

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 18 Page: 1 of 28
---------------------	---	---



<h2>AYSO Dispute Resolution (formerly Advanced Management)</h2>

Identifier	MGT 3
Revision	18
Effective Date	03/12/2011
Class Length	2.5 hours

Change Summary	
December 12, 2008	Revision 9
March 13, 2008	Revision 10
January 20, 2009	Revision 11
January 29, 2009	Revision 12
February 9, 2009	Revision 13
November 1, 2010	Revision 14, Name Change
December 1, 2010	Revision 15

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 2 of 28
---------------------	---	---

February 28, 2011	Revision 16
March 11, 2011	Revision 17
March 12, 2011	Revision 18
August 1, 2011	Revision 19 to both PPP and LP

1. Lesson Plan Goals

This course will provide Region, Area and Section managers with an understanding of how to resolve disputes and, if necessary, the processes to use when limiting, suspending, or removing/terminating a Non-Executive Member from their participation in AYSO. This course will review the many tools available to properly deal with difficult situations, help them identify the different types of volunteers in AYSO, expand the ability of Region and Area Board Members to deal with serious personnel problems and review the procedures to determine appropriate discipline which afford Non-Executive Members their due process and appeal protection.

2. Class Length

2.5 Hours plus one ten minute break

Instructor Note: The most important thing for the instructors to remember is that due process is rare. Make sure they understand the seven steps. Spending a lot of time going over the nuts and bolts is not necessary because of the rarity – a refresher of the intricacies when they need it will be available.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 3 of 28
---------------------	---	---

Outline

I. Introduction: Often included in company policies and procedures are the words...“failure to comply may result in disciplinary action up to and including dismissal”. In an all-volunteer organization, how do you discipline or dismiss someone?

II. First Activity: Have groups take five minutes, think of difficult situations they have experienced or heard about in the Region or Area, and fill out the form “You Can’t Make This Stuff Up.” Advise them they will work on possible solutions later in the session.

III. Executive vs. Non-Executive – who do we discipline?

What is the difference?

Who are Non-Executive Members?

Registered volunteers

Registered players

Families of registered players/volunteers

IV. Tools to handle difficult people – two activities from the RC Training course

Brainstorm factors that make people difficult to work with

Tips for dealing with them – our “button” pushers

- Keep it in perspective
- Don’t take it personally
- Don’t be defensive
- Look for the lesson you can learn
- Make sure the right person is handling the problem
- Use the tools that AYSO provides in these difficult situations
- Be positive and patient
- Focus on the problem, NOT the person
- Keep an open mind
- Try to understand the other person’s point of view
- Seek the other person’s ideas
- End on a positive note

Difficult Situations – list of tools

Apply tools to 11 situations – use laminated cards for each tool

Review Rule of Thumb for

1. Almost all problems in the Region can be addressed without the need for a formal process.

2. Some of the remedies include:

- Evaluation
- Additional education/training
- Additional supervision

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 4 of 28
---------------------	---	---

- Mentoring
- Counseling
- Behavioral and performance contracts
- Warnings
- Restitution (financial and in-kind service)

3. When all else fails and you determine that the behavior of a Non-Executive Member involved in the Region, Area or Section is so egregious as to endanger players, other volunteers, the local program or the organization and you feel the discipline needs to be in excess of the above – participation in AYSO should be limited, suspended or terminated – you must provide for fairness and due process.

V. Your final tool is to limit, suspend or terminate the volunteer. Have the groups determine the best solution to their difficult scenario.

In order to invoke the final tools, due process is a must. Define due process: *Notice + opportunity to be heard, must be fair.* Why due process?

Ask the participants to identify some reasons why due process is necessary when serious disciplinary action is being considered or taken? Remind participants that due process means providing notice and an opportunity to be heard – needs to be fair = fairness.

- To ensure that all of the facts are identified and reviewed and fair consideration has been offered to the member.
- To allow all parties the opportunity to tell their side of the story.
- To avoid the possibility of disciplining an innocent person.
- To ensure that the discipline administered is appropriate in terms of the alleged offense (not arbitrary and capricious).
- To protect confidentiality.
- To avoid litigation/lawsuits.
- To ensure the final outcome of the difficult situation is a WIN –WIN for everyone involved. (Ask, and then explain, who “everyone” is.)

VI. Seven Key Steps in Due Process (Review Proceeding) – do a brief overview of these steps

There are seven essential steps in providing due process through a review proceeding. Due process means notice plus an opportunity to be heard. The process needs to be fair. See handout for specifics to each step.

Step 1 – Fact-finding: determine the facts using an independent investigator.

Step 2 – The facts must be reviewed by one of two options:

Option 1 – The RC conducts the review

Option 2 – A review panel conducts the review

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 5 of 28
---------------------	---	---

Step 3 – The opportunity to be heard. The person(s) involved need to tell their side of the story.

Step 4 – A decision is recommended to the RC who decides to close the situation with no action required, or decides that the volunteer's participation in AYSO is being limited, suspended or terminated.

Step 5 – Written notification must be given regarding whether the situation is closed with no action required, or that the volunteer's participation in AYSO is being limited, suspended or terminated.

Step 6 – If participation in AYSO is being limited, suspended or terminated, the volunteer has the protection of appeal.

Step 7 - If appealed, the AD reviews the proceedings to confirm whether or not due process was provided. If yes, the decision by the RC stands. If no, the decision is held in abeyance until the RC ensures due process is followed.

VII. Flow Chart – walk through the four colors

Simply explain

- Gray is for investigation, fact-finding
- Yellow is one option where the RC provides due process
- Green is a second option where a review panel provides due process
- Blue is for appeal to verify that due process was provided and the result is fair.

