

# 200203 Dispute Resolution Committee

## Internal Rules and Procedures

### 1. Purpose and Structure

#### 1.1. Purpose:

- 1.1.1. The purpose of the DRC is to **assist in the resolution of disputes between members and/or guests and/or Pumping Station: One (Pumping Station: One) and address violations of the membership agreement (heretofore known as “disputes”), in the physical and digital spaces of the organizations.** Reports may be brought forward by the parties internal or external to the dispute. Criminal conduct is an immediate matter for the appropriate law enforcement authority. It is not the responsibility of the DRC to act on behalf of any individual in a legal context.
- 1.1.2. A primary role of the DRC is:
  - 1.1.2.1. to **resolve problems** before a situation devolves or escalates in a manner that would impact the well-being of the membership or organization.
  - 1.1.2.2. to recommend remedies or resolutions to disputes
- 1.1.3. The DRC is a **separate standing committee** made up of Pumping Station: One Board members and non-board members designated for this purpose of dealing with issues that could otherwise take up significant Board time.
- 1.1.4. The DRC should strive to encourage ethical behavior and a positive sense of community at Pumping Station: One and use creativity in their methods whenever possible.
- 1.1.5. The DRC shall strive to act in a **fair, impartial, clear, orderly, and prompt** manner.

#### 1.2. Composition:

- 1.2.1. The committee shall be made up of a minimum of five (5) members, including a majority of Board members and at least two (2) non-board members selected by a majority vote of the Board.
- 1.2.2. The two (2) non-board members shall be selected from a list of applicants collected from an announcement to the membership of open positions.
- 1.2.3. The committee shall not include a current president.

- 1.2.4. Upon confirmation of election of a new incoming Board, the DRC shall be temporarily composed of the same two non-board members from the previously appointed DRC, plus the secretary and two directors-at-large of the newly seated Board of Directors.
- 1.2.5. The Board shall select the members of the Dispute Resolution Committee within thirty (30) days of taking office at the beginning of every term.
- 1.2.6. The names of the DRC members shall be made known to the PS:1 membership when they join the DRC. Notice shall be given in the PS:1 Board of Directors meeting minutes.

## 1.3. Participants:

### 1.3.1. DRC Members

Upon appointment of DRC members by the Board the DRC shall assign the following roles to DRC members on a case-by-case basis – Facilitator, Community Liaison, and Secretary.

- 1.3.1.1. The **Facilitator** shall be responsible for scheduling meeting times, making sure rules and timelines are followed, and conducting DRC meetings. The facilitator may not be a member of the PS: One Board of Directors.
- 1.3.1.2. The **Community Liaison** shall be the DRC spokesperson in charge of communicating with petitioner(s), other parties, and the Board of Directors. The Community Liaison should offer as little as possible in the way of personal opinions, suggestions, or speculations. The Community Liaison shall let it be known that they are communicating the official position of the DRC and not their own. The Community Liaison cannot speak for the DRC on issues not prescribed by the DRC for the matter at hand.
- 1.3.1.3. The **Secretary** shall be in charge of recording and maintaining documentation and its confidentiality, including DRC meeting minutes, testimony, post-resolution records, and an anonymized archive maintained in the appendix of this document of recommendations suggested by the DRC. The DRC shall deposit all documentation of closed issues with the Secretary of the Board of directors to be stored in PS:One records. The DRC Secretary shall seek the advice and assistance of the PS:One CTO in fulfilling this role.

### 1.3.2. Parties to the Dispute

The following participants may be regarded individually as a “party” or collectively as “parties.”

- 1.3.2.1. **Petitioner** - The party bringing an issue forward for consideration.
- 1.3.2.2. **Respondent** - The party whom the issue is being raised against.
- 1.3.2.3. **Trusted Confidant** - The petitioner and respondent may choose a trusted confidant to serve as an informal proxy to a dispute, whose role is to reduce complexity and conflict in the dispute resolution process. (see Section 2.3)

## 1.4. Powers:

- 1.4.1. The DRC is a committee as per the Pumping Station: One Bylaws, regarding disputes and

violations of the membership agreement. The DRC shall not have the power to terminate membership or suspend a membership for more than 120 days. The DRC may make additional recommendations to the Board of Directors for termination of membership.

