteria and conditions for follow-up and review – was the desired result achieved?)



PROCESS FOR RESOLUTION

Define the problem

Determine interests (Consider all parties involved)


- Parent's Interests
- Student's Interests
- Teacher's Interests
- Other

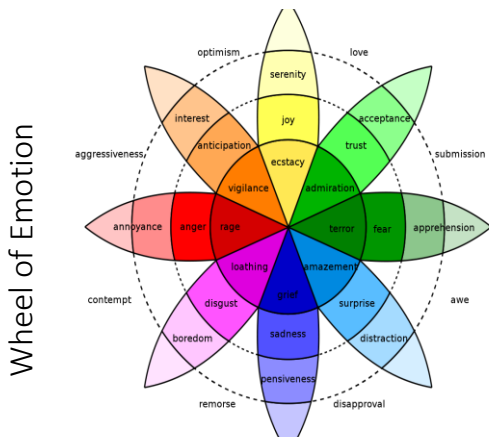
Generate Solution Alternatives

Action Plan

- Parent will
- Student will
- Teacher will
- Other person will

Follow Up action (Steps to closure)





Conversation Opener (60 seconds)

Preparation

- 1 Name the issue (behaviour causing the problem).
- 2 Select 2-3 specific examples that illustrates the behavior or situation you want to change.
- 3 Clarify why this is important
- 4 Identify your contribution(s) to this issue.
- 5 Indicate your wish to resolve the issue.
- 6 Invite the person to respond (and then listen).



Three Common Reactions

DENY

"It wasn't me!" or "It never happened!"

DEFEND

"It wasn't my fault, it was because of _____."

DEFLECT

"It's not about this, it's about _____."

Triggers

What would trigger you to abandon staying in curiosity mode and potentially 'losing your cool'?



When Faced with Anger

- Acknowledge emotion
- Move to the concrete
- Use active listening
- Invite criticism of your own ideas
- Refocus personal attacks on issues
- Discuss suggestions of the attacker
- Invite solutions
- Seek agreement -- on something!
- Ignore the outrageous
 - do not debate such things as "you should be fired" or "all the kids hate you"
 - debate issues, not emotions



My Takeaways

Man's mind once stretched by a new idea
never regains its original dimensions

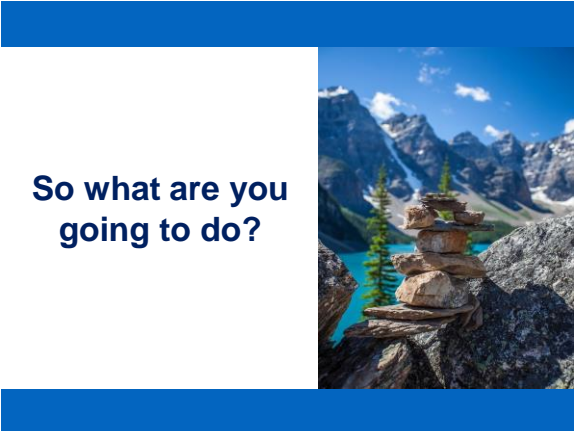
Oliver Wendell Holmes



WE ALL EXPERIENCE TENSION
IN THE WORKPLACE



HOW YOU DIFFUSE TENSION
WILL DETERMINE IF
TRUST AND RESPECT IS BUILT



So what are you
going to do?



Dialogue is the most effective way of
resolving conflict.
--- Dalai Lama

Konni deGoeij
konni.degoeij@ata.ab.ca
