

Oregon Country Fair Grievance Process

The Oregon Country Fair grievance process is a formal procedure established specifically for situations in which the OCF written guidelines or policies have been violated during OCF related interactions (in person or online) and you have been adversely impacted. If you're not able to otherwise resolve the situation, then you may file a formal [grievance](#).

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Outline of the Grievance Process

The following is an overview of [conflict response at the fair](#) and the approach used in OCF's grievance process. Please refer to the definitions of [grievance terms](#) for further clarification..

Before filing a grievance, follow as many of the [pre-grievance](#) steps as possible.

Step 1) Try to talk with the [respondent](#). If talking face to face is difficult, ask for help from a mutual friend, a trusted elder, or ask for mediation or conflict coaching from [CeDaR, or the Camping Crew Mediation Team](#). If that does not resolve it,

Step 2) Reach out to an OCF fair leader for help. If that does not resolve it,

Step 3) Notify the grievance administrator.

The [grievant](#) will need to allow time to work through these pre-grievance steps while remaining within the 60 day time limit for filing a grievance. Therefore, grievants should **start these pre-grievance steps as soon as possible** after the conflict giving rise to a possible grievance.

*If you experienced trauma such as assault, bias-based attacks, harassment, etc. (see definitions below), the pre-grievance steps will be optional and you may file a grievance directly with the grievance administrator. The Grievance Administrator will assign a Fact Finder to determine if the reported incident meets the threshold for the timelines and pre-grievance requirements to be waived. There will be no time limit to file step one on these grievances. If the reported incident does not meet the threshold, the grievant will be referred back to step one of the grievance process and timelines will apply. This decision may be appealed to the Grievance Administrator.

The Grievance Administrator may not admit a complaint into the grievance process if

- the grievant did not attempt to work it out informally with a leader before filing,
- the grievance is not filed within the 60 day time limit, or
- the grievant does not allege facts that, if true, would violate OCF written guidelines or policies.

[Click here for more detailed information about the role of the Grievance Administrator.](#)

File a Grievance See [how to file a grievance](#).

The Three Levels of the Grievance Process

After the grievance form is filed with the Grievance Administrator, there may be up to three phases in the grievance process. Click on each level below for more detailed information.

Phase 1 - [PreGrievance Phase](#), the steps one may take before filing a grievance;

Phase 2 - [Restorative Justice](#), a process intended to heal and resolve;

Phase 3 - [Arbitration](#), a process to be used if it is not resolved by Restorative Justice; and

Finally, there is the potential option to **Appeal** to management, used if there was an error in the administration of the process.

Most grievances will resolve in Level One (Restorative Justice) without the need to go to other levels.

Every year the grievance process is on hiatus from June 1st through July 31st unless both parties agree to forgo the hiatus period. Hiatus days will not be counted when calculating time limits. The yearly grievance process hiatus does not preclude filing paperwork, working with fair leaders to try to resolve it, using CeDaR's services for either mediation or conflict coaching, or for holding a Restorative Justice meeting as long as **the parties are in agreement about using that time in that way.**

All parties have a duty to cooperate and must follow this grievance process and comply with all rules and rulings made in accordance with this process. Failure of the grievant to cooperate could result in finding for the respondent. Failure of the respondent to cooperate could result in a finding for the grievant.

Retaliation is strictly prohibited. (See definition) Any individual gathered for OCF activities or discussion (in person or online) is able to pursue a grievance in good faith without expectation of punishment, consequences or adverse impact. In addition, all participants (for example witnesses, and others, etc.) in a grievance may participate free and clear from any fear of punishment, consequences, or adverse impact from any person or organization at the fair as a result of their participation. A good faith grievance is a complaint filed that an individual believed was true. In other words, a grievant may not file a complaint that the grievant knew or should reasonably have known was false. Any incidents of retaliation or suspected retaliation should be reported to the grievance administrator immediately.

Click here for a [summary of all time limits](#) in the grievance process.

This grievance process and the [grievance form](#) can be found at www.oregoncountryfair.net under *Documents*. Any questions can be emailed to the OCF's grievance administrator at grievance@oregoncountryfair.org.

Introduction - Conflict Response at the Fair

While OCF aims to provide a safe, friendly and family-like atmosphere for all participants, we recognize there are situations in which conflicts can and do occur. Conflict is all around us. It is a part of every day and every relationship. While conflict can be uncomfortable, it can and often does lead to positive or transformative outcomes when people are willing to talk it out. For folks who want things to improve, it can be helpful to have assistance with those difficult conversations. Over the years OCF has developed and nurtured a number of teams who specialize in providing help when fair family members find themselves in conflict.