Again, the handout should be consulted for specific actions to take to ensure due process is offered.

VIII. Have groups apply the seven-steps/flow chart to their difficult situation or use a number of controlled situations. Allow time for them to work through it to the point of deciding whether or not they restrict, suspend or terminate the volunteer. Have them present to the group as a whole and explain their decision and how they followed the seven-step/flow chart.

IX. Recap:

What makes people difficult?

What tools does AYSO offer?

Who is the Non-Executive Member?

What are the final tools?

Why do we offer due process?

What are the seven key steps to follow to ensure due process?


What does each of the four colors of the flow chart mean?

What is the rule of thumb for any disciplinary action?

What are you taking from this course?

X. Time Schedule

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 6 of 28
---------------------	---	---

 **Instructor note: This time schedule is very tight. Each segment will need to be kept up-tempo to finish on time. To that end, you will want to minimize examples from your own experience and defer questions to the end via a “parking lot” type of method.**

1. Introduction and Class Overview (15 Minutes)
2. Determining When Discipline Requires Due Process and Identifying Non-Executive Members Entitled to Due Process (15 Minutes)
3. Available Tools to Mitigate the Use of Due Process (30 Minutes)
4. Overall Guidelines for Discipline (15 Minutes)
5. Break (10 Minutes)
6. The Final Tool – Due Process, 7 Steps (15 Minutes)
7. The Due Process Flow Chart (25 Minutes)
8. Application – Group Activity (30 Minutes)
9. Re-Cap (5 Minutes)

3. Instructor Requirements

Advanced Management Instructor – preferably with some due process experience. The instructor must become familiar with the Due Process Flow Chart and the handout called, “Steps for Due Process.” This background is essential for being able to adequately present this course. Feel free to reference these documents during the presentation to ensure the proper steps are being followed or applied. If any part of these documents is unclear, please contact the National Management Advisory Commission or the Legal Commission for assistance.

The instructor must clearly understand the learning objectives and expected skills to be obtained by participants. These represent the intended direction of this course. The essentials are who is entitled to due process, helpful tools for amicable resolution without due process, the seven steps for due process and the options under due process (the Due Process Flow Chart). Instructors must prepare for this course. It is not taught through exclusive use of the PowerPoint. Be prepared and it will go smoothly.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 7 of 28
---------------------	---	---

4. Learning Objectives

1. Understand and know how to use various tools from AYSO available to Executive Members for dealing with difficult situations and amicably resolving disputes.
2. Understand when and how to sanction/discipline a volunteer that involves limiting, suspending or terminating a Non-Executive Member's participation in AYSO.
3. Understand when due process (notice and an opportunity to be heard) is needed using the Due Process Checklist.
4. Learn the seven necessary steps of due process.
5. Understand how to satisfy due process by either a review by an RC (AD or SD) or a review by a review panel ("Review Panel"), including understand how to conduct a review by a Review Panel as illustrated by the Due Process Flow Chart.
6. Understand the importance of following the detailed procedures in the Due Process handout.
7. Apply the seven steps and due process to specific or controlled situation.

5. Student Skills Acquired

- Awareness of the various tools available to deal with difficult situations and to resolve amicably disputes.
- Awareness of the differences between Executive and Non-Executive Members.
- Awareness of the tools available to properly provided due process when it is necessary to limit, suspend or terminate the involvement of a Non-Executive Member from AYSO.

6. Prerequisites

Introductory Management

7. Materials

Dispute Resolution handouts for each participant which include:

- No. 1 "You Can't Make This Stuff Up" Worksheet
- No. 2 Due Process Checklist
- No. 3 Seven Steps for Due Process (Simplified Description)
- No. 4 Steps for Due Process (Detailed Description)
- No. 5 AYSO Due Process Flow Chart

Recommend large blow-up of Handout No. 5, AYSO Due Process Flow Chart
AYSO Reference Book

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 8 of 28
---------------------	---	---

Child and Volunteer Protection Advocate (CVPA) Handbook

Four pieces of cardstock in grey, yellow, green and blue

Laminated tool cards:

- Job descriptions
- RC checklist
- AYSO.org
- Standard Regional Guidelines
- RC Orientation by the AD
- eAYSO
- Regional Assessment Program
- Section Conference
- Reference Book
- Kids Zone








8. Equipment

Laptop computer and LCD projector and pointing device

Flip chart paper and markers

Masking Tape

9. Special Instructor Notes (See individual sections)

-  Activity
-  Key (critical) point
-  Question
-  Instructor Note
-  Handout
-  PowerPoint
-  Nuts and Bolts

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 9 of 28
---------------------	---	---

Body (Lesson Procedure)

I. Introduction: (15 Minutes)



Instructor note:

Have the participants get themselves into groups of five to eight people. Ask them to try to spread out the volunteer positions at each table (i.e. split up the RC's, RRA's, RCA's, SD's and other like staff members among all the available tables used in the workshop). This type of room setup will be needed in the second part of the workshop. **Set the pace for this workshop by moving briskly through the introduction section. There is a five-minute activity in the middle; allow 10 minutes for the rest of the introduction. This is a long class and to cover the material and activities you must press the pace. The pace cannot be leisurely. There is no time built in for open Q&A.**

Since it is not the purpose of this course to deal with specific situations, refer participants to the Legal Commission via Holly Veach at the National Office to deal with specific situations.



Slide 1 – Welcome

Introduce the co-instructors of the course by giving a brief description of their experience.



Slide 2 – Volunteers – Thank You



Slide 3 – Introductions

Ask the participants, by show of hands, to indicate the positions they currently hold in the organization (record these numbers on paper for possible reference):

Region: RC, assistant RC, Coach, Referee or Management Administrator, etc.

