

# **Bartimaeus Community Conflict Transformation Process**

There are two basic reasons for seeking mediation:

1. The breaking of consensus-based rules (not criminal laws, ordinances, civil matters, or moral codes)
2. Personal tensions between individuals or families of different units, but not between family members or residents of the same unit.

Mediation is NOT a substitute for other valid processes and resources:

- The police and court system address law-breakers
- The humane society and/or animal control handle dangerous animals
- Social services address child abuse and neglect
- Qualified professionals address psychological or marital counseling
- Spiritual counselors, mentors or clergy (with whom a voluntary relationship exists) address spiritual and moral matters

Mediators should be relationally mature, safe people who volunteer and/or are elected, and undergo specific training to learn good mediation techniques. As a goal, we recommend at least 3 if not 4 or 5 mediators in the community. The community should pay for training.

The following mediation process is NOT a rigid, step-by-step procedure. If any of these steps is not possible, it is perfectly acceptable to start out of sequence, or skip steps. For example, if someone is really uncomfortable with speaking to another directly about a problem, it is reasonable and proper to go to use a mediator as a sounding board for possible solutions – so long as it is done respectfully and in confidence.

## **Mediation process for rule breaking**

1. Try to address issues, in private and at the time of the incident, in a respectful calm manner.
2. Inform the person about the rule he or she has broken. Avoid using email if at all possible.
3. If the rule is broken again, and in the same manner, try to address it again – calmly and in private. Avoid gossip.
4. Without disclosing specifics, ask a board member or committee head to clarify the rules.
5. Try to use a mediator as a sounding board (in private and in confidence) on possible solutions to the problem.
6. If you feel that the issue must be addressed, ask for mediation.
7. If someone asks you to meet with a mediator, you should comply and participate as a responsible member of our community.
8. Both parties should agree on a particular mediator with whom they feel comfortable.
9. If someone feels at a disadvantage (shy, under-age, tongue-tied or otherwise unable to communicate), he or she may ask someone to be an advocate – to help communicate his or her position clearly.
10. Mediation...
  - a. If mediation is undertaken in a situation involving community rules, the board must be notified.
  - b. The mediator's job is to bring both parties together, encourage them to really hear each other and understand the other's perspective, to help find common ground, and to help identify practical steps that both parties (and other community members) may take.
  - c. The mediator's job is not to dictate a solution, but to creatively facilitate the parties' own ideas towards a reasonable solution, within the bounds of the community rules.

**d.** The end result of mediation is a written contract to resolve the issue or issues, to bring about compliance with the rules. Both parties have a part in writing the contract, and must be willing to sign it and agree to its terms.

**e.** The contract must include specific actions and a timeline, as well as a clear understanding about the outcomes for the lack of rule compliance within that time frame.

**f.** If the mediator and the parties cannot agree on a contract, another mediator (within the community or an outside mediator) may be sought.

**g.** If the rule is broken again or if the parties fail to follow the conditions of the mediated contract, then the terms of the agreement must be enforced.

**h.** The board may, in its discretion, withhold enforcement of a rule violation while mediation is in progress. However, it is not bound to do so, and may take appropriate action, as defined in the Meadow Wood bylaws, at any time.

## **Mediation process for relational tension between community members**

**1.** Try to address issues, in private and at in a timely, respectful, calm manner.

**2.** Inform the person about the issue that bothers you. Avoid using email if at all possible. Avoid gossip.

**3.** If the problem becomes an issue again, try to address it again – in private and calmly.

**4.** Try to use mediator as a sounding board (in private and in confidence) on possible solutions to the problem.

**5.** If you feel that the issue must be addressed in a more formal way, ask for mediation.

**6.** If someone asks you to meet with a mediator, you should comply and participate as a responsible member of our community.

**7.** Both parties should agree on a particular mediator they feel comfortable with.

**8.** If someone feels at a disadvantage (shy, under-age, tongue-tied or otherwise unable to communicate), he or she may ask someone to be an advocate – to help communicate his or her position clearly.

**9.** Mediation...

**a.** The mediator's job is to bring both parties together, encourage them to really hear each other and understand the other's perspective, to help find common ground, and to help identify practical steps that both parties (and other community members) may take.

**b.** The mediator's job is not to dictate a solution, but to creatively facilitate the parties' own ideas towards a reasonable solution.

**c.** There may be a contract to resolve the issue or issues. However, the issue may be settled without contact if both parties agree. If a contract is agreed upon then both parties will have a part in writing the contract and should be willing to sign it and agree to its terms.

**d.** There may or may not be a timeline set. There should be a clear understanding about reasons for tensions and an agreement that will diminish or resolve tensions.

**e.** If the mediator and the different parties cannot find a means of reducing tensions or finding solutions, then another mediator or an outside mediator may have to be found.

**f.** There may not be a perfect solution. The community may have to live with unresolved tensions.

**g.** Unless the conflict creates a violation of the rules, the board has no authority to act in a tension-producing situation that arises between two members of the community.