- 1.4.2. The DRC shall investigate and make determinations regarding disputes (see Section II).
- 1.4.3. The DRC can recommend remedies to the parties involved (see Section VI).
- 1.4.4. The DRC shall only have powers at a meeting with a quorum (as per Section I.7.4). Individual DRC members shall have no powers outside of the DRC meetings. Actions taken by DRC members individually shall not have the power of the DRC, unless approved by the DRC.
- 1.4.5. Individual DRC members can advise Pumping Station: One members of DRC policies and procedures. In order for the DRC to take action on an issue, it must first be logged (see section II.1.1), and all members of the DRC must be notified.
- 1.4.6. Issues under the purview of the DRC shall be matters of the DRC, not the Board. Board meetings should not be used to discuss disputes or violations of the membership agreement unless a determination of the DRC is appealed to the Board.

## **1.5. Duties:**

- 1.5.1. DRC members shall maintain the confidentiality of disputes or incidents under their consideration, unless otherwise determined by the majority of the committee. Failure to maintain confidentiality shall result in the removal of a member from the DRC (see Section I.6).
- 1.5.2. If a member of the DRC or Board is party to the issue, they shall recuse themselves from processing that specific issue. If a member of the DRC is involved, the Board shall temporarily replace them in the same manner as they were originally brought on to the committee. Members of the DRC may recuse themselves where they would not be able to perform the duties as described herein in a manner in accordance with the DRC's purpose (See Section 1.4).
- 1.5.3. The DRC can only take action, including asking members to come before the DRC, on an issue that is logged as per Section 2.1.1.
- 1.5.4. Members of the DRC must read and understand this document in its entirety. They will meet to discuss any questions, concerns, clarifications and come to a consensus about those concerns within the first month of office.
- 1.5.5. DRC members are expected to treat official issues and reports in accordance with the stated purpose and processes of the DRC, but are under no more obligation to report potential violations of rules or policies than any other member would be under the same circumstances.
- 1.5.6. The DRC shall recommend remedies consistent with similar incidents, understanding their implications as precedent. When necessary, remedies can be made that consider prevalent expectations and cultural norms that best serve the health of the membership and organization.
- 1.5.7. The Board members on the DRC shall remain mindful of their fiduciary responsibility for

the actions and well-being of the Corporation.

## **1.6. Conflicts of Interest and Self Dealing**

- 1.6.1. In all matters arising under this policy, members of the Dispute Resolution Committee and Pumping Station: One Board of Directors are expected to conduct themselves fairly, without personal bias. Any member of the Committee or Board who feels they have a personal interest or a conflict of interest in the dispute or remedy, whereby they are unable to perform their duties, must immediately recuse themselves.
- 1.6.2. Committee and Pumping Station: One Board members may confidentially discuss potential conflicts of interest among themselves in order to help their members understand their positions and act appropriately.
- 1.6.3. If a Committee member believes another Committee member has a conflict of interest, the issue should be raised in Committee as soon as possible. Likewise for a Pumping Station: One Board member.
- 1.6.4. If, after reasonable good faith discussion, the Committee cannot come to a satisfactory informal decision regarding a conflict of interest, a Committee member may request a vote to determine whether a Committee member should be disqualified from participating in the resolution of the particular dispute with regard to which the member has a conflict of interest. Disqualification shall be by majority vote, not including the DRC member alleged to have a conflict of interest. The Pumping Station: One Board of Directors shall select a member of the Board of directors to act as a neutral temporary Committee member for the purpose of the vote for disqualification. If a member of the DRC is disqualified then the committee shall follow the rules for recusal as per Section 1.5.2.

## **1.7. DRC meetings:**

- 1.7.1. DRC meetings shall be closed to all persons not directly involved in an issue.
- 1.7.2. While the DRC shall endeavor to conduct all meetings in person, in case of emergencies or the requirement of a quick response (e.g. issues raised in regards to postings to the mailing list), the DRC may meet by teleconference or videoconference or other method agreed upon by the DRC.
- 1.7.3. At the discretion of the DRC, DRC members and parties to the dispute may participate by telephone or video conference.
- 1.7.4. Quorum for a DRC meeting shall be a majority of the members of the DRC, including one DRC member who is not a member of the Pumping Station: One Board. Quorum for a DRC vote to recommend to the Board that an individual's membership be terminated shall consist of all members of the DRC.

