

# TechInc Dispute Framework

TechInc Dispute Committee

May 22, 2023

## 1 Introduction

The dispute committee exists to ensure a safe experience at TechInc for all members, to resolve conflicts between members, and to address problematic behaviors of people in the space. This document outlines the framework for handling disputes between members, and between members and the board of directors at Technologica Incognita.

This is an administrative document. Members who wish to make use of the dispute committee may be better served by the information available on the TechInc wiki:

<https://wiki.techinc.nl/SubGroups/Dispute>

## 2 Dispute procedure

### 2.1 Filing disputes

A dispute may be submitted to the committee by:

- Email to [disputes@techinc.nl](mailto:disputes@techinc.nl)
- Directly contacting a current committee member by any available means

The initial contact does not have to disclose the nature of the dispute if the complainant does not wish to have it on record. Should the dispute concern a member of the dispute committee, or a conflict of interest is perceived, this may be stated by the complainant in the initial outreach; the dispute committee will respond accordingly by recommending recusals and maintaining the privacy of the complainant and others involved.

Disputes will be acknowledged within 7 calendar days. The resolution process shall commence within 28 days.

#### 2.1.1 Scope of disputes

Disputes will be processed if they meet the following requirements:

1. Members of or visitors to the space are involved.

2. The association is involved, including, but not limited to, matters with respect to the building, IRC, mailing lists, the wiki, etc.
3. The complainant is a party to the dispute.<sup>1</sup>

If in doubt, file a report.

### **2.1.2 Refusing disputes**

A dispute may be refused if it does not meet the above criteria. In the case of refusal:

1. A report will be filed with the board explaining the reason for refusal within 7 days of the decision to refuse.
2. The following report to the ALV will indicate that a dispute was refused and will explain the reason for refusal.

Reports provided to the board or the assembly regarding refused disputes shall not disclose the specific nature of the dispute or the parties involved.

The complainant may appeal the refusal to the board or the ALV. The board, or the assembly by majority vote, may instruct the committee to process the dispute normally following their appeal.

## **2.2 Processing disputes**

A dispute may be either formal or informal, at the discretion of the complainant. In the case of an informal dispute, the committee shall act according to its own judgement as informal mediators of the conflict, offering support and advice, being present at discussions between the parties, and otherwise helping to restore the peace as they see fit. The complainant may request that their dispute be processed formally at any time during this process.

In the case of a formal dispute, the committee shall select 3 members to handle the dispute. Among those 3 members, one shall be selected to chair the dispute. If fewer than 3 members are available, accounting for recusals, the committee or the board may appoint one or more members to aid in processing the dispute. All involved parties, and the board of directors, shall be notified that a dispute has been filed.

The dispute committee shall conduct an investigation into the dispute, will identify recommended redress, and shall prepare a report for the board with their recommendations. The investigation may consist of collecting and reviewing evidence, and calling persons involved to testify.

### **2.2.1 Recusals**

A member of the dispute committee shall recuse themselves from a case if a conflict of interest is present. The dispute committee may call for a committee member to be involuntarily recused by simple majority vote.

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<sup>1</sup>In the event that a third-party wishes to express concerns, they may inform the dispute committee of their concerns and the committee may, at their discretion, approach the affected parties to inform them of the resources available to them.

### **2.2.2 Temporary injunctions**

In the event that the subject of the dispute constitutes an immediate danger to the safety of members of or visitors to the space, the committee may instruct the board to immediately revoke a member or members access privileges for up to six weeks during the course of the investigation.

### **2.2.3 Summons to testify**

Persons called to testify retain the following rights:

- The right to refuse to testify for any reason, with or without explanation
- The right to be accompanied by another person for emotional support<sup>2</sup>

The committee shall summon for testimony, at a minimum, the complainant and all implicated parties, and may also summon at their discretion witnesses or subject matter experts. Directly affected parties will be summoned at different times to avoid intimidation or undue influence from any party.

The committee may petition any person who may have information regarding the dispute to provide supporting evidence. No one petitioned in this manner is obligated to provide such evidence.