Area: AD, Coach, Referee or Management Administrator, etc.

Section: SD, Coach, Referee or Management Administrator, etc.



Give an overview of the course.

- Start by explaining the Venn diagram (in the PowerPoint). The need to apply due process should not be the normal outcome.
- Indicate that this course is designed to help Regions, Areas, and Sections deal with challenging situations and people in the organization through dispute resolution.
- Explain that the course will focus on giving the managers processes and tools for dealing with situations that involve disciplining a Non-Executive Member

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 10 of 28
---------------------	---	--

- when the discipline involves limiting, suspending or removing/terminating the Non-Executive Member's participation in AYSO.
- Emphasize that these are the types of situations when an internal administrative proceeding is required under California administrative law and due process must be given to the Non-Executive Member.
 - Go over course objectives and skills to be acquired. The real goal is awareness rather than expertise regarding due process. The participants should know the available resources to guide them each step of the process. A key resource is the handout No. 4 entitled, "Steps for Due Process". The AYSO Legal Commission developed these for the express purpose of ensuring the proper application and execution of providing Non-Executive Members, players, volunteers, etc., due process. You will want to be sure participants understand the detailed steps are discussed and presented in this document.



AYSO is a California non-profit and subject to California law.



Explain that, during the course, we may refer to a "Regional" process and "RC's", but the same process applies if the incident occurs at an Area or Section level.

Warning on Slide 4! Have your computer speaker turned on and at its highest volume level. There is an embedded animation sound of an EXPLOSION that comes on the third advance sequence. Humor keeps things moving.

 Slide 4 – A Perspective on Due Process (Venn diagram)



Use the discussion below to explain the Venn diagram in the PowerPoint.


"Okay, before we start today, I want to provide a perspective for you for this course. If the Big Circle represents everything you do in your AYSO life as an RC or Administrator, then this smaller circle represents the times when you will need to mediate and deal with 'Disputes'. And finally this very small explosion represents the amount of time you will need to be involved with true 'Due Process'. However it is very, very important that when you do encounter a true due process situation, you know how to properly handle it or it truly can explode and consume you. That's what this course you are about to take is all about."

 Slides 5-7 – Goals/Objectives

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 11 of 28
---------------------	---	--

Introduction Transition:

Often read in company policies and procedures are the words...“failure to comply may result in disciplinary action up to and including dismissal”. In an all-volunteer organization, how do you discipline or dismiss someone?

 **First Activity:** Without naming names, have groups take five minutes and think of a difficult situation they have experienced or heard about in the Region or Area. Have participants share situations in their group and then select the “difficult” situation to report to the class by using handout No. 1, “You Can’t Make This Stuff Up”. Tell them that each scenario will be reviewed for appropriateness and that we will work on possible solutions later on in the session (some scenarios may not be used).



Instructor Note


Give each group handout No. 1 “You Can’t Make This Stuff Up”. Stress the five-minute time limit or you will fall behind quickly. Give them the following instructions before they begin the activity:

- 1) Quickly assign a group leader to facilitate the five-minute discussion and someone else to fill in the handout.
- 2) You **MUST** change any names, cities, actual Region name/number, etc. to protect ALL those involved.
- 3) The group has only two minutes to throw out situations that actually happened in their individual programs. After two minutes remind them to now go to step 4.
- 4) The group facilitator has the responsibility to choose ONE or TWO of the “difficult” situations for their group. (Having all decide will slow down the process and will take more time than allotted for this activity.)
- 5) The scribe then fills out the handout with the following elements. (NOTE: tell the participants that the elements will need to be clear and tell the “story/situation” and will be used later on in the course)
 - a. What led up to the discovery of the problem?
 - b. What was the reaction of those involved (on both sides of the story)?
 - c. What was the immediate impact on the Region or Area, and what were the possible long-term impacts on the program?
 - d. What did the Region or Area do to resolve the situation?
 - e. What did the volunteers involved do after the “dust settled”?
- 6) At the end of five minutes, the instructors collect each group’s handout and the next “up” instructor continues with the course. The other instructor(s) review each group’s scenario for appropriateness and usability for later activities in the course.

≡ **Be sure to note to the participants:** Regions should seek to resolve all disputes involving people in an amicable fashion. Compromise is preferable to more severe forms of resolution. Almost all problems in the Region can be addressed without the need for a


Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 12 of 28
---------------------	---	--

formal process that limits, suspends or terminates a volunteer or the player or family of either.


 **≡ Due Process Project:** Explain that the material covered during the course is to be supplemented by referring to the Dispute Resolution Handouts and to the AYSO Reference Book (primarily Chapter 8).

II. Body

Determining When Discipline Requires Due Process and Identifying Non-Executive Members Entitled to Due Process (15 Minutes)

 Slide 8 – Determining When Discipline Requires Due Process and Identifying Non-Executive Members Entitled to Due Process

 Slide 9 – Executive vs. Non-Executive

 **Executive vs. Non-Executive Members.** The purpose of this section is to explain that this course will deal with discipline and due process as it relates to Non-Executive Members, but we want to:

- 1) Briefly point out how Executive Members are disciplined or removed and
- 2) Describe who “Non-Executive Members” are **for due process purposes**.

You will help them discover the two categories of members for due process purposes (e.g. Executive vs. Non-Executive Members), and their major differences as they relate to sanctions, discipline and removal. This module will also provide a clear distinction between sanctions/discipline that result in limiting, suspending, or removing/terminating a member’s participation in AYSO versus resolving difficult situations.

Executive Members of AYSO: (5 of 15 Minutes)


? Ask the class if they can tell you who Executive Members of AYSO are.