When help with conflict is requested, the team who helps will be based on the circumstances of the conflict. For example, if a conflict is between Fair Family and a neighboring property owner, the NeRTs (Neighborhood Response Team) are called into action. Conflicts involving camping, booth space, or other placement issues are handled by the Camping Crew Mediation Team. Interpersonal conflicts between Fair Family members that do not involve placement issues go to the [CeDaR](#) conflict resolution team. Other teams that assist with conflicts include White Bird (who provides crisis intervention, counseling, etc.), Security, Back-Up Managers ([BUMs](#)), or Fair staff, depending on the circumstances.

The Fair's grievance process is a place to find help for a very specific kind of conflict that involves violation of a fair rule or guideline. It's important to understand the difference between this type of conflict and others. In a grievance-related conflict, a Fair rule has allegedly been broken that has resulted in adverse impact on others and there could be consequences for the person who broke the rules.

In the "unFair" world, people who violate rules are often punished. Many of our most basic institutions are built around this idea of punishing violators, including the court system, school discipline procedures, and even many families use punishment as a tool to change behavior. But there is a sea-change around the world where people are starting to realize that punishment, which is an external short-term motivator, doesn't really work as well as we would like. It often leaves the rule-breaker angry and ashamed, and it rarely meaningfully addresses the needs of those who have been impacted by the wrongful behavior.

The Fair, through developing a *Community Relations and Restoration Process*, is choosing a different path. Rather than focusing on guilt and punishment, the Fair's grievance process is designed to help the person who caused harm think about how their actions have impacted others through a [Restorative Justice](#) process. It gives them an opportunity to step up and own

what they did and take personal responsibility for making things right again. The people who have been harmed have an important role in deciding what that will look like. In the end, a person often feels good about taking responsibility to fix things, and the harmed people are often more satisfied because their needs were addressed in a meaningful way.

This approach comes from ancient and traditional methods used by people in many parts of the world. The Restorative Justice process, also often called “Healing Justice,” leads to a healing of spirit and a healing of relationships in our community. The fair partners with the Center for Dialogue and Resolution (CDR), a Eugene nonprofit agency that has been providing Restorative Justice services to the local courts and schools for over 30 years. CDR is represented at the fair as the CeDaR Team which also provides free mediation and conflict coaching to fair family members for fair-related conflicts.

Of course, this Restorative Justice approach won’t work for all situations. In those situations, the grievance process will change to a different approach, arbitration, that can result in some form of consequences. Arbitration would ideally be the last resort.

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Definitions of Grievance Procedure Terms

The following defined terms are found throughout the Grievance Procedure document.

- 1) **Appeal Process** the Grievant and/or Recipient may appeal if and only if there was a procedural error. In other words, a party may not appeal simply because they don’t like the decision.
- 2) **Arbitration** is a dispute resolution process with the objective to obtain a fair resolution of disputes by an impartial third party known as an arbitrator (if the grievance is appropriate for arbitration).
- 3) **Arbitrators** are Fair Family members trained to listen to the grievant and respondent and any witnesses in an arbitration hearing, engaging in information gathering and analysis, and then deciding for the parties how the grievance will be resolved.
- 4) **Arbitrator Councils** consist usually of three trained OCF Arbitrators that will render a decision in the grievance case.
- 5) **Assault** is an intentional, unwanted touching that is harmful or offensive; threatening or causing physical harm, or other conduct which threatens or endangers the health or safety of any person.

- 6) **Bias Based Attacks** is any action committed against a person or group that is motivated, in whole or in part, by bias against the person's or group's perceived or actual social identity or social identities. A bias-motivated incident can be an expression of hostility against an individual or group because of the other person's or groups' perceived social identity or mix of social identities. Depending upon the circumstances, a bias-motivated incident may not be a crime as it could be considered protected speech, however, it could still be a violation of our Code of Conduct.
- 7) **Booth Rep** is the contact person between the booth and the rest of the Fair organization and has complete authority for the booth.
- 8) **BUM (Back-Up Manager)** is a member of the management team. Back-Up Managers (BUMs) can often assist with conflicts; particularly in the early stages of the dispute.
- 9) **Camping Crew Mediation Team** is involved with conflicts pertaining to camping, booth space, or other placement issues.
- 10) **CeDaR** is a Fair Team that can be helpful by providing assistance during the early stages of the grievance or by providing Restorative Justice options once the grievance is filed.
- 11) **Community Relations and Restoration Grievance Process (CR&R)** is a means to address issues related to processes, practices, conflicts or relational harms that have not been satisfactorily resolved by other means.
- 12) **Conflict Coaching** is a set of skills and strategies used to support a person's ability to engage in, manage or productively resolve conflict. In this process, the conflict coach works one-on-one with an individual experiencing conflict with another person.
- 13) **Co-Sponsor** Is the person who co-sponsors a grievance filed on behalf of someone (the grievant).
- 14) **Crew Coordinator** is the contact persons between the crew and the rest of the Fair organization and has responsibility for the crew.
- 15) **Dating Violence** is violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with an individual.
- 16) **Discrimination** is the act of treating an individual differently, or less favorably, based upon a person's protected status, such as age, sex, marital or family status, pregnancy, sexual orientation, race, creed, color, national origin, religion, military or honorably discharged veteran status, gender identity, ancestry, disability, genetic information, citizenship or immigration status, or other protected group status.
- 17) **Dispute Resolution** is a process that can be used to resolve a conflict, dispute or claim. This includes mediation, restorative justice & arbitration.
- 18) **Domestic Violence** is violence on the basis of sex committed by any of the following: a current or former spouse or intimate partner of the individual; a person with whom the individual shares a child in common; a person who is cohabitating with, or has cohabitated with, the individual as a spouse or intimate partner; a person similarly situated to a spouse of the individual under the domestic or family violence laws of Oregon State; or any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of Washington State.
- 19) **Fact Finders** are Fair Family members trained to investigate issues prior to an arbitration hearing, engaging in information gathering and analysis.