### **2.2.4 Available redress**

The committee may recommend to the board any redress they see fit, including but not limited to the following:

- No action
- Informal warning
- Formal warning
- Access restrictions
- Termination of membership

Note that recommendations regarding termination of membership are subject to the procedures outlined in the association's statutes.

### **2.2.5 Closure and reporting**

The committee shall prepare a report to file with the board at the conclusion of the dispute, outlining the recommended redress and evidence to support their recommendation.

The committee shall notify the complainant that the dispute is closed, and summarize their recommendations to the board. The committee may notify any other parties at their discretion, and is required to notify any persons regarding whom a redress is recommended to the board. Reports to parties other than the board may include less detail in the interest of maintaining the privacy of the parties involved.

No report is filed in the case of informal disputes.

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<sup>2</sup>The dispute committee may, at their discretion, speak to the summoned person privately to ensure that the person they have brought with them is not coercing or intimidating them.

### **2.2.6 In the event of board refusal**

The board shall enforce the redress recommended by the dispute committee if the recommendations are consistent with the code of conduct, house rules, and statutes of the association. In the event that the board refuses to enforce the recommendations of the dispute committee, an ALV shall be convened within 30 days, at which the board will justify their decision to the assembly. The assembly may override the board's decision and enforce the committee's recommendations by majority vote.

In the event that a dispute is presented before the general assembly, parties to the dispute have the right to request that committee members and/or the board refrain from disclosing the names of the parties or specific details regarding the nature of the dispute. However, parties to the dispute may testify themselves without limitation, and may request that dispute committee members testify on their behalf. In the case that a dispute committee member testifies on a party's behalf before the assembly, they shall disclose only the information that the affected parties have asked them to.

### **2.2.7 Appeals**

In the event that parties to a dispute are not satisfied with the recommendations of the dispute committee, they may appeal to the ALV. They may appeal to the next normally scheduled ALV, or may convene a special assembly in accordance with the statutes of the association.

## **3 Privileges of the committee**

The committee shall reserve the following privileges to conduct its affairs:

- Access to the records for active members, and their contact details, in order to issue notices and summons to testify.
- The right to temporarily revoke access privileges for members in the event that a dispute is filed which concerns the immediate safety of members in the space.

## **4 Conduct of the committee**

The committee shall act in accordance with the general TechInc code of conduct, such that they set an example for the rest of the association and are seen as reliable mediators of conflict and people in whom vulnerable members can place their trust. They shall additionally be held to the following standards of conduct:

- They shall act with compassion and care for all members of TechInc.
- They shall respect the privacy of TechInc members with consideration to the committee's privileged access to sensitive information.
- They shall respect the wishes of complainants and their right to make use of, or decline the use of, any tools available to them.

## **5 Elections and committee appointments**

The dispute committee shall consist of a minimum of 3, and a maximum of 7 members. Members are elected by ALV for a maximum term of 1 year. There is no limit on the number of terms served by a member.

If the number of people on the dispute committee drops below 3, the board and available dispute committee members are granted the power to co-opt one or more members to the dispute committee. Their term shall be until the next ALV, where upon their membership may be ratified.

In the event that the number of members of the dispute committee available for handling a specific dispute drops below 3, then the board and the dispute committee is granted the power to co-opt one or more members to the dispute committee. Their term shall be for the current dispute only, or until the next ALV, where upon their membership can be ratified, which ever is shorter.

## **6 Report to the assembly**

The committee shall provide a report to the ALV which summarizes its activities over the period since the prior ALV. These reports shall include anonymized statistics regarding the number of disputes filed (formal and informal), refused, and resolved, as well as the number of recusals.

## **7 Resources**

The dispute committee shall maintain resources necessary to conduct its affairs independently of the association, including but not limited to:

- Mailing list
- Shared document store
- Paper archive

## **8 Record keeping**

The dispute committee has a duty to maintain accurate records of its activities. Following the conclusion of a dispute, records pertaining to the dispute shall be sealed and retained in the archives of the dispute committee. These records shall only be accessed if another dispute arises which relates to the original dispute.