 Slide 10 – Who are Executive Members?


≡ Regional Commissioners – Area Directors – Section Directors – National Board of Directors --Special Directors. These members are voting members, nominated by their local governance (Bylaws 7.01 – 7.05) and most are appointed by the National Board of Directors (the NBOD is elected by the other Executive Members). Therefore only the National Board of Directors can remove them.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 13 of 28
---------------------	---	--

However, they can be **suspended (temporary) or otherwise sanctioned** by the next higher entity managerial level or by the National Board of Directors.


 Inform the class that AYSO Executive Members are appointed by the National Board of Directors and the removal of an Executive Member (RC for example) must be done through a special procedure outlined in the AYSO Reference Book.

 **≡ Emphasize that a Regional Board does not have the authority to remove a Regional Commissioner or to sanction or discipline an RC.**

 Suspension or sanction of an Executive Member for cause must be done from a level higher than that of the Executive Member. (For example, an RC may be suspended (temporarily) by an Area Director or above but only when the program is in imminent danger, or a crime has been committed.)

 ***Members of the National Board of Directors (except for Outside Directors) can only be removed by following the procedures set forth in the National Bylaws.***

Non-Executive Members of AYSO for Due Process Purposes:

 In this section you are identifying **WHO** are “Non-Executive Members” that are entitled to due process if their participation in AYSO will be limited, suspended, or terminated by imposing the proposed discipline or sanction. This will be accomplished through the next activity.

 Instructor note:

- The term “Non-Executive Members” is used in this course to describe the people to whom due process should be provided, even though some of those individuals are not official “members” as defined under AYSO’s National Bylaws.
- For example, parents are not “members” unless they are registered volunteers but, as we discuss in this lesson plan, AYSO gives them due process protection.

 Slide 11 – Non-Executive Members (10 of 15 minutes)

- 1. All Regional, Area, and Section personnel who are registered volunteers (including all board, staff, and volunteer positions), but excluding Executive Members:**

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 14 of 28
---------------------	---	--

☒ Slide 12 – Who are Non-Executive Members?

- ≡ These individuals are non-voting members appointed by their local governance for a certain period of time (normally for a one-year term), and ***have a current volunteer application on file with the National Office.***
- ≡ Remember that each year the Region’s CVPA must present the proposed volunteers to the Regional Board for acceptance of the volunteers for the particular volunteer position ***and*** each of the volunteers must have submitted a ***completed and signed volunteer application for that season.***
- ≡ Emphasize that, unless the individual is a registered volunteer as described in these two steps, the individual is not entitled to due process (except as described below in certain circumstances for parents).
- Sanctions, discipline and removal can occur at the local level of governance or higher.

2. Players and their Parents and Guardians:

☒ Slide 13 – Players

- Registered players are non-voting members of AYSO.
- Players are to be afforded due process if they are being sanctioned or disciplined in a way that limits, suspends or terminates their ability to participate as players in AYSO activities. An exception is when they are sent off (issued a red card) in a match that results in a one-game suspension in accordance with the Laws of the Game. Further sanctions require the player be afforded due process regardless of any stipulations in Region, Area, Section or other Guidelines.
- In addition, although a player’s parents and guardians are not “members” of AYSO as defined in the National Bylaws unless they are registered as volunteers, they should be afforded due process if they are being sanctioned/disciplined in a way that limits, suspends or terminates their ability to be a spectator at the AYSO events in which the player is participating.
 - In effect, by limiting the parents’ and guardians’ participation as spectators, the registered player is being denied “full” participation as a player (e.g., parents and guardians not being allowed to watch the player at games or practice).
 - Parents and guardians are treated as being associated with the program through the player’s registration.
- Sanctions, discipline and removal can occur at the Regional level or higher.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 15 of 28
---------------------	---	--

3. **Other spectators are NOT considered “Non-Executive Members” for purposes of determining whether they are entitled to due process if imposing sanctions and limiting their role as spectators.**

 Slide 14 – Other Spectators

- For example, even though a person may have been named as a coach of a team and may have been coaching, ***if the person has not submitted a completed Volunteer Application for that season and has not been accepted as a Regional volunteer in the coach position***, the person is ***not*** entitled to due process if the person is to be sanctioned and their role as a coach is to be limited, suspended or terminated: the person was not a registered volunteer and is not a “Non-Executive Member” who is entitled to due process. They must be registered ***AND*** accepted by the Regional Board as a Regional volunteer. ***One “tool” to avoid disputes is to not accept a person as a volunteer in the first place who is known to be difficult.***
- Although a spectator who is not a player’s parent or guardian is not entitled to due process, if the RC, AD or SD thinks that under the facts and circumstances of a particular situation, it may be prudent for the spectator to be afforded due process, the RC, AD or SD may want to consult with their next level of Executive Member (e.g., RC consult with AD) and/or raise the question with the Legal Commission’s Due Process Task Force. (Contact the Risk Management Coordinator at the National Office, Holly Veach, who does this.)

Transition – Available Tools to Mitigate the Use of Due Process, Alternatives for Dispute Resolution (30 minutes)

Now that we have established **who** are “Non-Executive Members” entitled to due process, we will learn about tools to help you deal with difficult people.

? Question

What are the factors that make people difficult? (Briefly allow for participants to make suggestions) (10 of 30 Minutes)

People usually use the term "difficult" to describe people who are stubborn, arrogant, oversensitive, or those who have any trait that needs special type of treatment. The person is often unaware of the trait themselves and how they affect others. They also don't realize how harmful their actions are. There are many types of difficult people, but **there's one thing they ALL have in common...**

They're really good at ***PUSHING OUR BUTTONS!***

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 16 of 28
---------------------	---	--

Slide 15 Do you experience anger, anxiety or stress because of a difficult person in the Region?

