

# Spring Conflict Resolution Process Visioning Document

(v1.0 4/18/17)

This document is intended to illustrate and explain the envisioned conflict resolution pathway for general attendees during the Spring conference. The essence of the envisioned system involves establishing a corps of volunteer mediators who are identified ahead of time as people who may be approached by attendees for assistance with interpersonal conflicts that may arise during the normal course of the conference. This document will outline the envisioned processes, explaining each in detail, and then address the design constraints given to the Conflict Resolution Working Group by Staff as of December 2016.

Because of its attention to detail, this document will make the process feel more bureaucratic than it will feel in execution. The vast majority of the working pieces of this process will be seamless parts of a natural conversation. What rules and breaking points that do exist are important to protect the participants in the process from obvious failure modes.

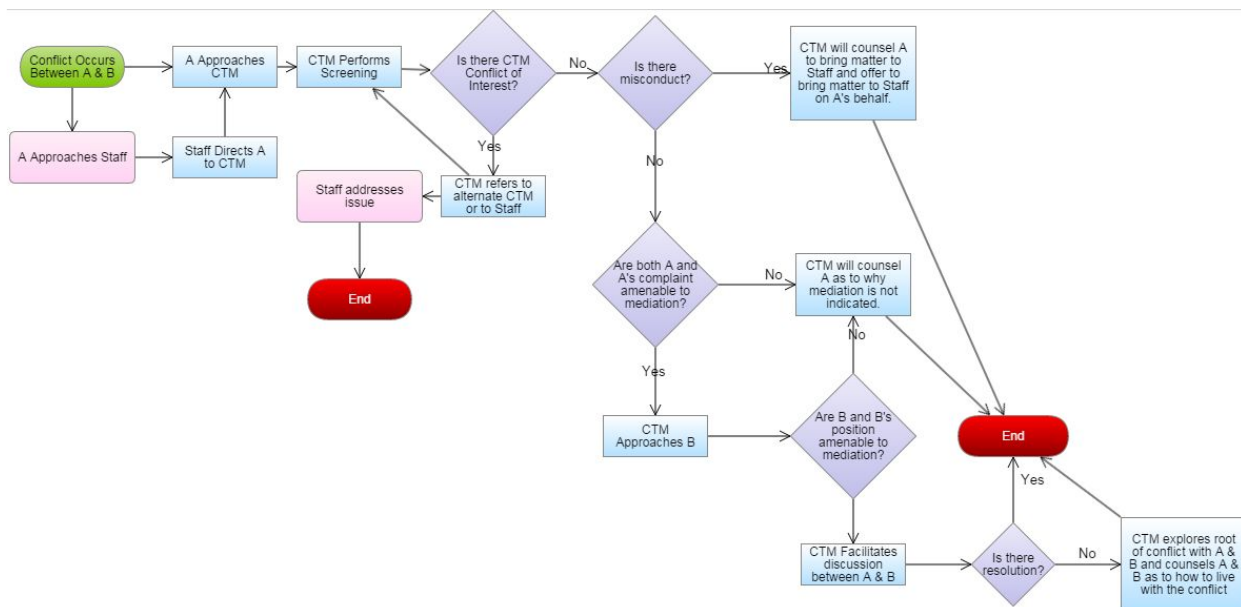


Figure 1 - Conflict Resolution Pathway

## The Conflict Resolution Pathway

It is an unquestionable fact of life that people can come into disagreement. Many of these disagreement, no doubt, resolve immediately or as a result of the interpersonal skills of the parties involved. Not all disagreements that occur, however, fall within this scope.

In the event that individuals at Spring find themselves in a conflict that damages their ability to enjoy the conference and that they are unable to resolve on their own, a group of volunteers shall have been selected and identified at the start of the conference to be available for counseling, coaching, and mediation. For the purposes of this document, this group shall be referred to as the Spring Conflict Team or 'CT;' members of this group as Conflict Team Members or 'CTM's.

For the remainder of the discussion of this pathway, a hypothetical disagreement is assumed to have occurred between two people: A and B. A is the individual seeking assistance/intervention. The details of the disagreement are unimportant, and if both parties seek mediation together, the process is the same regardless of which is considered A and which B.

### Initial Contact

Individuals with conflicts severe enough to warrant outside intervention/assistance may be brought by a member of the conflict to any CTM at almost any time. CTMs may decline based on their circumstances ("I'm in my workshop right now and am not willing to leave at this time," "I have a headache," etc.) but are encouraged to step up – after all this is what they volunteered to do.

People being people, from time to time individuals may approach Staff either out of habit or from the position that their conflict is so severe, or that their own personal values are so directly injured, that they feel it warrants Staff intervention under Spring's misconduct policy. In the latter case, wherein Staff disagrees that the situation represents misconduct, are encouraged to refer A to the Conflict Team – after all this is why the team was created.