## **1.8. Annual review**

- 1.8.1. The DRC and the Board of Directors shall review this document and the DRC process at least every twelve months.

## 1.9. Limitations

- 1.9.1. The DRC cannot establish guilt, innocence, truth, blame, or other sorts of opinions or findings produced in a Court of Law. The DRC uses the information it learns to resolve disputes as described in this document. Meetings of the DRC are not legal proceedings in the formal sense of Law, and the internal discussions of the DRC members are strictly confidential and should not be shared with persons outside of the DRC. The goal of producing a resolution that is agreed upon by everyone involved is the best case outcome, but in acting on behalf of the Board of Directors, the DRC's highest calling is to look after the Corporation's actions and well-being.

## 2. Process

### 2.1. Processing a Raised Issue:

- 2.1.1. When a member communicates verbally or electronically to any member of the DRC that the member wishes to raise an issue, they will be provided a form to document the issue for DRC, if they have not already submitted a form, for DRC internal records. DRC members can assist the petitioner in filling out the form. The form shall be shared with all members of the DRC, upon completion, but shall otherwise be kept confidential.
- 2.1.2. Issues can be brought to the DRC by any Pumping Station: One member or guest approaching any DRC member. Both parties must understand that the initial request for action should be a communication limited to the issue being reviewed, not a discussion of the substance of the issue. The DRC member taking note of the issue should offer as little in the way of opinions, suggestions, or speculations as possible. However, they should maintain an open and professional attitude and should discuss what the DRC is, and the process that will follow. *The DRC member shall state that they do not have the authority to discuss the substance of an issue outside of an officially convened meeting of the DRC.*
- 2.1.3. Members and/or guests can bring forward an issue at any time after an event occurred and as soon as they are comfortable. It is at the discretion of DRC to consider raised issues about events that occurred prior to the last three (3) months.
- 2.1.4. The DRC can elect not to pursue an issue it deems frivolous or inappropriate, or unactionable but shall keep a record of the issue. This decision can be appealed, see section 2.2.
- 2.1.5. Every member involved in the dispute has the right to be heard. The DRC shall seek the position of all parties involved in a dispute. The DRC shall inform all involved parties *of the existence of this document and where to find it.*
- 2.1.6. The DRC shall review, but not act upon, anonymous issues (i.e. where the petitioner does not identify himself/herself to the DRC).
- 2.1.7. In order to file an official issue, the petitioner must have first-hand knowledge of the incident.
- 2.1.8. The petitioner may request that their identity remain confidential (i.e. not be identified to the subject of the raised issue), however this may limit the actions the DRC can take without

implicitly revealing the petitioner. If the petitioner requests that their identity remain confidential, the DRC may maintain a record of the issue, and act and/or recommend remedies that would limit the exposure of the petitioner.

- 2.1.9. The DRC will strive to maintain the confidentiality of the petitioner as a default, while acting in a manner that addresses the raised issue. The petitioner will only be explicitly revealed to the subject of the raised issue if the petitioner specifically agrees to it.
- 2.1.10. The petitioner may request to communicate with a specific member of the DRC. This request may be approved at the discretion of the specific member.
- 2.1.11. In a matter involving a prohibited act, as per the membership agreement, a DRC member may assess and council the individuals immediately, and temporarily ban the member performing the prohibited act immediately, until which time a meeting with the DRC can be scheduled. The DRC member will document and communicate the matter to the DRC as soon as possible. In the case of possible criminal conduct, any Pumping Station: One member should contact the appropriate law enforcement entity, such as the Chicago Police Department.
- 2.1.12. All members of the DRC shall work towards a resolution that will be approved. Any member of the DRC can move to approve a resolution, which must be seconded, by majority vote once the petitioner and respondent have been heard.
- 2.1.13. In the event of a petitioner or respondent's repeated inappropriate behavior, non-compliance or failure to cooperate, a second issue, in which the DRC is the petitioner, shall be raised for non-compliance, and the original issue remains open.
- 2.1.14. The DRC may insist on confidentiality by all involved parties, during the process, and for any specified period of time thereafter.
- 2.1.15. Parties will be considered to have been notified by the delivery of an email to the member's email on file with the organization.
- 2.1.16. The Secretary will maintain a log of interaction dates with the involved parties for each case.