Slide 16 Have you met this person?

Slide 17 True or False:
Most people don't consider themselves difficult.

Slide 18 What are the factors that make people difficult?

Slide 19 Difficult People Usually

A. Difficult people often have one or more of these traits:

- They know it all
- Want it done their way or else
- Are irrational
- Think they are special or want special treatment
- Only work alone and are controlling
- Are disrespectful to AYSO and its philosophies
- Want to be in charge
- Always find something to complain about
- Are verbally abusive, intimidating, or bullying
- Deal with gossip or politics rather than facts

Transition: ? What will help us deal with these difficult people, our “button” pushers? Here are some tips, things to do.

Slide 20 and 21

These tips will help:

- Keep it in perspective – what is the bigger picture?
- Look for the lesson you can learn
- Make sure the right person is handling the problem – CVPA, RCA, RRA, Registrar, Safety Director, Division Representative, or Treasurer
- Use the tools that AYSO provides in these difficult situations – More later
- Be positive and patient
- Focus on the problem, NOT the person
- Keep an open mind
- Try to understand the other person's point of view – What is their point?
- Seek the other person's ideas – look for solutions
- End on a positive note

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 17 of 28
---------------------	---	--

Transition: Warning about some “don’ts”.

(5 of 30 Minutes)

I [grid icon] Slide 22 Don’t

Don’t

- React immediately or on emotional high
- Be defensive
- Take it personally
- Cut the other person off – hear them out. That may be all they need to be satisfied
- Disrespect the other person
- Raise your voice
- Pre-judge people

Say to the class, “Let’s do a quick review.” Give me one “do.” Give me a “Don’t” Take two or three suggestions for each. Then move to the transition.

**Transition: ? Do you have everything you need to deal with difficult people?
You have the dos and don’ts. But is that all you need and is that all you have available to you?**

[wrench icon] Nuts and Bolts – This a key section

[grid icon] Slide 23 AYSO Gives RCs (and ADs, SDs)

Make the statement: “AYSO gives RCs (AD and SD) all sorts of tools/resources to help you deal with these difficult people in a positive proactive way.”

[grid icon] Slide 24 What are the tools and resources?

[grid icon] Slide 25 (list of tools)

Announce this slide shows many of the tools available to you. What are some of them you see?



Activity – Difficult Situations (15 of 30 minutes)

Is there a tool that will help in each of the following situations?






Slide 26 Is there a tool that will help in each of the following situations?



Have each participant pick a laminated card with one of the tools from slide 24 listed on it. You can set this up as a competitive game or just an activity for everyone to participate in. As you go through the list of difficult situations, ask if they have a tool that would help. They should stand up and explain how it would ease the situation. Some of these difficult situations might have more than one tool or resource to help them. Keep this fast paced, almost popcorn like in getting them to jump up and give their explanation. Use your judgment as to which tools would be useful and helpful. Be sure to **monitor time** closely. If time is getting away from you, skip some of the examples. Suggested answers are in ***Bold and Italicized***


1. **Slide 27** A parent is demanding at registration that her daughter be allowed to be with the same coach as last season. – ***Reference Book – Rules and Regulations – Six Philosophies***
2. **Slide 28** The Registrar does everything at the last minute and keeps calling you to ask questions about what he should be doing. You don't always know. – ***Job description – Registrar Training***
3. **Slide 29** A parent on the sidelines is asked to stop yelling at the referee, but it continues. – ***Kids Zone - Six Philosophies***
4. **Slide 30** I am watching a game and see that a coach plays a couple of her players only ¼ of the game. – ***Appropriate Coach Training – Six Philosophies***
5. **Slide 31** I am the difficult person I am dealing with. As a new RC I have no idea what I am doing. I don't know anything about AYSO. Help! – ***RC Orientation by the AD – RC Checklist – Reference Book***
6. **Slide 32** I have inherited a disorganized, untrained Regional Board. What is available to help them? – ***AYSO.org – list of workshops in each discipline***
7. **Slide 33** There is a coach in your Region who always blames you when he loses a game. He says it is because of the way **you** balance the teams. – ***eAYSO – balances teams electronically***

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 19 of 28
---------------------	---	--

8.  **Slide 34** An annoying parent is demanding to see an accounting of the Region's finances. Should the Region give in to this request? – **Standard Regional Guidelines – You should be posting it or providing it for parents to see. Be nice.**
9.  **Slide 35** The Regions around us are so much more organized than we are. The complaints we keep getting from coaches, referees and parents are discouraging my Regional Board. **Regional Assessment Program – Kids Zone**
10.  **Slide 36** Our Treasurer insists on keeping cash on hand from registration and our concession stand for “last minute” expenses. – **Standard Regional Guidelines – Treasurer Training**
11.  **Slide 37** A parent accuses **you** of making up all of these “rules” and claims a town program should be able to do whatever it wants. – **AYSO.org – Reference Book**
12.  **Slide 38** Regions should seek to resolve all disputes involving people in an amicable fashion. Use all the tools available to you.

