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# CONFLICT RESOLUTION GUIDELINES

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## Preface

Christian life is profoundly social. Indeed, one of the distinguishing features of Christian identity is its communitarian nature. This communitarian nature has a oneness about it. This is not to say that conflict and legitimate debate do not arise. Rather, it is to suggest that genuine communities commit themselves to the resolution of disputes that take seriously the common good of the whole community.

As a school system formed by Catholic beliefs and traditions, the Toronto Catholic District School Board is committed to such an understanding of community and conflict resolution.

Pope John-Paul II spoke of this commitment in the following way:

*As disciples of Jesus Christ, we know that the Gospel calls us to live as His brothers and sisters. We know Jesus Christ makes possible reconciliation between peoples, with all its requirements of conversion, justice and social love. If we truly believe that God created us in His image, we shall be able to accept one another with our differences and despite our limitations and our sins.*

Echoing the words of Christ to be peacemakers, Pope John-Paul also calls us to be

*...energetic to winning acceptance for dialogue and sharing, attentive to respecting the point of view of others at the same moment that we defend our own rights, faithful to love for humanity and receptive to the gift of God.*

As to the resolution of conflicts that arise within communities, the documents of Vatican II provide several important guidelines for school communities.

The first is that of the principle of co-responsibility. It is based on the communitarian view of Christian life that is given pride of place in Vatican II's use of the term "People of God" (Dogmatic Constitution on the Church). In choosing such a biblical and dynamic view, the document focuses on the communal nature of the church and makes clear that everyone in the community – laity, religious, and clergy alike – participates in the three-fold mission of Christ as prophet, priest, and king. To that end, Catholic school communities are directed to address issues concerning disagreements or disputes in a Christ-like fashion and in a manner consistent with Gospel Values.

This principle of co-responsibility for the well-being of the community is further strengthened by the Catholic understanding of the principle of subsidiarity, a principle which suggests that "a community of a higher order should not interfere with the life of a community of a lower order, taking over its function" unless all other possible means of resolution have been tried. For school communities, this means a committed effort to the resolution of conflict by the disputants themselves. It is the creation of such school communities that the Toronto Catholic District School Board dedicates its efforts.

## Definitions & Scope

### Definitions

In this guideline, *conflict* pertains to issues, disagreements or disputes concerning the general operation of the school or the workplace, including a complaint against a staff member, or the administration and interpretation of TCDSB policies, but not to disputes with TCDSB policies and motions in themselves.

- *Staff* includes all persons working for the TCDSB.
- The *TCDSB community* includes trustees, parents/guardians, students 18 years of age or older, and the Catholic School Parent Councils and their members.
- A *disputant* is an individual involved in a conflict.
- A *facilitator/mediator* is a *trained, neutral*, third person.

### Staff from the Conflict Resolution Department

The Coordinator of Conflict Resolution is a trained professional resource to the TCDSB staff and community and is available for consultation at any point in the resolution of a disagreement.

The role of the staff from the Conflict Resolution Department may include but is not limited to:

- i) interviewing parties, assessing problems and recommending a course of action
- ii) assisting parties to assess their options and consequences of the options
- iii) coaching in communication skills
- iv) assisting parties to prepare for voluntary mediation
- v) facilitating/mediating disputes
- vi) investigating internal human rights complaints (under related Board policies)

### Scope

The guideline includes conflict which may occur:

- a) between the staff and the TCDSB community, and
- b) between different members of the TCDSB community,
- c) between staff members.

The guideline does *not* include conflict which may occur:

- a) between students,
- b) between staff and students where the student is under 18 years of age unless the parent/guardian is involved.

## Process for Resolving Conflict

### Step One

#### *Disputants Addressing their Issues*

It is the responsibility of any or all disputants to initiate contact with other disputant(s). It is important that those in conflict make a serious attempt to resolve the situation themselves. This is best accomplished by fostering a climate that is conducive to resolving the conflict and communicating in a manner that encourages a resolution of the conflict.