## **2.2. Appeal:**

- 2.2.1. In the event that either the petitioner or the respondent believes a case was mishandled by the DRC, including a decision by the DRC not to accept an issue for discussion, they can appeal to the Pumping Station: One Board of Directors by submitting a letter of appeal electronically or in writing to the Board Secretary within fifteen (15) days of notification of the DRC's determination.
- 2.2.2. Appeals will be reviewed by the Board. Appeals shall be conducted at the discretion of the Board, as determined by a majority vote of the Board, and shall follow the DRC procedure regarding documentation and interviewing if necessary.
- 2.2.3. The Board shall make a determination on the appeal within fifteen (15) days of the submission of an appeal. Except in instances of removal, where a supermajority vote is required, a majority vote by the Board shall resolve an appeal.
- 2.2.4. Appeals to the Board shall not preempt the flow of any issue through the DRC's normal

procedures as described in this document.

- 2.2.5. The member may be suspended for as long as necessary while the Board investigates an appeal.

## 2.3. Trusted Confidant

The inclusion of additional parties in the process of determining remedies for an issue serves to provide an environment where ideas and compromises that might be reflexively unacceptable to the petitioner and/or respondent can be discussed with minimal interjection of emotion or complexity, and to allow parties to achieve resolution of the dispute.

- 2.3.1. Petitioner and Respondent each have the right to name another person to be present during all encounters with the DRC.
- 2.3.2. The trusted confidant's right to speak during the proceedings will be decided on a continual ad-hoc basis by the DRC. The default will be that the trusted confidant will be allowed to speak, provided that their mode of participation is not disruptive to the process.
- 2.3.3. Trusted confidants can meet in circumstances designated and supervised by the DRC, and also *without the petitioner and respondent* present, with their respective consent. Any additional information provided by the trusted confidant shall be verified with the respective petitioner and respondent.
- 2.3.4. The petitioner and respondent must each agree to representation by proxy. Resolutions determined by proxy must be agreed upon by the person they are representing. Resolution of the conflict will include how to determine acknowledgement of the resolution and qualify compliance.
- 2.3.5. If informal mediation by the Trusted Confidants is not successful or agreeable to both parties, formal mediation by a duly recognized professional service outside of Pumping Station: One may be arranged by the DRC.

## 2.4. Record-Keeping:

- 2.4.1. The Secretary of the DRC shall ensure records are securely retained for the didactic benefit of future DRCs. The Secretary of the DRC shall deposit all DRC records with the Secretary of the Board. Only members of the Board and DRC may have access to DRC historical records, not delivered to any parties, Board, or DRC members. The Secretary of the DRC and the Secretary of the Board are the only members allowed to have historical access of DRC proceedings.
- 2.4.2. All records in the informative annex are to be anonymized.
- 2.4.3. In addition to recording testimonials, and discussion, the Secretary will also take note of dissent on the DRC in instances where there is not consensus.
- 2.4.4. Upon coming to a decision the DRC will deliver records of membership suspension, temporary removal, and recommendations of termination to the Board of Directors. The names and circumstances of the removals shall be stored in the most effective manner available to prevent reactivation of membership.

## 2.5. Follow-up:

- 2.5.1. Any remedy agreed upon by the DRC and petitioner may also specify a follow up period (e.g. 3 months, 6 months).
- 2.5.2. The DRC shall follow up with parties on a periodic basis during the follow up period as to compliance with the remedy. The frequency of follow up shall be at the discretion of the DRC.
- 2.5.3. The DRC Community Liaison shall be responsible for the follow up, shall document all follow-ups, and shall provide such documentation to the other DRC members.

## 2.6. Electronic communication:

- 2.6.1. The DRC may moderate or limit access to anyone that participates in problematic or contentious discussions in electronic communication media (e.g. organization internal online groups, forums, instant messaging, email) until they communicate with the DRC and a request to remove the limitation/moderation is approved by the DRC.
- 2.6.2. In cases of moderation, what gets barred from publication by the DRC and/or designated agents will be at their discretion but should apply only to communications related to the issue at hand. The DRC will inform authors of moderated posts, the scope, and the reason for moderation/limitation within 24 hours of rejecting any post.
- 2.6.3. To moderate electronic communications, an issue must be raised, DRC members must conduct a meeting, which may be via teleconference or any other communication medium, have a quorum, and have a majority vote to moderate a member and/or conversation chain.

