

## **CONFLICT RESOLUTION POLICY FOR CONFLICTS BETWEEN CONSTITUENCIES**

It is the policy of the Board of Trustees that all constituencies of the Seminary shall carry out their respective responsibilities in a collegial manner with Christian love, mutual respect, collaboration, and in good faith toward the furtherance of the Seminary's Mission. Thus, a Conflict Resolution Guideline is developed to offer and encourage prompt, open, and structured communication to address conflicts among constituencies that may arise in the St. Tikhon's Orthodox Theological Seminary Community.

The purpose of this policy is to provide a basic protocol to resolve disputes among constituencies by establishing a process to mitigate and preclude the risk of unsatisfied individuals and/or community groups seeking the achievement of goals and direction without advice and consent of the community and thereby, potentially or actually, aggravating conflicts or disturbances to the operation, mission, and vision of the Seminary. The goal of this policy is to foster Christian community and promote transparency in communication while seeking to curtail any groups efforts to disenfranchise the Institution or the Community and its members, by seeking redress or taking actions that are may detrimental to the person, St. Tikhon's Orthodox Theological Seminary, and/or the Seminary community.

When a conflict occurs or is perceived to occur, and has not been successfully resolved, one or both of the parties shall report the conflict to the Dean. To address and bring resolution to the perceived conflict, even if both parties fail to report, the Dean shall undertake the following steps:

1. The Dean shall request the conflicted constituencies to provide a written description of the nature of the conflict, the persons involved, the perceived causes of the conflict, the current status of the conflict and the perceived resolutions of the conflict;
2. The Dean shall determine if the matter is substantive or is better handled by another set of institutional policies (e.g., grievance);
3. If the Dean determines the matter to have significant substance, the Dean shall invite the respective parties a meeting for the purpose of obtaining a better assessment of the nature of the conflict and

developing a schedule of resolution by listening and articulating the parties stated perspectives, ascertaining all elements of the dispute. Within 10 days from the meeting, the Dean shall propose his suggested resolution(s);

4. If the conflict is not resolved within thirty (30) days of the Dean's suggested resolution, the Dean shall take appropriate steps to seek remedies including voluntary mediation and processes of arbitration for resolution by the Board of Trustees. A process of voluntary mediation would include the following:
  - a. The conflicted parties shall agree on a mutually acceptable mediator within 5 days; if no agreement is reached then the Dean shall appoint a mediator;
  - b. The mediator shall:
    - i. issue in writing a scheduled date, time and location for mediation to take place;
    - ii. Require the parties to present their mediation statements in writing, copied to the other party, identifying the conflict, their positions, supplying any supporting documents if desired, identifying their goals and requested resolution;
    - iii. Convene the mediation in a joint caucus meeting to introduce to the parties the purpose of the mediation and to invite each side to present in summary fashion what is contained in their mediation statements. Following the joint caucus the parties shall be in separate rooms, such that the mediator may meet with each individually, and engage them in a process of negotiation. If the parties are able to reach a resolution, they shall agree in a summary fashion memorandum of understanding, to secure the agreement and basic elements of the resolution, in order to preserve the correct resolution terms and avoid misunderstanding; and

- iv. Report to the Dean the results of the mediation, including the attendees, whether the parties participated in good faith, whether a partial or complete resolution was reached.
5. If the conflict is not resolved by voluntary mediation, the Dean shall require the parties to participate in a process of arbitration that includes the following steps:
  - a. The conflicted parties shall agree on a mutually acceptable arbitrator within in five (5) days of the Dean's referral to arbitration. If the parties have not agreed to an arbitrator, the Dean shall appoint one.
  - b. The arbitrator shall:
    - i. issue in writing a scheduled date, time, and location for arbitration to take place;
    - ii. Require from the parties fifteen (15) days in advance of the arbitration date a statement in writing of their positions and copies of all relevant and supporting documents and records (emails, memos, etc.), with copies provided to the other party; and
    - iii. Convene the arbitration within thirty (30) days of the Dean's referral. Arbitration shall consist of oral presentations of the parties, together all submitted documents, with any questions by the arbitrator directed to the parties. Within ten (10) days following the date of arbitration, the arbitrator shall prepare and present to the parties, and a copy to the Dean, a written document entitled Arbitrator's Findings of Fact and Recommended Resolution setting forth in detail what the arbitrator has found to be the correct facts whether or not disputed by either party, together with the arbitrator's recommended resolution and supporting reasons and evidence.

6. If, after ten (10) days from receipt of the arbitrator's report the parties are able to reach a resolution, the resolution shall be reduced to its essential points in a memorandum of understanding signed by the parties and submitted to the Dean. If no resolution is reached, however, the parties shall report in a signed memorandum to the Dean, and the Dean shall supply to the Board Chair his summary of the status of unresolved conflict and refer the matter for further handling to the Board of Trustees.

In the event that the Dean is among the parties in conflict, then the steps ordinarily taken by him shall be taken by the Rector; or if the Rector is among the parties in conflict, then the steps shall be taken by the President of the Seminary.

## **Definitions**

*Conflict:* Conflict is any situation in which there are incompatible goals, cognitions, or emotions within or between individuals or groups that lead to opposition or antagonistic interaction. It is the struggle between incompatible and opposing needs, wishes, ideas, interests, or people. Conflict is a form of interaction among parties who differ in interests, perceptions, goals, values, or approaches to problems. Conflict arises when one or both constituencies determine or discover that they are unable to perform their duties as stated in their job description or believe that the conditions and environment for accomplishment of assigned tasks and duties are hindered by are persons, procedures, protocols, or the lack of same.

*Constituencies:* Constituencies are stakeholders in the mission, vision and success of St. Tikhon's Seminary:

1. Trustees
2. Administration
3. Faculty
4. Student Government
5. Office of the Dean
6. Office of the Rector

7. Office of Academic Affairs & Registrar
8. Office of Student Life
9. Office of the President
10. Seminary Staff
11. Seminary Library
12. Brotherhood of the Dorm
13. Alumni Association
14. Office of Development
15. Office of Finance
16. St. Tikhon's Monastery
17. St. Tikhon's Monastery Bookstore
18. One or more individuals or groups holding conflicted goals or views where those are not strictly defined by or within a constituency listed above.

*Mediation:* Mediation means a meeting of the conflicted parties with a neutral mediator, a voluntary process where the parties present their substantive views and goals at a meeting. The role of the mediator is to reason together with each side and facilitate further discussion and possible means of compromise, where the parties either reach an acceptable mutual agreement of resolution or declare an impasse. The process of mediation is not compulsory, the mediator does not render a decision. This definition is not a substitute for the Dean's obligation to follow established rules and procedures.

*Arbitration:* Arbitration is a process whereby the parties are compelled to appear before a neutral arbitrator and present their substantive views. The arbitrator is to render a decision with recommendations for resolution of the conflict, in a written opinion with recommendations, whereby the parties having reviewed the written opinion and recommendations of the arbitrator decide whether they can accept the recommendations, or for a brief period attempt to negotiate again, or decide that they are again at an impasse. This definition is not a substitute for the Dean's obligation to promulgate rules and procedures.