Transition – Overall Guidelines for Discipline (15 Minutes)


Slides 39 – 41 Guidelines to Keep in Mind

 First, keep these overall guidelines in mind when disciplining or sanctioning Non-Executive Members. [Most of these are taken from Chapter 8 in the Reference Book in the section relating to “Guidelines for the Suspension/Removal of Other Program Participants.”] (10 of 15 minutes)

1. The minimum rather than the maximum remedy should always be considered. Difficulties should be minimized and localized.
2. Avoid punishing players for the “sins” of their parents except where there is no other solution (for example, where the parent refuses to cease his or her disruptive conduct).
3. Do not wipe out years of good memories of AYSO and good service to AYSO by use of the removal/suspension procedure. It is a last resort. – Voluntary resignation is preferable in most cases.
4. An RC, (AD or SD) should not act as the arbiter or decision-maker if they are a witness, or are involved in the dispute/incident, or are not disinterested.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 20 of 28
---------------------	---	--

- **≡ If not disinterested, RC/AD/SD should appoint another person from Region/Area/Section to take the place of the RC/AD/SD**
 - **For example, an RC could appoint the Asst. RC/RCA/RRA/CVPA/ or other volunteer**
5. Banishing a parent or other adult from AYSO events may not be enforceable if the events are held on public property.
 6. Do not publicize/discuss the proceedings beyond those persons who need to know and respect the privacy of the individuals involved.
 7. Remember to keep your CVPA informed of issues and review proceedings.
 8. Keep your AD, SD or Board Liaison informed of review proceedings. Contact the Risk Management Coordinator at the National Office (who can assist and refer the issue to the Legal Commission or one of the Legal Commission's task forces (e.g., Legal Commission's Due Process Task Force) for advice as to how to handle a specific situation.

 The information provided to your AD, SD or Board Liaison should not be given in great detail since these individuals may need to review a decision if appealed, but give sufficient information to keep them informed.


 Review Rule of Thumb:

 **Slide 42 Problems Should Be Handled Early and Fairly**

1. Almost all problems in the Region can be addressed without the need for a formal process. (5 of 15 minutes)

 **Due Process Checklist**

 **Slides 43 - 45 Remedies vs. Due Process Checklist**

 Use Handout No. 2 "Due Process Checklist" to help participants recognize when there may be a remedy versus needing the doctor, a tool versus due process. Use a couple of the items on the checklist to serve as an example of how to use the checklist. Read one and ask if it is remedy or needs the doctor (due process).


2. Some of the remedies include:
 - Evaluation
 - Additional education/training
 - Additional supervision
 - Mentoring
 - Counseling
 - Behavioral and performance contracts
 - Warnings
 - Restitution (financial and in-kind service)

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 21 of 28
---------------------	---	--

3. When all else fails and you determine that the behavior of a Non-Executive Member involved in the Region, Area or Section is so egregious as to endanger players, other volunteers, the local program or AYSO and you feel the discipline may limit, suspend or terminate his or her participation in AYSO, you must provide for fairness and due process.

Slide 46 Let's take a 10 minute break – don't be late!

The Final Tool – Due Process – the Overview (15 minutes)

 **Primary teaching technique will be a combination of lecture and question-and-answer. You will be disseminating new information. Use the material below to develop your lecture points and/or questions/answers. PowerPoint slides only provide the essential information. Your presentation should augment and amplify the content of the PowerPoint slides.**

Lecture (5 minutes):

Your final tool is necessary if you *may* need to limit, suspend or terminate the volunteer's participation. Remember; do not presume the conclusion without providing due process. In order to invoke any limitation, suspension or termination, due process is a must. Reminder, due process is not a formal legal proceeding.



 Define due process: **Notice + opportunity to be heard, must be fair.**

Slide 47 Due Process: Notice + opportunity to be heard + must be fair.

? Why due process?

Slide 48 Why Is Due Process Necessary?

Ask the participants to identify some reasons why due process is necessary when serious disciplinary action is being considered or taken?

  Remind participants that due process means providing notice and an opportunity to be heard – needs to be fair.


Slides 49-51 Why Is Due Process Necessary?

- To ensure that all facts are identified and reviewed and **fair** consideration has been offered to the member.
- To allow all parties the opportunity to tell their side of the story.
- To avoid the possibility of disciplining an innocent person.
- To ensure that the discipline administered is appropriate in terms of the alleged offense (not arbitrary and capricious).

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 22 of 28
---------------------	---	--


- To protect confidentiality.
- To avoid litigation/lawsuits.
- To ensure the final outcome of the difficult situation is a WIN–WIN for everyone involved. (Ask/Explain who “everyone” is.)
- \doteq **“Review Proceeding”** - The process constitutes an “internal administrative proceeding” pursuant to California administrative law. We will refer to the process as a “review proceeding” in this course.

Seven Key Steps in Due Process (Review Proceeding) (10 of 15 minutes)

 Provide a brief overview of these steps. Be sure to point out that the RC (AD or SD) may choose to conduct the review from beginning to end and never appoint a review panel. It is the RC’s choice as to which route to follow. If the RC completes the review as shown in the Due Process Flow Chart, the review complies with the due process requirement under California Law.

 **Use Handout No. 3, Seven Steps in Due Process (Review Proceeding) as a talking guide.**

Slide 52 Steps 1 and 2 in Due Process

\doteq  There are seven essential steps in due process. Due process means notice plus an opportunity to be heard. The process needs to be fair. See handout for specific guidance to each step.

Step 1 – Fact-finding: determine the facts using an independent investigator.

- As an initial course of action, the RC should assign an appropriate person to conduct a thorough investigation.
- Although the RC may conduct the investigation, the recommended practice is to delegate it to an appropriate volunteer.
- For example, if a coach is involved, typically the Coach Administrator will investigate and, if a referee is involved, the Referee Administrator will investigate.
- The RC may want to ask other appropriate Board Members or volunteers to investigate, including asking the CVPA to conduct the fact-finding.
- The person should be neutral and not directly involved in the incident they are investigating.

Step 2 – The facts must be reviewed by one of two options (note: this is

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 23 of 28
---------------------	---	--

different from old procedures for due process). Either is acceptable.

