

KBOO Radio Policy	Conflict Resolution	Date: August 6, 2006
POLICY # 5		Approved by: Board of Dir.

KBOO Conflict Resolution Policy

I. Policy Statement:

It is the intent of the KBOO Foundation, which operates KBOO Radio, to provide a working environment free of all forms of discrimination, harassment, abuse, and intimidation. It is the further intent of the KBOO Foundation to help resolve all differences and difficulties so that all parties can continue to participate at the radio station, so long as this can be accomplished without violating any other person's right to such an environment.

If a person is having problems getting along with another volunteer or staff person, the ideal is to resolve the issue independently, seeking help or advice from the Volunteer Coordinator if necessary. If this is not successful, the person may have access to mediation, unless it is determined that mediation is inappropriate. Consistent with KBOO's commitment to preserving a safe, tolerant, and productive working environment, cases of discrimination, harassment, abuse, and intimidation shall not be considered appropriate for mediation, and shall be arbitrated directly by the Station Manager.

In keeping with its values, KBOO shall use mediation as its primary method of conflict resolution because mediation allows for the most input by parties, the most control over potential outcomes, and the greatest durability of agreements.

It is also the case that participation in the KBOO Foundation is voluntary. Therefore, agreement to abide by KBOO's values, standards, and practices shall constitute an agreement to mediate in the event of a conflict that cannot be resolved independently by parties, and to abide by arbitration, when mediation is inappropriate or unsuccessful.

The Glossary of Terms – section VI of this policy - is to be used by everyone involved in the Conflict Resolution Process as a common ground for definitions.

II. Conflict Resolution Process

Point of Contact: The Station Manager shall serve as point of contact for situations requiring formal conflict resolution.

Mediation Resources: The Volunteer Coordinator shall develop and maintain a pool of qualified mediators from which the Station Manager or the Conflict Resolution Committee may select, as needed.

1. If conflict occurs, parties shall endeavor to resolve it independently and constructively. Cases of discrimination, harassment, abuse, and intimidation shall be reported to the Station Manager immediately.
2. If parties are unable to resolve their conflict independently, a "Notification of Conflict" form shall be filed with the Station Manager by either party to the conflict within 14 calendar days to activate the formal conflict resolution process.
 - a. Any employee or volunteer of the KBOO Foundation in good standing may activate the Conflict Resolution Process.
 - b. It is not necessary to have agreement on all the facts of the matter or to verify that particular actions or behaviors have occurred for the Conflict Resolution Process to be activated; if one party feels that there is a conflict then a conflict exists, even if another party denies exhibiting the alleged behaviors leading to the "Notification of Conflict."
 - c. For purposes of this policy, board members shall be considered volunteers.

3. As noted above, because not all conflicts are appropriate for mediation, the Station Manager shall conduct basic case development within 14 calendar days in order to ensure that the conflict is appropriate for mediation. If the case is not appropriate for mediation, it shall be arbitrated directly by the Station Manager within 14 additional calendar days.
4. Upon determination of appropriateness for mediation, the Station Manager shall appoint a mediator within seven calendar days.
5. If mediation is successful, parties shall construct an agreement delineating what actions each party shall take. Each party, as well as the mediator, shall sign the agreement.
6. In the event of a successful mediation, the Station Manager shall receive a copy of the mediated agreement. If the terms of the agreement are violated, the Station Manager shall arbitrate within 14 calendar days of being informed of the violation.
7. If parties are unable to conclude a mediated agreement, the case shall be referred back to the Station Manager for arbitration within seven calendar days. In such a case, it shall be the responsibility of the Station Manager to undertake any remaining case development necessary for a fair and informed arbitration.

Cases of conflict directly involving the Station Manager shall be referred to the Conflict Resolution Committee (CRC). If the CRC determines that the case is appropriate for mediation, the CRC will appoint a mediator within seven calendar days. In cases of unsuccessful mediation, the CRC shall arbitrate.

III. Confidentiality

The Conflict Resolution Process shall occur in a confidential environment, and all parties shall maintain confidence regarding all communications which occur within the process.

IV. Conflict Resolution Committee

This policy establishes a Conflict Resolution Committee (CRC), to be appointed by the Board of Directors. The Volunteer Coordinator shall qualify a pool of candidates for Board consideration. The CRC shall consist of one (1) board member, one (1) staff member, and three (3) KBOO Foundation members. It shall be a standing committee with a one-year term, and shall act in cases for which a request for appeal has been filed in response to the Station Manager's action (or staff member acting on the authority of the Station Manager). The CRC would also act in cases in which the Station Manager is a direct party to a conflict.

