

DEVTRACO VILLAS COMMUNITY (DRACET) CONFLICT RESOLUTION PROCESS

A Lot of Problems in the World Would Disappear If We Talked to Each Other With Respect

Motivation

Conflict and disagreement is natural in any community. However, when an inter-relational experience that is perceived as injurious by one party becomes inflamed with emotion and negative personal feelings, it can be hurtful and damaging to peaceful co-existence in any community. In general, emotionally charged conflicts result when people view the conflict and their opponents without understanding of the others' point of view.

The Conflict Resolution Process

Conflict resolution is about establishing a common understanding of a person or persons with whom we disagree and restoring a relationship that fosters positive co-existence and neighbourliness.

DRACET Council is offering our DRACET Community, a Conflict Resolution Process which would provide an avenue for members of the DRACET Community who seek redress for neighbour-to-neighbour disagreements using facilitated discussion to reach amicable solutions.

DRACET Council deems it a good idea to use Alternative Dispute Resolution (ADR) as part of a "best practices" approach.

The Conflict Resolution Committee

In order to fulfil the objective of a Conflict Resolution Process for our Community, DRACET Council through, has constituted a Sub-Committee to facilitate resolution of complaints brought before DRACET Council. The Council's Safety and Welfare Officer, as leader of the Safety and Welfare Sub-Committee of the Council will put together a Conflict Resolution Group that may consist of individuals or a team depending on the assessed needs of each conflict.

The objective of a Conflict Resolution Proceeding is for appointed Committee member/s to act as facilitators of communication who guide disputants with information and home wisdom to resolve their differences and to continue to co-exist in harmony.

Anyone assigned to facilitate a conflict will be neutral and impartial and will not act as a judge or advocate for any person in the Conflict or their cheerleaders. They will not provide legal advice even if they happen to be lawyers or judges. They will endeavour to maintain the confidentiality of communications, unless required to disclose such information under a legal obligation or to members of DRACET Council and anyone the Council appoints to continue the work of a committee that is unable to fulfill its obligations for whatever reason.

The DRACET Complaint Resolution Process

The DRACET Community Complaint Process will be an **Informal Process** that seeks to resolve the complaint without investigating or assessing the merits of the allegations for the purpose of apportioning blame or a winner and a loser. ***An informal process is generally not appropriate where there are serious allegations that fall under criminal law and must be subject to criminal proceedings.***

Even though an informal process is used in the DRACET Community Complaint Process, the complaint and the resolution proceeding will be taken seriously and addressed by the people who are charged as facilitators, with respect for differences in perspectives and opinions. Those appointed as DRACET Conflict Resolution Committee Members WILL NOT impose their world view and opinions in these proceedings.

What Constitutes a Complaint

The DRACET Community Complaint Mechanism permits complaints from any person or persons who perceive the source of a misunderstanding between themselves and another DRACET Community member/s to have been caused by **a violation of the terms of the DRACET Constitution and/or the Bylaws.**

How to File a Complaint

Complainants are encouraged to explain to the person with whom they have the disagreement to make it clear that the event or behaviour is perceived by the Complainant to be unwelcome but Complainants are not obliged to do so as each case is different.

In all matters, it may be important to treat any concerns about safety raised by either party and abandon the informal process in favour of law enforcement involvement if such concerns are found to have merit.

If addressing the alleged perpetrator could lead to an escalation of the conflict, or expose Complainants to safety risks, Complainants are not expected to directly interact with the alleged perpetrator. The Complainant must inform DRACET Council about this opinion and how they came by it. If, however, a Complainant feels they can safely make it known to the person responsible that the behaviour is unwelcome, this first contact may resolve the matter, or may help later if they make a complaint.

If the situation cannot be resolved by speaking to the alleged perpetrator, a complaint may be made by submitting a complaint in writing detailing the following:

- The Full Name/s and House Number of Complainant(s) (Indicate Owner or Lessee)
- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Who saw it happen – the names of any witnesses and/or audio-visual evidence, if any.

When a Complaint is Received

DRACET Council, upon receipt of the complaint, will notify the alleged perpetrator (the respondent(s)) of the complaint and provide the respondent(s) with a hard or soft copy of the written complaint.

