

Conflict Resolution & Grievance Processes for XR PDX

Consented on by XRPDX Regen as part of their mandate 10/4/2019

XRPDX Protocol on handling Conflict and Complaints

XRPDX differentiates its process for dealing with

- (i) general conflict in which people feel they ‘can’t work together’ or the atmosphere is sufficiently tense as to prevent the smooth running of activities;

from its process of dealing with

- (ii) harassment and bullying;

from its process of dealing with

- (iii) egregious behavior (especially involving multiple complainants) that is not harassment or bullying and where a conflict resolution would not be appropriate.

There are THREE processes that can be utilised in order to deal with a conflict / complaint:

Process ONE is for those people who are willing/able to be in the same space and have similar levels of power in the conflict at hand.

Process TWO is for those who feel unsafe or in danger and therefore unable to be in direct contact with the person in question.

Process THREE is for situations where a person’s behavior has affected multiple complainants and it doesn’t fit into either a conflict resolution process or the harassment/bullying process.

XR is not a formal membership organisation and so all who are involved or in some way associated with XR must take responsibility for encouraging and maintaining good relationships with one another and not use words or actions that may harm the wellbeing of others. All participants have the right to be treated with consideration, fairness, dignity, and respect.

Key Principles

People participating in or engaging with *XR* must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, disability, or any other personal characteristic.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this document and in the agreed-upon group norms established by XRPDX. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention.

Harassment on the basis of a targeted class may be defined as any conduct which is:

- unwanted by the recipient
- considered objectionable
- causes humiliation, offense, distress or other detrimental effect.

Harassment may be an isolated occurrence or repetitive; it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail, KeyBase or social media. (This should be borne in mind where colleagues are working remotely. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

Harassment and bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Tools & Steps that proceed complaint

1. XR has principles and values on discrimination/oppressive behaviours, inclusion, equality and ethos.
 2. XR makes clear at the start of trainings and intermittently in meetings that non-violent communication ought to be used
 3. XR encourages short feedback loops - feeding back in real time something that you had a reaction to eg 'It sounded to me as though your tone was a little off just then. Is that correct/is everything OK?' 'I don't like it when you call me that - I feel very uncomfortable when this interaction happens'
 4. XR encourages a step forward/step back attitude - taking personal responsibility and self awareness, making space for others to speak/be seen and challenging ourselves to speak up if we don't usually.
 5. XR advocates for a NO GOSSIP policy NO conflicts to be taken on social media or Keybase at any point.
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Process ONE: Conflict Resolution

This is a Clearing Process for dealing with conflict, whether mutual or highlighted by one party.

This requires both parties and a facilitator to be in the same space and only works if all participants agree to follow the process and bring good intention and a listening ear. This process should not be used in instances of abuse.

Agree a time and comfortable space to meet, agree length of process & make sure you have everything you need eg water, tissues etc

Use I statements and allow time for reflection and pauses in process.

1. All participants to share a gratitude eg 'the sunshine on my walk here'
2. All participants to share their intentions - how they will conduct themselves through the process and how they'd like to feel at the end eg 'I will try and listen with an open mind and I'd like to feel at peace with you/this situation and be able to work well together'
3. Seeking unity on the Facts :
 - a. Person A shares their perception of the facts of what happened, the time, context, content etc. What would an observer of the scene have observed?
 - b. Person B does the same
 - c. Observe where the facts are the same and where they are different. Acknowledging that 2 different realities exist.
 - d. Person A shares when they first got triggered eg 'when you said xyz I felt angry'. Then persona A can try and go deeper into what is under the initial reaction 'under the anger I felt undermined/afraid'
 - e. Person B reflects back eg 'I hear that you felt angry when I said xyz and below the anger you felt that I was undermining you and you were afraid'. Any clarification?
 - f. Peron B can then share how they feel in that moment in regards to what A has shared and how they felt during the triggering interaction. Any clarification?