Option 1 – The RC conducts the review

- The RC, AD or SD may immediately impose the discipline that he or she believes is appropriate if, for example, the RC, AD or SD has a good faith basis to believe that (1) the safety of volunteers or players is at risk, (2) there is material economic harm being suffered by the Region, (3) a crime may have been committed, (4) there is an imminent danger to the program or (5) the operations, policies or philosophies of the program are being subverted or the program is otherwise at risk.
- Examples of grounds for immediate suspension (temporary):
 - Suspected child abuse;
 - Suspected commission of a crime, such as theft; or
 - Suspected imminent danger to the program, such as violating basic AYSO principles – “Everyone Plays[®]” or “Open Registration” – or attempting to move the program out of AYSO.
- The RC must give the Non-Executive Member notice of the discipline and provide the member with an opportunity to contest the discipline and to have it reviewed.

Option 2 – A review panel conducts the review

- A “**disciplinary review panel**” or “**Review Panel**” is a group of disinterested individuals assembled for the purpose of determining or reviewing the appropriate discipline.

■ Slide 53 Steps 3 through 5 in Due Process

Step 3 – The opportunity to be heard. The person(s) involved need to tell their side of the story.

Step 4 – A decision is recommended to the RC who then decides to close the situation with no action required, or that his or her participation in AYSO is being limited, suspended or terminated.

Step 5 – Written notification must be given regarding whether the situation is closed with no action required, or that his or her participation in AYSO is being limited, suspended or terminated.

■ Slide 54 Steps 6 and 7 in Due Process

Step 6 – If participation in AYSO is being limited, suspended or terminated, the person(s) has the right to appeal.

Step 7 - If appealed, the AD reviews the proceedings to confirm whether or not due process was provided. If yes, the decision by the RC stands. If no, the decision is held in abeyance until the RC ensures due process is followed.

- If the individual disagrees with the discipline to be imposed, an appeal to the next higher level (Area, Section or National President or designee) would be the next step.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 24 of 28
---------------------	---	--

- **Only one such appeal is allowed.**
- The decision should **only** be overturned on appeal if it can be shown that, 1) the Review Panel had one or more interested parties, 2) there was a lack of notice or there were unfair procedures, or 3) the sanctions are arbitrary or capricious (for example, the discipline is so excessive that it is grossly unfair under the circumstances).
- If the decision is upheld at the next highest level in the organization, the decision is final and binding.

≡ ✂ **SUMMARY. Always consult the Steps for Due Process handout before proceeding with any action if a Non-Executive Member may have their participation in AYSO limited, suspended or terminated. Always consult with the next higher level of Executive Member (AD, SD, NBODL). There are three ways to provide a due process review:**

- (1) Review and reconsideration of the discipline by the RC (AD or SD) (an “Executive-Member review”);
- (2) Review of the discipline by a Review Panel (in which the Non-Executive Member is given an opportunity to participate); and
- (3) Review by a Review Panel of the incident **before** any discipline has been determined (in which the Non-Executive Member is given an opportunity to participate) (for example, where the Review Panel recommends to RC whether the individual should be disciplined and, if so, what discipline is recommended).

The Due Process Flow Chart (25 minutes)

✋ **Handout No. 5: Due Process Flow Chart (15 of 25 minutes)**

📄 Slide 55 – The EYE Chart

✍ Flow Chart – It would be ideal to have a color blow up of the Due Process Flow Chart – big enough for the class to see and to use pointing device to walk through the four colors. The alternative is to use the PowerPoint slides and a pointing device. The steps in the Flow Chart provide your talking points. Invite the participants to follow along on their flow charts and to make notes. Start with Grey, fact-finding. Next is where the RC decides to either provide due process or has a review panel conduct due process. If the RC provides due process, the path is Yellow. Note: there is a point where the RC can switch to a review panel. For now, continue through the yellow path. Green is where the RC elects to use a review panel. When all is said and done, there is still the appeal, which is in blue. The appeal is available from any path, yellow or green, to provide due process. Stay focused to keep on time schedule. Minimize telling about your own experiences because of time.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 25 of 28
---------------------	---	--

The next slides breakdown the Eye Chart into 4 groups, A through D, followed by steps to forming a review panel. Here are some talking points to take you through each group as you work through the next series of slides. Remember to keep the pace brisk to have time for the final group activity of practicing due process.

Talking Points:

Group A – Grey Color – Fact Finding: The RC (or AD, SD) selects a fact finder to investigate the situation. If there is immediate danger to a person or the program, the RC should immediately suspend the person with an opportunity for a full review. Once the facts are obtained, they are given to the RC.

Group B – Yellow Color – RC Conducts the Review: This section begins with Pink, a decision point. Here the RC decides which option to pursue (see 7 steps previously presented), RC conducts the review or to have a review panel.

For now, let's examine the RC conducting the review. The RC reviews the facts, makes a decision to do nothing, limit, suspend or terminate the volunteer. He then notifies in writing the volunteer and provides notification with the offer of a review.

Again a Pink decision point comes where the RC either continues with due process or turns it over to a review panel.

When the RC continues the review process s/he must provide the interested individuals the opportunity to be heard, to tell their story.

Then the RC makes a decision to do nothing, limit, suspend or terminate the volunteer. He then notifies the volunteer in writing and provides notification with the offer of an appeal.

Group C – Green Color – Review Panel Conducts the Review: How to form a panel will be discussed next. For now, the review panel convenes and reviews the facts, hears the stories of the interested parties, deliberates, and makes a recommendation to the RC.

The RC then has another Pink decision point. Here s/he decides to accept or modify the recommendation of the review panel by imposing no discipline or imposing discipline.