- 20) **Fair Leader** is a BUM (Back-Up Manager), Crew Coordinator, Booth Rep, Fair Staff, or other designated authority who can help or assist with conflict in the early stages.
- 21) **Governing Documents**
- i. **Articles of Incorporation** are a set of formal documents filed with a government body to legally document the creation of a corporation.
 - ii. **By-Laws** are the rules and regulations enacted by OCF to provide a framework for its operation and management
 - iii. **Code of Conduct** (See "Guidelines")
 - iv. **Guidelines** (OCF) are the established norms, rules and responsibilities that govern the operation of the Fair.
 - v. **Other** official written rules and policies that have been adopted by the Board and/or Management
- 22) **Grievance** refers to any dispute involving an alleged violation of any written rule or policy in the OCF's Governing Documents that didn't get resolved in previous efforts at conflict resolution.
- 23) **Grievance Administrator** serves as a guide to the grievance process for the grievant and the respondent. The grievance administrator's role is to give advice and counsel and to facilitate the orderly flow of paperwork associated with a grievance as well as to train and oversee arbitrators.
- 24) **Grievant** is the person who is filing the grievance. The grievant would typically be the person who has been harmed, however, someone other than the harmed person could file a grievance on their behalf. If filing on behalf of another individual, the grievance must be co-sponsored by an OCF Fair leader.
- 25) **Harassment** is unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as age, sex, marital or family status, pregnancy, sexual orientation, race, creed, color, national origin, religion, military or honorably discharged veteran status, gender identity, ancestry, disability, genetic information, citizenship or immigration status, or other protected group status. Harassment becomes a violation of our policies where 1) enduring the offensive conduct becomes a condition of continued access to Fair or Fair benefits, or 2) the conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment is also prohibited against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or process at Fair; or opposing practices that they reasonably believe discriminate against individuals, in violation of these policies. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation. To be a violation, the conduct must create a Fair environment that would be intimidating, hostile, or offensive to reasonable people. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or volunteer performance.
- 26) **Hostile Environment Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it

effectively denies a person equal access to OCF activities, creates a hostile or offensive Fair environment, or results in an adverse action (such as removal of wristband or other Fair benefits).

- 27) **Human Intervention Training** is a system that promotes empathy and is a guiding principle behind the OCF system of self-regulation if a crisis surfaces. It promotes a criteria for successful negotiation thru the use of the “three-chip” interaction which is to take care of business, treat everybody with love and respect and have fun.
- 28) **Management Team** is composed of Management employees (including the Executive Director and his or her designee) and BUMs.
- 29) **Mediation** is an alternative dispute resolution process that utilizes a neutral third person, the mediator, to assist people in conflict.
- 30) **Mediator** is a neutral, third party who facilitates as an intermediary for two or more people that are in conflict as they attempt to resolve the dispute. The mediator has no power to impose a resolution, other than to facilitate the process.
- 31) **NeRTs** (Neighborhood Response Team) are a Fair crew who are a resource for neighboring residents and businesses that may experience conflicts with OCF and/or attendees.
- 32) **Non-Violent Communication** (NVC) is sometimes referred to as Compassionate Communication. Its purpose is to strengthen one’s ability to inspire compassion and to respond compassionately to others and to oneself.
- 33) **Quid Pro Quo Sexual Harassment** occurs if an individual implicitly or explicitly conditions the access to Fair or Fair benefit on an individual’s participation in unwelcome sexual conduct.
- 34) **Reasonable Accommodations** A reasonable accommodation, here, is any change or modification to the application of the Grievance Process policy including, but not limited to, adding a support person(s)/witness(es) normally not allowed in the process depending on whether the Grievant’s and/or Respondent’s disability limits access or is a barrier to their ability to successfully use the process. Accommodations are considered “reasonable” if they do not create an undue hardship to the organization such as the nature and cost of the accommodation, the impact of the accommodation on the operations of the organization and/or the financial resources of the organization.
- 35) **Respondent** is the person who the grievant claims violated a written rule or policy as found in the OCF Governing Documents.
- 36) **Restorative Action Plan** is an agreement between the grievant and respondent that identifies the specific steps that the respondent will take to repair any harms and reestablish trust.
- 37) **Restorative Justice** is a process that provides an opportunity for a respondent to take responsibility for their actions and to attempt to meet the needs of the grievant. through a meeting that provides safe opportunities for dialogue, and enables individuals impacted by a violation of our policies to come together with those responsible for it so they can participate together in a process to repair harm by creating a Restorative Action Plan together.