The alleged perpetrator or respondent is obliged to respond, in writing, to the allegations made by the complainant within 48 hours of receipt of the complaint detailing the following:

- The Full Name/s and House Number of Respondent(s) (Indicate Owner or Lessee)
- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Who saw it happen – the names of any witnesses, and/or audio-visual evidence, if any.

The Complaint Resolution Process is Confidential and Without Prejudice which means that any information provided to DRACET Council and its Agents will be treated as confidential. Without Prejudice means that any information provided by either party during the process will not be used in any subsequent proceeding should the resolution attempt fail.

All complaints and related activities are assigned timelines for timeliness and efficiency. Delays in resolving complaints and restoring relationships in the community could cause the conflict to become entrenched and negatively impact relationships in our community.

DRACET Conflict Resolution Committee

Upon receipt of the respondent's response, DRACET Council will convene a **Conflict Resolution Committee**. The Committee will assume responsibility for the amicable resolution of the conflict within 10 days of filing and submit a written report to DRACET Council within 5 days of the conclusion of the resolution proceeding.

The Conflict Resolution Committee will assign a case file number to the complaint e.g. CR 001 - 19 (Conflict Resolution File Number #001 – 2019)

The Committee will contact the parties separately and confidentially and ask that they sign an Agreement to Participate form. This is necessary to ensure that parties agree to participate without coercion.

Venue for Complaint Resolution Proceedings

DRACET Council will provide accessible space for resolution proceedings. The Conflict Resolution Committee will work with disputants who will decide on their comfort with the assigned venue. The Conflict Resolution proceedings will take place in neutral spaces; that is to say, resolution meetings will not be held in neither Complainant nor Respondent homes. Disputing parties must agree to the venue selected.

Support Persons at Resolution Process

The parties' involved in a DRACET Conflict Resolution Process are allowed to have one person accompany them to the settlement meeting if they wish. No legal counsel is allowed as the proceeding is informal. The absence of counsel would encourage disputants to listen to, and to hear one another's perspectives.

When Conflict Resolution is Successful

The Conflict Resolution Committee Report will Outline the following in the Report:

- Date of Proceeding
- Venue of Proceeding
- Name(s) and House Number of Complainant(s)
- Name(s) and House Number of Respondent(s)
- Issue(s) Outlined in Complainant(s) Allegations
- Issues Outlined in Respondent(s) Response
- Issues Deliberated at Conflict Resolution Proceeding
- Agreement Reached by Disputants (obtain parties' initials on the report)
- Follow-Up Action/Date/ Action Proposed/ Final Follow-Up Date for Restoration (Allow 4 weeks)
- File closure will be effected after the Committee submits a report indicating the parties relationship is restored.
- The case file will be closed.

When Conflict Resolution is Not Successful

The Conflict Resolution Committee Report will Outline the Following in the Report:

- Date of Proceeding
- Venue of Proceeding
- Name(s) and House Number of Complainant(s)
- Name(s) and House Number of Respondent(s)
- Issue(s) Outlined in Complainant(s) Allegations
- Issues Outlined in Respondent(s) Response
- Issues Deliberated at Conflict Resolution Proceeding
- One sentence to indicate that the parties failed to reach amicable settlement. In addition, the report will indicate whether the parties are willing to try resolution within a month. The Committee member(s) will remain seized of the complaint and the date the follow-up will be effected.

DRACET Council will be responsible for ensuring such follow-up is carried through. When the Conflict Resolution Committee reports that the parties failed to reach amicable settlement in the second attempt, DRACET Council may contact the parties in order to confidentially determine if the Complainant wishes to pursue other avenues or if he two sides have other creative settlement proposals.

Reprisal Prohibited

It is a violation of DRACET Conflict Resolution Policy to take reprisal action against persons who make a complaint, as well as other persons involved in the resolution of the complaint. In other words, they should be free from "reprisal." This applies to the following:

- Complainants
- Respondents
- Witnesses
- Advisors
- Family and Extended Family Members of Complainants, Respondents and Witnesses
- Facilitators and DRACET Council Members

Persons who continue to engage in Reprisal against anyone involved in the Conflict Resolution Process will receive a single warning and thereafter the affected individual would be encouraged to file a complaint with Law Enforcement with the support of DRACET Council.