## 2.7. Timeline:

- 2.7.1. **Issue is Filed** - Day 1 - Log the initial issue and share the issue with all DRC members.
- 2.7.2. **Petitioner Notification** - The DRC shall notify the petitioner of receipt of the issue not later than 2 days after an issue is filed. The petitioner should be notified of the option of scheduling a meeting and that they may select a Trusted Confidant to attend the meeting with them.
- 2.7.3. **Petitioner Meeting** - If the petitioner requests to meet with the DRC regarding their complaint, then this meeting shall be convened not later than fourteen (14) days after the filing of the issue, unless the petitioner defers to a later date or some other practical matter affects the committee's ability to meet with the petitioner. Meetings may occur online or via phone.
- 2.7.4. **Respondent Notification** - If the DRC and petitioner are in agreement to honor and act on a filed issue, the respondent shall be notified of the nature of the issue, by the DRC Community Liaison, with deference to confidentiality, not later than 2 days after the decision is made. The respondent should be notified that they have the option to select a Trusted Confidant to attend the meeting.
- 2.7.5. **Respondent Meeting** - If necessary and agreed upon with the respondent, the DRC shall schedule a meeting with them not later than fourteen (14) days of notifying the respondent of the issue, and only after meeting with the petitioner.



- 2.7.6. Additional Meetings** - All parties must be notified if additional meetings need to take place and the DRC decision will be delayed.
- 2.7.7. DRC Decision** - The DRC shall come to a decision within seven (7) days of the final meeting with the Respondent or the final meeting with third parties.
- 2.7.8. Decision Notification** - The DRC will notify the respondent and petitioner of a decision not later than 24 hours after reaching a decision. The DRC will notify the Board of any determinations or recommendations that need to be communicated to the Board. An outline of the case excluding details shall be listed in the DRC annual case log in order to provide a summary of activity to the Board at the end of each year.
- 2.7.9. Board Votes** - When initiated by the DRC, the Board's vote to remove or suspend a member is to be held within forty-eight (48) hours of receipt of the recommendation, or whatever amount of time is stipulated by the current bylaws.
- 2.7.10. Member Appeal** - Should a petitioner or respondent be dissatisfied they can request an appeal within fifteen (15) days of determination by writing to the Board. The appeal must indicate that the case was mishandled. Disagreeing with a decision does not entitle the respondent or the petitioner to an appeal.
- 2.7.11. Board determination of appeal** - The Board will make a determination of whether or not to hear the appeal within fifteen (15) days of receipt of the appeal, or at the next Board meeting, whichever is sooner.

# 3. INFORMATIVE ANNEX

**These informative annexes are not part of the enforceable requirements of this document, but are included for information purposes only.**

## 3.1. Examples of Possible Remedies

As examples of how to think about appropriate resolutions to specific disputes, here are a few Remedies that illustrate the breadth of actions the DRC can take. The DRC should be as creative as circumstances warrant in helping to create the best set of solutions to problems under its purview. Remedies will be determined on a case by case basis and must be agreed upon by the parties involved as per section 2.

- 3.1.1. Mediation by a duly recognized professional service outside of Pumping Station: One
- 3.1.2. Suspensions less than 120 days.
- 3.1.3. Suspension from specified activities or for non-contiguous intervals (e.g. one day, every Tuesday, etc.)
- 3.1.4. Community chores.
- 3.1.5. Probation.
- 3.1.6. Separation of parties, via an agreed upon arrangement.

## 3.2. A note about what the DRC recommends

- 3.2.1. As used in connection with matters of the DRC, “Recommend” (also recommendations, etc.) has two meanings throughout this document. Recommendations are not commands or demands.
- 3.2.2. To the Board of Directors: Advisement on a course of action by the Board of Directors e.g. “The DRC recommends that this member’s membership should be terminated.”
- 3.2.3. To the involved parties: Advisement on a course of action by the Recommendation should be framed such that compliance is always voluntary and assumes the member wants to keep their membership.