After receiving A's complaint, the CTM begins a basic screening process to determine if mediation/intervention is appropriate.

### Screening

There are several situations which may arise that CTMs are expected to actively look for when receiving a complaint.

- 1) The CTM may be personally involved, either directly or indirectly, in the situation or with one of the parties to the conflict.
  - a. Under this situation, the CTM should recuse themselves and assist A in seeking an alternate CTM to assist with the conflict.
  - b. If no alternate CTMs are available, the CTM may refer A to Staff. Note that this may result in A approaching Staff a second time. The referring CTM will join A in the contact with Staff to explain the situation.
  - c. If no uninvolved CTM is available, the CTM with the conflict of interest may proceed if **AND ONLY IF all parties agree with full knowledge of the CTM's interests.**
  - d. It is for this reason that the CT must be 2+ individuals as the possibility otherwise exists for an individual to have conflict directly with the only CTM.
- 2) Actual misconduct and violations of Spring rules may be misreported as a conflict between two persons. If the CTM determines that a more serious breach is afoot, they will counsel A to report the matter to Staff, offer to assist A in reporting the matter to Staff, and offer to report the matter to Staff on A's behalf.
- 3) The CTM will inquire if A has approached other CTMs about this particular issue. Those CTMs so identified will be consulted.

- 4) An uninvolved party ('C') may approach a CTM asking for the CT to intervene in a conflict between A & B. C should be counseled to encourage A or B to approach the CTM. As a non-staff volunteer group, the CT is not empowered to insert itself forcibly into a situation, and neither is C. (If Staff desires a CTM to be present and involved in any of its proceedings either internally or between Staff and a community member or members, then Staff is essentially Party A in that conflict.)

CTMs may seek the assistance of other CTMs if the conflict in question feels out of their ability, with the permission of parties involved – no more than two CTMs will be present during mediation, however.

### Exploring the Possibility Space

After the basic screening, the CTM will inquire with A as to what sorts of resolutions A envisions. This is an exploratory process intended to determine if A is amenable to compromise, or if A is seeking to deliver an ultimatum via the CT.

Not all conflicts can be resolved through mediation. Members do not get to enforce their values on each other, and if the CTM determines that someone is not (or not yet) in a mindset to approach the conflict with an eye towards cooperation, mediation is not an appropriate tool for the situation and the CTM should counsel A to this effect. No contact with B is yet warranted.

Provided, however, that both A and A's conflict are amenable to mediation as determined by the CTM, the CTM shall approach B with the offer to mediate the conflict.

If B refuses to work with A and the CTM, the CTM will return to A and counsel A as to why mediation will not be successful in this case. Care will be taken, if necessary, to establish – for A's benefit – the case for B having the right to refuse.

If B agrees, a repeat of the same exploratory process the CTM engaged with A, above, will play out here. This discussion is between the CTM and B alone. If B's position untenably conflicts with A's position, the CTM will identify this to A and B and proceed to the No Resolution Contingency, described below.

Provided, however, that both B and B's conflict are amenable to mediation as determined by the CTM, the CTM shall arrange for A & B to meet with the CTM for facilitated discussion.

### Facilitated Discussion

The facilitation process outlined in the CT guidance document focuses on the basic elements of successful negotiation. It proceeds in three basic steps, with an optional fourth step:

- 1) First, the parties explicitly discuss an agreement to confer with each other with the express purpose of resolving the conflict or, at the least, coming to a mutual understanding of why the conflict cannot be resolved.
- 2) A fact finding process wherein disputes of fact are discussed, and any evidence needed to resolve them is sought.
  - a. Factual disagreements that cannot be resolved either for want of evidence or want of means are identified.
  - b. Agreed-upon facts are identified.
- 3) A value finding process wherein the disputes of value are discussed.

- a. Agreements as to relevant values should be highlighted as well as disputes.
  - b. Key disagreements as to values are explored.
- 4) (If necessary) Future alternatives are envisioned as to how to address the situation.
  - a. The objective here is to find ways for the parties to live in the presence of the conflict.

The key to this process' success is the separation of facts from values. Frequently during human disputes, facts are disputed resulting in differing expectations even in the presence of shared values. Joint fact finding is exceedingly effective at re-aligning the understanding of facts and erasing the need for further conflict.

Value disputes are often much more difficult and frequently cannot be resolved. The CTM facilitates these discussions with an eye towards finding agreements as to how to proceed harmoniously as Spring conferees without further irritation despite the value disagreement.

An important point here that will require frequent referencing in this process: How someone feels/felt is a *fact*. Whether or not that feeling is appropriate is a *value*.

