

## Due Process

**The following is the procedure for moving through disagreement. Document each step in writing and get signatures if appropriate.**

1. **Plan for the unanticipated.** Be proactive and anticipate potential issues. A complete agreement contains a plan for checking-in and evaluating progress and process as well as a course of action if agreements are not met. Maintain open and ongoing communication about whether the agreement is or is not working. Listen carefully to other points of view and create a respectful environment in which disagreement can be safely and quickly aired. Anyone who decides to back out of an agreement is responsible for formally communicating this to all relevant parties.
2. **Prepare yourself.** Get the support you need. Find a good listener who is discrete and get him or her to listen to you and help you think. This can be a friend or somebody in VISION. Identify your thoughts and emotions. Talk and feel until you arrive at a place where you are thinking clearly. Be clear about what you would like to see happen. Prepare a strategy. Venting your feelings with many people most always backfires and sabotages potential positive solutions.
3. **Identify the source.** If your disagreement is with a person or group of people, go to step 4. If your disagreement is with a policy or procedure, go to step 6.
4. **Go to the source.** Talk to the person or people with whom you disagree. Share your concerns and give them a chance to share theirs. If you anticipate that this conversation might be difficult, consider finding a mediator. Consider other people in your consensus group, an outside person, or someone within the VISION HCP. Both parties should either agree upon the mediator or each party should bring their own personal support. A sense of equality is key.
5. **Be persistent.** If resolution still is not present, bring in other RCs, the Director or a steward, in that order, to mediate. The final step is a hearing in front of the Board of Stewards whose decision is final.
6. **When you disagree with a VISION HCP policy or procedure, prepare for action by bringing it to your consensus groups.** Identify specific issues and any counterproposals. Your proposal is more likely to get consensus of the entire VISION HCP community if you have already run it by those with differing views than yours and found common ground. Preparation is important. If you cannot get unanimity from your consensus groups, keep talking. There is no point in submitting a proposal that has not received full support there.
7. **If you get consensus from your group, put it in writing and submit it to RCs and stewards at least a week before the next policy meeting.** Come to the meeting and be ready to share, listen, and give and take in order to find a win-win solution.

## **Addendum to Due Process: What to do when you hear a complaint**

No policy or guidelines will fit all situations but the following thoughts might be useful when there is conflict or complaint.

If a person has a complaint about another person or a policy within VISION HCP, the VISION HCP due process procedure describes what to do. Due process makes it clear that it is up to the person with the complaint to initiate open communication and change. This is because in VISION HCP, people have rejected the authority, top-down model of management and have opted instead for a democratic approach that encourages and depends upon each individual person taking responsibility for himself and the community. This is easier said than done, however, because most people's instincts have been developed within a top-down system. People 'in authority' tend to feel like it's their job to 'fix' problems. People who perceive that they have no authority tend to be passive or complain. Our challenge is to break this cycle. The appropriate actions for breaking the cycles are often the hardest to realize in those instances when one hears somebody else complain. Here are some suggestions to consider.

- Refuse to be a link in the grapevine. It is almost always counterproductive and harmful for everybody involved when negative stuff gets passed along this way.
- Remain clear that the ultimate goal is for the person with the complaint to share it directly and clearly with the necessary person or persons. Open, two-way communication is an important step in breaking the authority model. It is also a necessary first step towards resolution.
- The way to help is not to feel responsible to fix the problem but rather to support the person with the complaint in getting the clarity and confidence necessary to follow due process. Be a listener. Be a mediator. Open doors of possibility and communication. Ask the person with the complaint what she sees as ideal and possible resolutions and what she is willing to do to bring it about. Believe her ability to help herself.
- You may feel pressured to take sides. Even if you agree with the complaint, it is usually counterproductive for you to jump in with your supporting opinion. Offering agreement is different than offering support, and agreement often just serves to reinforce the notion that one side is right and the other is wrong, which is a step away from resolution. Offering agreement also makes it easy for the person with the complaint to think that they've passed the responsibility of action to you. Better to put your supporting efforts towards encouraging communication and action.
- Assume that all people are doing their best and are open to resolution.
- Refuse to let responsibility be put on you, even if the person resists due process with statements like: "well I tried to tell them but they wouldn't listen," or "there is nothing I could say that would change anything." Respond by being very clear that nothing is going to happen if that person doesn't make it happen, and that a lack of change will then be his responsibility.
- Expecting the person with the complaint to follow due process does not mean hands off. Follow up. Check-in.
- Exceptions to due process may be made when it is clearly dangerous to follow due process without outside intervention (e.g. in cases of child abuse, suicide, plans to commit a crime, etc). In these cases report to your supervisor and/or the appropriate public agency immediately.
- Usually, however, there is not an emergency. Take the necessary time to assure fairness and that all involved have had their chance to speak.

- Encourage the person with the complaint to continue with due process until they at least find their own personal resolution. Universal resolution is great when it happens but not always under one's control.
- Keep personal written notes so as to have a clear memory of past conversations and to demonstrate, if necessary, that VISION HCP due process was followed.

**An alternative to due process:**

- A less effective but viable option is for the person with the complaint to fill out the relevant evaluation forms. Let it be known that anonymous, negative reviews will be taken less seriously than those with signatures. These latter will be held in confidence and not placed directly in a personnel file (only anonymous summaries of evaluations will be placed there).

**If you are an official VISION HCP representative:**

- Be clear about your role to yourself and to others. If your role is that of listener who is supporting the person with the complaint to follow due process, follow those guidelines given above. You may even end up mediating in this role. You will not, however, make any decisions or take responsibility for the outcome. When, on the other hand, due process has already been followed and the lack of resolution makes you the next person in the appeals process, your role is different. In this case you may have to act as mediator and/or judge and jury.
- Appeals are appropriate when, there is strong evidence that every effort was made to communicate and find resolution. Normally this means that at least one party and an impartial facilitator agree that they gave it their best shot and it just didn't happen or that it was currently too dangerous to try.
- After an appeal or at any other time, do not take any official action or put anything in anyone's personnel file until all sides of the story have had their opportunity to be represented. The signature(s) of whoever wrote the submission to the file is necessary. Employees have a right to view their personnel file.