- g. Person A reflects back what they have heard. Any clarification?
 - h. Both take a moment to ask for forgiveness for any hurt that was caused, any action that was out of alignment with that person's good intentions, any ripple effects that came from that person's words/actions.
 - i. Person A shares what emotion they experienced in the interaction and tracks it back... eg 'I felt undermined and under that afraid... I used to feel that a lot at school'
 - j. How does this situation differ from that situation? - 'I am not at school anymore. I am much more confident now. I have more of a support network'
 - k. Person B reflects back between these differences and person A can clarify anything that hasn't been understood by B.
 - l. This process can be repeated for person B.
4. Needs
- a. BOTH now reflect and share Needs eg 'I need to take a breath before responding in the heat of the moment, I need to notice how my stress affects those around me and come up with better strategies for dealing with it, I need reassurance that my work is valued, I need to listen to you more accurately in the future'
 - i. Needs are not about asking the other person to meet them, they are simply what is true for you in that moment.
 - b. Person A may have requests of the other person eg 'Could you...' Person B 'No, but I could do ...' vice versa.
 - c. Review where A and B views align
 - d. Review action points that A and B are taking away
 - e. Agree times for A and B to check in again soon
 - f. A and B give gratitude for each other/the process and themselves
5. Make sure the follow up check in happens giving time to reflect and share. Someone may want another clearing process if something new has arisen in their reflections.
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Process TWO: Harassment and Bullying

In case of individual feeling unsafe to go through Clearing Process with other person this procedure for dealing with cases of harassment, bullying or unwelcome behaviour is in place:

1. The following procedure is to be complainant -led.
2. If a complaint of harassment, bullying or unwelcome behaviour is brought to attention, prompt action must be taken to investigate the matter and action taken to remedy the complaint. Such complaints can be made about people who have not yet worked with XR, based on experience outside of XR.
3. Anyone who wishes to make a complaint of harassment, bullying or unwelcome behaviour is encouraged to first discuss matters with someone in XR who they trust, ideally a Group Co-ordinator or someone from the Regenerative Culture Group. This is to take some time to get clear on what happened and how to engage with the process - eg finding a facilitator

to hold the Clearing Process and approaching the other person to see if they will engage with process

4. If the person feels unable/unsafe to sit in the Clearing then the advocate can approach them on the complainant's behalf.
5. It may be possible in this way to resolve the issue by getting the individual(s) in question to see how their behaviour could be classed as harassment or bullying and to agree to desist from that behaviour. Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease. Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that their actions are unwanted and should not be repeated.
6. An individual who is made aware that their behaviour is unacceptable is asked to:
 - a. Listen carefully to the complaints and the particular concerns raised;
 - b. Respect the other person's point of view; everyone has a right to work in an environment free from harassment and intimidation;
 - c. Understand and acknowledge that the other person's reaction/perception to another's behaviour (the impact) is more important than the intention behind the behaviour;
 - d. Agree the aspects of behaviour that will change;
 - e. Review their general conduct/behaviour when working with others.
 - f. Confirm that they actively want to follow XR's principles and values

Failure to do so could result in them being asked to stop their involvement with XR, and this could happen at any stage of their involvement with XR.

7. If, between the complainant and the supporting individual the issue seems too complex or serious to handle alone, a meeting of some members of the Conflict Resolution Team and those trained in non-violent communication and Peacemaking can be called to look at the details of what has happened and decide on appropriate course of action.
8. When dealing with a complaint of harassment in this way,
 - a. Full details of the incident(s) should be taken in writing from the complainant and their supporting person (if appropriate);
 - b. Full details should be taken from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - c. The alleged harasser should be informed of the complaints against them. They should be invited to a meeting in order that they can comment on the allegations against them.
 - d. People's involvement in XR could be frozen whilst investigations are being made.
 - e. All parties need to be kept informed of expected timescales for how the situation will be dealt with.