In both cases the RC provides written notification to the volunteer. If discipline is imposed, the written notification advises the volunteer of the right to appeal the results. If an appeal is desired, the volunteer must request it in writing.

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 26 of 28
---------------------	---	--

Group D – Blue Color – Appeal to the AD (or SD or NBOD): The appeal is limited to deciding if due process was offered, interested parties were involved in the review, proper notice was not provided, or the discipline was arbitrary and/or capricious. If not, the matter is returned to the RC to correct the deficiency.

How to form a review panel: These slides are self-explanatory. Keys are to use an odd number, disinterested parties, the chair is appointed by the RC, do not involve the entire Regional Board, and the proceedings are kept private and released only to those who need to know.

Slides 56 to 66 – Due Process and Appeal – the Due Process Flow Chart

At the end of the PowerPoint on the flow chart, do a review using question-and-answer to help participants understand each area of the process. Note suggested questions and answers below. **(10 of 25 minutes)**



To increase participation at this time, have four posters in the four colors that can be held up by participants to reinforce the significance of the colors in the Due Process chart. You may put a simple caption on each poster or leave it blank. (NOTE: IF TIME IS A FACTOR, YOU MAY CONSIDER SKIPPING THIS REVIEW, BUT ONLY IF YOU ARE BEHIND SCHEDULE AND NEED TO MAKE UP SOME TIME.)

In a simple, question-and-answer format, review each section.

- **grey** is for investigation, fact-finding
 - Q: When should fact-finding be done?
 - A: Immediately after discovery of the situation.
 - Q: Who should do the fact-finding?
 - A: An appropriate, neutral volunteer – such as Coach or Referee Administrator or CVPA.
- **yellow** is one option where the RC provides due process
 - Q: Why should an RC be careful using this option?
 - A: The RC is on his/her own without support of other volunteers
 - Q: How is due process provided in this path?
 - A: The RC reviews the facts and hears the Non-Executive's story. The RC decides on the discipline, if any, and notifies the Non-Executive Member accordingly.
- **green** is a second option where a review panel provides due process
 - Q: What are the benefits of this option?
 - A: It allows for an independent decision and for the RC to decide based on the review panel's recommendation.
 - Q: How is due process provided in this path?
 - A: The facts are presented to a panel of disinterested parties, the Non-Executive Member is allowed to tell their story, and the review panel

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 27 of 28
---------------------	---	--

makes a recommendation to the RC. The RC decides on the discipline, if any, and notifies the Non-Executive Member accordingly.

- **blue** is for appeal to verify that due process was provided and the result is fair.
 - Q: To whom is the appeal addressed?
 - A: To the next higher level— the AD or SD
 - Q: What is the purpose of the appeal?
 - A: To determine that due process was provided and that the discipline is appropriate for the situation— it is fair and reasonable.



Handout: Detailed Steps for Due Process



It is essential that you point out to participants that the Detailed Steps for Due Process should be consulted for specific actions/steps to ensure that due process is provided. This course is an overview and it is not expected that participants will learn and remember every specific action/step to be taken to ensure due process. It is expected that participants remember that a resource exists to guide them.

Application – 20 minutes in groups and 10 minutes for reporting



Slides 67 to 69 – The Model Region, Group Activity and Seven Steps



Have groups apply the checklist, seven-steps and flow chart to a “difficult” situation (a single one selected by instructors from those submitted on Handout No. 1 or use the controlled situation below). Allow 20 minutes of time for them to work through it to the point of deciding whether or not they restrict, suspend or terminate the volunteer. Allow 10 minutes to have the groups present and explain their decision and how they followed the checklist, seven-steps and flow-chart. Have each group report in sequence what they did to complete Step 1, Step 2, etc. through Step 7. Listen carefully and challenge groups to ensure they provided due process. If not, help them see steps that should have been taken to ensure due process was provided. Ask other groups if they did something significantly different for each step as that step is discussed. Keep focused and maintain momentum to get through each group in the time allotted.

“Difficult” Situation:

During a break a co-instructor needs to review the worksheets “You Can’t Make This Stuff Up” submitted by the participants to see if there is a single situation suitable for further discussion. If not, use the Controlled Situation below.

Controlled Situation:

A coach has been accused of repeatedly not playing the players on his team at least two quarters. Two sets of parents on the team have reported that their children never play more than one quarter. The RC and RCA have spoken to the coach and when either of them is watching the game the coach does what he should do. However, when the score is close and no one is monitoring the coach’s behavior, he plays only the most

Program: Management	AYSO Dispute Resolution (formerly Advanced Management)	Identifier: MGT 3 Revision: Revision 19 Page: 28 of 28
---------------------	---	--


skilled players, saying the others didn't want to play or were too tired to play two quarters.

III. Conclusion

Recap: (5 minutes)

☰ We have covered many concepts and presented a number of tools available to deal with those difficult situations that arise from time to time. We have clarified who is covered under the due process requirement as well as key steps to follow. We have provided a flow chart and detailed hand out to use when faced with a situation where a volunteer's participation may need to be limited, suspended or terminated. Let's see how much you remember.

Slides 70 to 71 – Recap: Questions

 Ask the following questions to see if the participants have grasped the primary concepts of the course. This will help you evaluate whether or not the course goals, objectives and skills have been met. Especially important is what they are taking from this course. Do not skip this question.

? Recap questions:

What makes people difficult?

What tools does AYSO offer?

Who are Non-Executive Members?

What are the final tools?

Why do we offer due process?

What are the seven key steps to follow to ensure due process?

What does each of the four colors of the flow chart mean?

What is the rule of thumb for any disciplinary action?

What are you taking from this course?

Slide 72 – Ready, Set, Go! Thank participants for attending the course.