

## **Conflict Resolution & Grievance Policy**

*It is the duty of all present stewards / sponsors to resolve conflicts at the moment they occur.* If that is not possible, then the parties involved in the conflict should follow this procedure. Additionally, there are some conflicts that should be resolved by the council, such as physical violence against persons on the land, or theft or damage to property on the land. In these instances, this procedure should be followed.

### **(1) Submitting Grievances and Statements**

- (a) Grievances and statements may be submitted to council as follows:
  - i. A steward who is aware of the issue or the grieved party must prepare and submit a written grievance.
  - ii. Witnesses, concerned sponsors, and other affected parties may submit statements to council.
  - iii. If the grievance has been made against an individual, council must forward a copy of the statement to this individual. This individual may submit a statement to council.
- (b) Written grievances and statements may be no longer than two pages with a font that is no smaller than 12 pts.
- (c) Grievances and statements must be submitted to council's private server at [elvinhome@elvinhome.org](mailto:elvinhome@elvinhome.org) or mailed to:
  - Lothlorien c/o Elvin H.O.M.E. Inc.
  - P.O. Box 1082
  - Bloomington, IN 47402All council members must be given a chance to review these documents before the council meeting in which they are scheduled to be heard.
- (d) If the grievance could result in termination of a contract for the person who the grievance is made against, then the secretary, or his or her delegate, must provide proper notice in accordance with the By-laws and Indiana Law.

### **(2) Presentation at Council**

- (a) The chair, or his or her delegate, must add the grievance (and related statements) to the agenda for the next council meeting. But if notice is required under section (1)(d) and the required notice period would not be met if the grievance was heard at the next council meeting, then the grievance must be heard at the first council meeting following the required notice period. While grievances must be granted priority placement on the agenda, the position on the agenda is at the discretion of the chair.
- (b) At the council meeting, the grievance and all related statements must be read aloud – either by the chair or those who have submitted the grievance or statements in the following order:
  - i. The grievance;

- ii. The statement submitted by the person the grievance has been made against; and
  - iii. Any additional statements.
- (c) After the grievance and related statements have been read, the chair must facilitate one round of "as recognized discussion." The chair will observe standard time limits for this discussion. And each speaker may only take the floor once, in accordance with Robert's Rules of Order.
  - (d) The council must decide all actions as a whole and as a democratic entity. All motions must be properly seconded motion on the floor and receives a majority vote of 51% for action in accordance with Robert's Rules of Order, unless the by-laws require a greater majority for the action.
  - (e) A grievance may require further investigation or the council appoints a mediator or an arbitration panel (see section (3)), making it so that a decision cannot be rendered at that council meeting. In this situation, council may require an online discussion/thread for in-between council discussions, to hear reports from the mediator or arbitration panel, and to share suggestions and ideas.

### **(3) Actions**

- (a) *Possible Actions.* There are several possible actions available to the council, including, but not limited to: no action at all (if the facts warrant it); conditional probation period; temporary dismissal from sponsorship, council, or both; and permanent ban.
- (b) *Criminal Offenses.* While council may not make rulings on criminal offenses, they may make decisions about criminal offenses *only* to the extent that an offense affects the land. In situations involving a criminal offense, the affected party is welcome to seek additional remedies from the legal authorities.
- (c) *Appointment of Mediators and Arbitrators.* Council may appoint sponsors or outside parties to resolve or make recommendations to resolve a grievance.
- (d) *Council Rulings.* For more serious matters, council may opt to resolve the matter themselves. But if some council members have a conflict of interest in the matter, calling into question the final decision, council should refer the matter to an unbiased arbitration panel. If possible, council may exclude all council members who have a conflict of interest, leaving the remaining *unbiased* members to rule on the matter.
- (e) *Mediation.* If council believes that the dispute is minor and can be resolved between the parties, then council should order mediation for the parties:

- i. Council must either select a mediator or appoint a council member/sponsor to select a mediator. Council may consider the parties' preferences when selecting a mediator.
  - ii. Council must establish a deadline by which mediation must be completed.
  - iii. Council may suggest options for compromise to the parties and mediator.
  - iv. If a party refuses to mediate or to make a good faith effort to mediate, then council must consider other options, including arbitration. If a party is completely uncooperative, then council must consider harsher action, such as temporary ban/dismissal.
  - v. The parties may either represent themselves during mediation or be represented by a third party, steward, or sponsor during mediation.
  - vi. If the parties agree to a resolution in mediation, then they will commit to this agreement in writing. This agreement is binding.
  - vii. If mediation fails, meaning the parties cannot agree on a resolution, then council must consider other options, such as arbitration, during the next council meeting in accordance with section (2).
- (f) *Arbitration*. Council may appoint an impartial arbitration panel to resolve a grievance.
- i. The council must appoint three *neutral* individuals, in the Governing Council's judgment, to serve on the panel. Any sponsor of legal age and responsibility may be appointed by the council, provided that these individuals can be trusted to take the task seriously and be completely neutral.
  - ii. The parties may either represent themselves during arbitration or be represented by a third party, steward, or sponsor during arbitration.
  - iii. The panel must conduct a hearing in which each party may present their side of the matter or dispute.
  - iv. During the hearing, the grieved party first presents the grievance and any witnesses. Once the grieved party has presented his or her side, the party who the grievance has been made against may present his or her statement and any witnesses. Each party may present closing statements, starting with the grieved party.
  - v. After the hearing, the arbitration panel will confer and decide the issue and determine the appropriate action that should be taken. At least two of the arbitrators must agree on the decision and action.
  - vi. The council will affirm the result of the arbitration by a majority vote. The council may modify the decision and

action of the arbitration by a majority vote of 51% in accordance with Robert's Rules of Order, unless the by-laws require a greater majority for the action.

***(4) Resolution and Appeal***

- (a) A final resolution to any grievance must be rendered within three consecutive council meetings, except grand council, from the time the grievance is first presented to council. But council may grant an extension, by a majority vote of 51%, for good cause.
- (b) Once council affirms the decision of an arbitration panel, the decision is final. But if new material facts about the matter are brought to light after a decision made, a party may present these new facts to council. If warranted, a council member may move to rescind the decision in accordance with Robert's Rules of Order.