To create a suitable climate it is recommended that:

- time be taken to calm down,
- as much information as possible be gathered before discussing the issue,
- a meeting place be chosen which is comfortable, private and free of distractions,
- a time be selected that allows for adequate discussion,
- the conflict be approached with the attitude that a mutually satisfactory resolution can be reached,
- every effort be made to create and maintain an atmosphere of openness, tolerance and trust,
- and to be sensitive to protected grounds under the Ontario Human Rights Code.

To enhance communication, it is recommended that:

- the tone of any verbal or written communication be focused on issues and avoid personal attacks,
- disputants have an opportunity to express their issues fully, to listen and to respond,
- the focus be on mutual goals (e.g. best interests of the child) for resolving the issues,
- there be openness to positive, workable and creative solutions,
- that a mutually acceptable solution be chosen,

- that when appropriate, a written summary of any agreement including timelines, responsibilities, and monitoring be developed which may be signed by disputants.

It is recommended that any conflict be addressed as quickly as possible. If a mutually acceptable resolution is not reached in Step One, or it is believed to be inappropriate to discuss the issue with the other disputant(s), the disputant(s) may proceed to Step Two.

## Step Two

### *Third Person(s) Assistance*

If the conflict is not resolved at Step One, the disputant(s) may request the administrator\* to assist them in coming to a mutually agreeable resolution. If this is not successful or, if recommended by the administrator\*, the staff from the Conflict Resolution Department may be contacted. The staff from the Conflict Resolution Department's role is to work either directly with the disputants or/ to appoint an external trained facilitator/mediator to do so if it is deemed appropriate.

The staff from the Conflict Resolution Department will confer with the administrator to determine the best approach to resolving the conflict. If the disputants voluntarily agree to participate in a mediation, the staff from the Conflict Resolution Department will prepare a mediation contract and consult with the disputant's union/association representative if required.

The administrator may elect to schedule a facilitation meeting between the disputants to attempt to resolve the conflict. If both of the disputants are members of a collective bargaining unit and/or professional association, the disputants may elect to consult and have their union/professional association representative present during the facilitation meeting. *\*\*This provision does not apply to facilitation meetings between a TCDSB unionized employee and parents/students over the age of eighteen. However, the TCDSB unionized employee may still seek*

*advice from their union/professional association representative and have them available for consultation during the facilitation process but will not be in attendance of the facilitation meeting.*

If requested by the disputants, the staff from the Conflict Resolution Department will prepare a memorandum of understanding including timelines, responsibilities and monitoring to be mutually agreed upon by the disputants. If no request is made there will be no written record.

Step Two should be conducted as quickly as possible, ideally within five working days from the date of the request by the disputant(s). If a mutually acceptable resolution is not reached in Step Two, the disputant(s) may proceed to Step Three.

Step Three

*Superintendent's Review*

Should the issue fail to be solved at Step Two, either or any of the disputant(s), the staff from the Conflict Resolution Department, with the consent of the disputants, may request that the Superintendent review the situation.

The Superintendent will review the attempts at resolution to date. If attempts have not been made to resolve the conflict at Steps One or Two, the Superintendent may recommend the disputant(s) utilize one or both of these steps, or, in any event, may facilitate a resolution of the conflict. If considered appropriate by the Superintendent and/or the disputants the Superintendent will prepare a written summary of any agreement or decision, including timelines, responsibilities and monitoring to be signed by disputants. Step Three should be completed as soon as possible, ideally within fourteen working days from the date of the request by the disputant(s).

\*Or the appropriate supervisory staff where the conflict involves an TCDSB administrative office

## Review Process

### Review of Decision

When any disputants view the conflict as serious and unresolved at Step Three, or if due to the nature of the conflict it cannot be dealt with at earlier steps, either or any of the disputants may refer the matter in writing to the Director of Education to review the decision. This request must be made within fourteen working days from the date of the Superintendent's determination.