### No Resolution Contingency

It is the hope of every conflict resolution process that true impasses will never occur. It is the reality of the human experience, however, that conflicts may be unresolvable. The final objective of a mediator, once an impasse has been identified, is to seek agreements between the parties such that the conflict will no longer produce irritation or further disruption of the parties' Spring experience. Agreements such as giving space, avoiding certain topics, or structuring behaviors in alternative ways are considered preferable to an open, public, heated conflict ongoing. Oftentimes the simple process of coming together to discuss the conflict can mitigate much future harm as a shared understanding of what it is being disputed allows individuals to interpret future irritating behavior on the part of the other within a sensible context.

A process wherein one party seeks compromise and the other only wishes to see an ultimatum satisfied is often going to jump directly to this process. It is important that the mediator remain fluid, however. Frequently, individuals prepared to entrench themselves in defense of a position they have staked out will relax and become open to new potential resolutions as they discuss the facts and values in play in the conflict.

## Values and Avoided Pain Points

### Clear Expectations of Conflict Team Members

Staff identified that CTMs should have a clear understanding of what their responsibilities are and are not. This necessitates the screening process to eliminate the possibilities of conflicts of interest arising as well as making CTMs responsible for avoiding several pitfalls that they are best suited to detecting. The CTM guide goes into more detail.

It is also important that the end states of conflicts are identified and that a harmonious resolution of the conflict is not the only foreseen end state. Meditation may fail, and it is not up to the CTM to attempt heroic interventions but rather to accept that one or more of the parties may not be ready for resolution. If one or more parties escalates to misconduct, the CTM is responsible for handing the matter off to Staff and remaining involved as Staff requires. Beyond this, the CTM is responsible for

discretion.

### Due Process/Fairness

Since the CT is not responsible for administering Staff's role in handling misconduct cases, the only fairness aspect at issue in this system is the possibility that the system itself may be abused to harass or bully a conferee. This is why A is asked if they have approached other CTMs about this issue, and it should be made clear to B that B has an absolute right to refuse. Mediation cannot be forced, and a conferee using a barrage of CTMs to harry another conferee should be viewed as harassment and reported to Staff for appropriate reprimand.

Establishing these expectations up front and making them part of the declared system attributes gives appropriate notice to the Spring community.

### Community Buy-In

Since this process requires all participants to explicitly consent and opt-in to the system, further buy-in from the community is not strictly necessary although a pilot and vetting process may be appropriate.

### Defined Expectations of Staff

Insofar as this system is being designed to offload some of the non-logistical work of running a conference from Staff's hands, the only expectations outlined herein is that Staff will avail themselves of the opportunity to refer complaints of interpersonal conflicts to the CT. Since the final authority for judging misconducts remains with Staff, Staff are expected to receive such complaints from CTMs just as if they were receiving it from other members. CTMs, however, will have done a fair bit of legwork ahead of time.

### Mediation Training

Staff may seek to obtain mediation/negotiation training for volunteer CTMs. Otherwise the extent of their training is whatever personal experience they possess as well as the CTM guide itself.

### Flexibility for Updating Procedures

All documents pertaining to this process may be considered living documents, modified by whatever processes govern Spring's policy-making procedures at the time.

### Pain Point - Avoiding Legalistic Procedure

The mediation process, in practice, consists of several people talking to each other. The CTM has a basic set of guidelines and some screening questions to keep in mind but otherwise is making subjective judgement calls based upon their experience of each complaint and each situation. CTMs have no reporting requirements, and anything approaching a question of Spring's rules is referred to Staff.

What procedures do exist are necessary to attain fairness, avoid pitfalls such as interest-conflicted CTMs mediating disputes they have personal stakes in, etc. They should be viewed as necessary to protect the validity and credibility of the CT.

### Pain Point – Balance Between Communication and Privacy

CTMs are expected to keep all complaints they receive in confidence. CTMs exploiting their access to people's interpersonal disputes is a violation of the community's trust and a serious problem. All communications outlined in the process above are to be kept to the absolute minimum number of people necessary to apply the process. The parties to a conflict are not so bound. Staff may not compel

CTMs to disclose their activities as CTMs.

### **Pain Point – Community Interests vs. Individual Interests**

The objective of the CT, ultimately, is to relieve pressure from Staff while allowing for disputes within the community to be resolved with a minimum of disruption of the remainder of the conference. The end objective in the event that disputes cannot be resolved is therefore: to find peaceful coexistence between the parties to the conflict despite the ongoing nature of the conflict.

It is not up to a CTM to judge the conflict or the parties to it, it is up to the CTM to facilitate a discussion so that the parties can come to their own resolution, or sufficient accord. Whatever an individual's interests are is irrelevant to the process as the process is about allowing the conference to continue. If a person's individual interests become so severely conflicted with another individual that only the disruption of the conference can satisfy their indignation, they should be dealt with under the Spring Misconduct Policy or otherwise by Staff. No amount of mediation will prevail in such situations.