- f. All parties should be fully informed of the outcome and any action that may be required.
- 9. A decision will be reached collectively by appropriate members of the Conflict Resolution Group, and any appropriate Regenerative Cultures Working Group Members as to the best course of action, working with the complainant to ensure they find the course of action acceptable to their sense of safety and peace of mind. This may include, but is not limited to,
 - a. Making clear to the harasser that they are no longer able to work with XRPDX (in sufficiently serious cases).
 - b. Giving a warning that the harasser will only be able to continue working with XRPDX if their behaviour does not revert, at which point they will be asked to leave.
 - c. Finding a way for the complainant and harasser to work in different groups where they will have little overlap. The complainant should be given priority in where they want to work.
- 10. In more serious cases:
 - a. XRPDX may announce publicly that they are not associated with the person in question
 - b. A restraining order may be placed
- 11. Instances of harassment, bullying and unwelcome behaviour are rarely neatly defined, and processes dealing with them will require flexibility. As such, some flexibility from the above procedure is both likely and acceptable (i.e. doesn't necessarily invalidate the entire process).

Confidentiality

The information given by a complainant to the initial support person should in the first instance be kept confidential by the support person, unless the complainant looks to be at risk of harm to self or others. If the complainant, accused, and support person are able to resolve the issue without any further assistance, they may wish to highlight what has happened with a member/members of the Regenerative Culture Group so that the individual in question's behaviour can be monitored by others to ensure that the problem is not continuing in some form.

If the complainant and support person are not able to resolve the issue between themselves, it should be shared with members of the Regenerative Culture Group. All members of these groups are under agreement not to share information outside of the group attempting to resolve the issue. In addition, we ask that the complainant only share their information with the relevant people rather than with people involved in XR more broadly, in order to minimise damage across the network – however, we respect the complainant's judgment concerning how widely they share their information, and we do not intend to censor them. Information being passed around XRPDX in a way that encourages gossip and hearsay is discouraged.

If serious allegations are made that are purposefully fabricated in order to discredit XR then XR will ask the people making the allegation/s to leave the network/working group.

Process THREE: Grievance/Dismissal Process

A dismissal is considered when speaking directly to an XRPDX Member does not resolve a needed change and at least one grievance has been brought forward against the Member. This process is used in situations where the concerns go beyond personality conflicts and a Conflict Resolution process would not be appropriate, for example if multiple people have brought complaints against a person.

A team of at least three people will be chosen from across XRPDX to investigate the grievance and work with the Member to resolve the concern or request that they leave the organization. This Grievance Resolution Team will be composed of non-Coordinator members and will typically be one person from three or more work groups. The Regenerative Culture Working Group will select the Grievance Resolution Team members with the intent to compose the group as fairly as possible.

The chosen Grievance Resolution Team members may meet privately in between steps to determine next steps and/or if the grievance is resolved, what support is needed after receiving input from the Member. Any step of this process may be skipped in the case of particularly egregious behavior.

The person with the grievance against them can have an ally of their choosing if they need emotional support during this process. The role of an ally is to be present for emotional support.

Step 1 – Consent to Start a Grievance: Regen meets privately (without the Member in question) to consent to start a grievance process, set measurable goals, and draft a timeline.

Step 2 – Notify the Member: Within one week, Regen will notify them of the grievance process and review the goals and timeline they created.

Step 3 – Assemble Grievance Team: Within one week, Regen will call together the chosen Grievance Resolution Team members to review the grievance, goals, and timeline.

Step 4 – Written Warning: The chosen Grievance Resolution Team members will meet with the Member to give a written warning.

- The Member and Grievance Resolution Team members will review the Written Warning. They will review the goal, action steps needed, and timeline with the Member and provide more support to help the grievance be resolved.
- The Grievance Resolution Team members will set a date and time to review the grievance and determine whether they need to move to Step 5: Asking the Member to leave XRPDX.

Step 5 –Asking the Member to Leave XRPDX (see next section).

Dismissal: Asking the Member to Leave XRPDX

If the Grievance processes does not resolve a needed change, the chosen Grievance Resolution Team members will consent to move to asking the Member to leave XR.

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The chosen Grievance Resolution Team members will meet with the Member to ask them to leave. It is the responsibility of the Grievance Resolution Team Lead to facilitate this discussion. As in every previous step of this process, the Member may have an ally with them for emotional support.