

Informal Resolution Process: Overview, Criteria, Steps

1. Overview—Creating Authority for Informal Process:

Informal resolution is a process of basic fact-finding (not necessarily exhaustive), with an aim of advancing “**Community Building Objectives**” (defined below) and, if needed, addressing safety and non-disruption issues.

The society’s governing board or a board-authorized official should:

- **adopt clear inclusive conduct expectations** applicable to all members and participants in society activities and roles
- **include the expectation of maintaining confidentiality of conduct complaints and resolution processes** (unless law, safety or insurance require the society’s disclosure)—and that only the society has authority to decide when a resolution is made public;
- **authorize an informal process aimed at Community Building for resolution of a concern** that conduct expectations haven’t been met—and how to raise such concern;
- **include some limited types of additional consequences**, e.g.—
 - temporary suspension from activit(ies) or removal from a meeting to address safety and non-disruption of the community or individuals in society activities,
 - a warning (oral or written),
 - fulfilling educational requirements;
- **include the positions that may carry out the process and decide consequences**, as the need arises.

Even if a society will eventually adopt a more robust conduct and resolution policy, informal resolution for Community Building Objectives is a good first step. It is a foundational element of effective inclusive policies.

If the informal resolution process, with the limited consequences it can impose, is the only authorized policy, a society is likely limited to that process in many situations. (A society can engage law enforcement for violence and other criminal acts.)

2. Informal Process Steps—Facilitator Role:

- **Determine and informally take notes on basic facts**—who, what, how, why, when, where;
- **Engage the identified target and accused (by phone, in person or in writing) on facts and their needs** (also key witness(es) if helpful);
- **Engage the identified target and accused in responsive consultation, without coercion**, to achieve Community Building Objectives, if possible;
- **Be sensitive to an identified target’s desire (or not) to engage the accuse directly (vs. through the facilitator);**
- **Act promptly** (in real time during the review or if needed, e.g., within 30-90 days, depending on the situation);
- **Impose any additional authorized limited consequences promptly if needed for safety or non-disruption (as an alternative to Community Building if the parties do not agree to engage or, if needed, on top of Community Building);** a separate authorized decision-maker may be assigned to do this;
- **Notify the identified target and accused of the outcome/conclusion and keep notes as a record.**

If the facilitator imposes additional consequences, provide a separate reviewer to whom the accused and target may informally appeal if they object (limited to new facts, consequential conflicts of interest, absence of any rational basis for the determination that the additional consequences were needed).

3. Community-Building Objectives *focus on acknowledging harm experienced by the identified target, society community or field and accountability by stopping it—Do not focus on extensive process, making a formal violation determination, and punishment:*

- **The accused internalizes the society’s specific inclusive conduct expectations** that relate to the particular conduct concern (and more).
- **Misunderstandings are corrected—Needed lessons are learned.**
- **Whether or not a conduct policy was technically breached, the accused understands that an identified target, the community or field experienced harm, and owns specifically how the accused’s conduct caused or contributed to that.**
- **The accused authentically commits to prevent recurrence**, with a specific understanding of how (i.e., how to engage differently—what conduct not to repeat and why).
 - ✓ **For accountability**, check-ins with the parties may be conducted, if needed; tracking whether additional allegations are made against the accused is a good practice
- **The identified target’s needs for inclusion, belonging and physical and emotional safety are satisfied** (to advance inclusion, this applies whether a “reasonable person” would have experienced harm or not—within reasonable bounds that enable the work to get done).
- **The relationships of the parties are repaired** (or foundations for this goal are laid).
- **As a “teachable moment” about a type of harmful conduct (beyond resolving the specific incident), more members of the community may be engaged** in a facilitated dialog to elevate a broader understanding of society inclusive aims, related conduct expectations, and the seriousness of those expectations.

4. Who Can Perform the Process:

- **A person (within the society) with facilitation skills/experience and knowledge of the Community Building Objectives** (may be the fact-finder resolving the concerning conduct, sometimes in real-time when the concern is raised);
or
- **A specially trained ombudsperson, mediator, lawyer, or leader as facilitator** (an outside consultant/contractor, depending on what is feasible and desired by the society)

For an example of an informal process used by the Societies Consortium, see [here](#).