### *Review of Decision- Procedures*

- 1. Once written notice of a request to review the decision of the superintendent has been received by the Director of Education, the staff from the Conflict Resolution Department will immediately notify, by telephone, other disputant(s) of the requested review.*
- 2. The staff from the Conflict Resolution Department will ensure that needed documentation and witnesses may be brought forward, and that the sequence of the presentation of the case for the review is organized in an orderly, logical manner.*
- 3. The staff from the Conflict Resolution Department will contact the disputant(s) by telephone to inform them of the date and time for the meeting to review the decision and advise that they may have representation present. Written notice will be sent out by the Corporate Services Department.*
- 4. The disputants will also be provided in advance with the procedures to be followed in the review.*

5. *The disputants/representatives will describe the issues in the conflict and for this purpose may*
  - *make statements of fact based on their knowledge, and*
  - *if they choose, bring forward others to give similar information related to the conflict.*
6. *When each disputant/representative has completed his/her submission, the Director may ask questions.*
7. *After all the facts have been presented, by the disputants/representatives and witnesses, disputants/representatives will be entitled to present their own summary of what has been said by any of the persons who have spoken. This must be limited only to the issues put before the Director.*
8. *The Director will liaise with any necessary staff as a resource to make his or her decision. Any decision must be in accordance with all provisions in law, Board policies and regulations and relevant collective agreements. The disputants will be notified of the decision writing.*

The provisions of this Policy do not take away a stakeholder's right to take action outside of the provisions once internal conflict resolution mechanisms have been exhausted. Stakeholders may wish to contact the Ombudsman of Ontario for a consultation or to file a complaint.

## Evaluation

The guideline will be reviewed within one year of implementation.

## Facilitation/Mediation

Generally, internal resources, namely the Staff from the Conflict Resolution Department will be used to assist in resolving conflicts. However, extraordinary circumstances may require the services of an outside resource. Recommendations regarding suitable resources will be available from the Staff from the Conflict Resolution Department.

## Facilitator/Mediator Selection

In the event that a conflict of interest arises and the Staff from the Conflict Resolution Department cannot assist with the resolution of a dispute, a trained outside Facilitator/Mediator will be selected by the Staff from the Conflict Resolution Department. (Please see definitions of staff and TCDSB community).

## Training of Staff from the Conflict of Resolution Department/Outside Resources

The Board will ensure that the Staff from the Conflict Resolution Department and/or any contracted outside resource has undergone specialized conflict resolution training to help them develop knowledge and skills in the following areas:

- knowledge of factors contributing to conflict issues
- interviewing and communication skills
- assessment of facts, determination of information, patterns and discrepancies
- creative conflict management, problem solving and facilitation/mediation skills training.

Ongoing professional training will be provided to the Staff from the Conflict Resolution Department on a regular basis to ensure a quality service.

## Records

Notes reflecting informal efforts to resolve a conflict at Step One will be kept by the disputants.

At Step Two, a record of the intervention, including any written agreement, will be retained in the office of the principal/supervisor and/or staff from the Conflict Resolution Department with copies given to the disputants.

At Step Three, a record of the intervention, including any written agreement, will be kept in the office of the superintendent with copies given to the disputants and principal/supervisor.

## Church Documents

- The Catechism of the Catholic Church
- Vatican Council II, Lumen Gentium, Dogmatic Constitution on the Church
- Vatican Council II, Gaudium et Spes, Pastoral Constitution on the Church in the Modern World
- Vatican Council II, Dignitatis Humanae, Declaration on Religious Freedom
- Evangelii, Nuntiandi, Apostolic Exhortation of Pope Paul VI, December 8, 1975
- Redemptoris Hominis, Redeemer of Humankind, encyclical of Pope John Paul II
- Reconciliatio et Paenitentia, Reconciliation and Penance, Post-Synodal Apostolic Exhortation, December 2, 1984