V. Appeals

The Conflict Resolution Process reserves appeals for situations in which the Station Manager (or a staff member) acts unilaterally to apply values, standards, and practices. For example, someone who is asked to leave the building by the Station Manager (or a staff member) has the right to request an appeal with the Conflict Resolution Committee (CRC). The CRC shall have the option to hear the appeal, in which case they shall arbitrate. The CRC shall also have the option to decline to hear the appeal, in which case the action of the Station Manager (or a staff member) shall be upheld.

This does not include appeals for arbitrations conducted by the Station Manager, because it is the Station Manager who has the responsibility to oversee day-to-day operations, as well as to ensure that KBOO maintains a safe working environment. If a party feels the Station Manager's decision is discriminatory, this may constitute a conflict directly involving the Station Manager, and may be referred to the CRC.

VI. Glossary Of Terms

Abuse

Abuse is a general term for the *use* or *treatment* of something (person, thing, idea, etc.) that causes some kind of harm (to the abused person or thing, to the abusers themselves, or to someone else) or is unlawful or wrongful. Its close synonyms are *mistreatment* and *maltreatment*.

Abuse can be something as simple as damaging a piece of equipment through using it the wrong way, or as serious as severe maltreatment of a person. Abuse may be direct and overt, or may be disguised and covert.

Several types of abuse include:

Bullying is the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but is not limited to actions such as verbal taunts, name-calling and put downs, including ethnically-based or gender-based verbal put downs. A bully is an individual who tends to torment others, either through verbal harassment or physical assaults, or through more subtle methods of coercion.

Emotional abuse refers to the use of emotional or psychological manipulation to compel another to do something they do not want, or is not in their best interests; or when one person manipulates another's emotional or psychological state for their own ends.

Humiliation is literally the act of being made humble, reduced in standing or prestige, or deprived of one's self-esteem.

Legal abuse is the use of legal procedures to retaliate, coerce, or emotionally or financially harm a person (e.g., certain lawsuits).

Physical abuse is the infliction of physical violence or pain on another.

Psychological abuse refers to the humiliation or intimidation of another person.

Psychological abuse can take the form of physical intimidation, controlling through scare tactics and oppression. It is often associated with situations of power imbalance, however, it can also take place on larger scales, such as group psychological abuse, racial oppression and bigotry.

Verbal abuse is the use of foul language, obscenities or demeaning talk directed at another.

Arbitration

Arbitration is the hearing and determination of a dispute by an impartial referee agreed to by both parties. A dispute resolution process that is binding: disputing parties agree in advance to be bound by the arbitrator's decision. The arbitrator acts as a private judge in a closed and private court. The arbitrator's final decision is based on the evidence and testimony of all parties provided at a hearing convened by the arbitrator.

If a situation is inappropriate for mediation (e.g. it involves abuse or violence, or mediation has not resulted in resolution, or a mediated agreement has been broken), the issue may be resolved by arbitration. In arbitration, the conflict is brought before a neutral third party (or arbiter), who hears directly from the parties of the conflict and decides on the best resolution for the situation. In arbitration, neither party has a say in the resolution—it is entirely determined by the arbiter.

Discrimination

Discrimination is the restrictive treatment of a person or group based on prejudiced assumptions of group characteristics, such as race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics, rather than on individual judgment. It is the denial of justice prompted by prejudice.

Harassment

Harassment is any improper conduct by an individual, that is directed at and offensive to another person or persons, and which the individual knows or ought reasonably to know will

cause offence or harm. It comprises any objectionable act, comment or display which demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat.

Intimidation

Intimidation is to discourage, inhibit, or frighten by threats. Intimidation is the act of making others do what one wants through fear. Intimidation may be manifested in such manner as physical threat, glowering countenance, emotional manipulation, verbal abuse, purposeful embarrassment and/or actual physical assault.

Mediation

Mediation is a process that uses a neutral third party (or mediator) to help parties in conflict with each other come to a mutually agreeable resolution. During mediation, the mediator ensures that communication "ground rules" are kept, providing a safer atmosphere for parties to discuss conflict. The mediator may ask questions to both parties to enable everyone to gain a deeper understanding of the conflict. To be effective, the parties in conflict must be willing to openly and honestly communicate; an important principle of mediation is that all said during a session is confidential.

A key characteristic of mediation is that the parties in conflict are solely responsible for creating a resolution to the conflict. The mediator may help the parties see where there is agreement, but does not decide, nor suggest a resolution. It may happen that the parties are unable to resolve a conflict – they may not agree on a mutually beneficial outcome. If this happens, the conflict could move to an arbitration process.