

VARSA Conflict Resolution Plan

Healthy conflict and discussion are a creative and necessary part of organizational life, and how all parties involved handle conflict will ultimately decide how well the group will function. Everyone involved in conflict situations carries responsibility for generating a resolution in a pro-active and engaged way, and the intent of this plan is to provide protocols for solving different levels of organizational conflict:

1) Follow the VARSA Communication Plan.

2) Individuals involved in a conflict are equally responsible to discuss together the issues and to review the communication plan to determine where the breakdown occurred. If the conflict is substantive and the review of the Communication Plan does not resolve the issue, move to Step 3.

3) Informal Listener

1. The Informal Listener is a peer member of VARSA and/or the fiscal agent and must be mutually agreed upon by the parties involved in the conflict.
2. The Informal Listener and the parties involved in the conflict will mutually agree to maintain confidentiality.
3. The role of the Informal Listener is to listen to both sides of the conflict, review the Coalition Communication Plan for direction, and identify where the breakdown occurred.
4. Once both sides have outlined the conflict, the Informal Listener may:
 - a. Recommend a negotiated compromise.
 - b. Recommend that the parties escalate issue to the Internal Coalition Mediator.
 - c. The Informal Listener can escalate the problem to the Internal Coalition Mediator.

4) Internal Coalition Mediation

1. The Internal Coalition Mediator will listen to both sides of the conflict and will engage in a negotiated compromise.
2. The Informal Listener and/or the Internal Coalition Mediator will be provided with dispute resolution resources.
3. The Internal Coalition Mediator is member of the VARSA Coalition voted into office annually. In the event the two parties cannot arrive at a solution, the Internal Coalition Mediator will generate a clear recommendation for action.

If one or both parties are unwilling to follow or break the recommendations of the Internal Coalition Mediator, the conflict resolution process escalates to Step 5.

5) Appropriate Escalation

1. Conflicts between a coalition member, a contractor, and/or a staff member are brought to their immediate supervisor.
2. Conflicts between two coalition members are escalated to the VARSAs Chairperson; if it remains unresolved, it is escalated to the full VARSAs Executive Committee.
3. Conflicts between coalition members and a VARSAs Executive Committee member are escalated to the remaining Executive Committee members; if it remains unresolved, it is then escalated to the Administrative Committee and voting body of the VARSAs Coalition.
4. A conflict with the Fiscal Agent representative is escalated to the Fiscal Agent lead.
5. A conflict between the VARSAs Executive Committee and the Fiscal Agent is reviewed by a peer committee formed from members of both groups and King County. This committee will generate a clear recommendation for action.

If one or both parties are unwilling to follow or break the agreement, or if there is no resolution, the issue will escalate to an external mediator as outlined in Step 6.

6) External Mediation (Appendix 1)

1. The parties in conflict will split the cost of the outside mediator.
2. The decision to bring in an outside mediator must be approved by authorized individuals: VARSAs related approval by the Administrative Committee and voting body of the VARSAs Coalition, Fiscal Agent related approved by their internal process, if both organizations are involved in the conflict, both authorizing groups and the grantors must approve this action.
3. An outside mediator will be mutually selected by the Fiscal Agent lead and the VARSAs Chairperson.
4. The External Mediator will generate a clear recommendation for action.

If one or both parties are unwilling to follow or break the agreement, or if there is no resolution, the issue will escalate to arbitration as outlined in Step 7.

7) Arbitration as a last resort (Appendix 1)

1. The parties in conflict will split the cost of the arbitrator.
2. The decision to bring in an arbitrator must be approved by authorized individuals: VARSAs related approval by the Administrative Committee and voting body of the VARSAs Coalition, Fiscal Agent related approved by their internal process, if both organizations are involved in the conflict, both authorizing groups and the grantors must approve this action.
3. An arbitrator will be mutually selected by the Fiscal Agent lead and the VARSAs Chairperson.



4. The arbitrator will generate a legally binding resolution.

Consequences of Continued Conflict

If there is persistent conflict between members, the executive board, and staff, an official warning may be incurred. If a participant receives two official warnings in any two consecutive calendar years, their continued involvement with VARSA will be voted on by the Administrative Committee and voting body of the VARSA Coalition. An official warning is defined as:

- Participation in Step 5 or 6 and no agreement is reached.
- Failure to fulfill terms of a mediated agreement created by the Internal Coalition Mediator, an external mediator or arbitration.

The Internal Coalition Mediator will document an official warning. Outcomes of incidents will be reported to all involved parties.

Members can appeal the two official warning rule with a written request to VARSA Board. The VARSA Board will appoint an unbiased member to review the findings and listen to both sides of the issue. If the issue remains unresolved, the Conflict Resolution Plan is implemented.

Appendix 1

What is Mediation?

Mediation is an informal process where an impartial third-party, the mediator, helps the disputing parties find a mutually satisfactory solution to their issue. The mediator guides the parties toward a mutually agreeable settlement by helping them clarify their underlying interests and concerns, and encouraging compromise and trade-offs based on the relative importance of each item to each party.

Mediators cannot impose a resolution upon the parties since they are not able to make legally binding decisions. Any settlement reached, if in fact one is reached, is simply an agreement signed by the parties just like any other contract. The settlement does not have the same legal force as an *Award*, which results from arbitration.

Mediation is usually well-suited to disputing parties who still have a somewhat amicable relationship, who are still able to negotiate, and who do not want a third-party to make final decisions.

What is Arbitration?

Arbitration is a procedure whereby two or more parties agree to have an unbiased, neutral, third-party (or third-parties) act as judge and jury to resolve their dispute for them in private -- outside of the public judicial system.

It is a simplified version of a trial involving less complicated rules and procedures. Arbitrators have more flexibility than court judges to decide how the arbitration should proceed and what weight to give evidence. The parties typically agree to abide by a particular arbitral institution's existing rules such as the American Arbitration Association. After giving the parties the opportunity to present their side of the story and to present any relevant documents or other evidence, the arbitrator decides who wins the case and what the resolution will be.

If the parties agree in advance to *binding arbitration*, the decision of the arbitrators, called an *Award*, is enforceable in a court of law if the losing party does not comply with the terms of the Award. Binding arbitration is more comparable to litigation than is mediation. One important distinction between arbitration and litigation is that the former offers very limited rights of appeal after the arbitrator makes an Award.