- 38) **Restorative Justice Facilitators** are neutral, trained members who guide the restorative justice process. Restorative Justice facilitators are neutral professionals with extensive, deep training who provide a process for the grievant and respondent to reach their own mutually achieved resolution of the grievance.
- 39) **Retaliation** occurs when a person takes an adverse action against another individual, group of people or an organization for engaging in or exercising their rights that are protected under the Fair's guidelines and/or policies.
- 40) **Sexual Exploitation** is defined as non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.
- 41) **Sexual Harassment** is defined as conduct on the basis of sex or that is sexual—regardless of the sex, sexual orientation, and/or gender identity of those involved—that satisfies one or more of the following:
- 42) **Sex Offenses** are any sexual act directed against an individual without the consent of the individual, including instances in which the individual is incapable of giving consent.
- 43) **Statutory Rape:** Non-forcible sexual intercourse, with a person who is under the statutory age of consent in the State of Oregon.
- 44) **Stalking:** Engaging in a course of conduct on the basis of sex, directed at a specific person, that would cause a reasonable person to fear for their own safety or the safety of others; or to suffer substantial emotional distress.
- 45) **Support Person** is someone that a grievant and/or respondent may request to attend a meeting with them to provide emotional support and reassurance. Support persons generally do not participate in the dialogue, but can provide silent support during the meeting and additional supports during breaks. The support person should not be a direct witness to facts underlying the grievance.

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Pre-Grievance Phase - Before Formally Filing a Grievance

Pre-grievance Step 1 - Talk it out, ask for help.* The [grievant](#) will first try talking to the [respondent](#).

If you aren't successful with step one, feel uncomfortable or unsafe in engaging the other person, or just want some coaching on how to approach the conflict, you might ask someone else for help. This could be someone else on your team, a trusted advisor, or a friend in common. Someone from the Grievance Administration group is also always a resource. Ideally you would choose an individual with the skills to help you formulate a plan to address the issue directly with the other person. This might include role playing the exchange for example. In some cases they might play a role in your conversations with the individual you are having

difficulty with. Contacting someone for help is most effective when it's in the spirit of a win-win outcome in the conflict and not about gossip or trash talking.

*Again, if you experienced trauma such as assault, bias-based attacks, harassment, etc. (see definitions above), the pre-grievance steps will be optional and you may file a grievance directly with the Grievance Administrator. The Grievance Administrator will assign a Fact Finder to determine if the reported incident meets the threshold for the timelines and pre-grievance requirements to be waived. There will be no time limit to file step one on these grievances. If the reported incident does not meet the threshold, the grievant will be referred back to step one of the grievance process and timelines will apply. This decision may be appealed to the Grievance Administrator.

Below are a few online resources to help you prepare for your constructive conversations: Use [Non-violent communication](#), "I" statements, and other good communication practices. [Human Intervention training](#) by Zak Schwartz and Brad Lerch [Own Your Behaviours, Master Your Communication, Determine Your Success | Louise Evans](#) [How to Deal with Difficult People](#)

Other support at the Fair can be found by contacting CeDaR, Camping Crew Mediation Team, Humanistic Intervention trainers, White Bird, Fair Central, Security, or the Management Team and BUMs.

If talking face to face is difficult, parties in conflict may use [CeDaR](#) or other mediation teams such as Camping Crew Mediation Team and NRT to help them have a productive conversation in a safe space. They can also get conflict coaching from the same sources, a trusted elder, or other Fair leaders. CeDaR provides this valuable fair resource which is available to any Fair Family members needing help with Fair-related conflict. Contact CeDaR@oregoncountryfair.org to arrange for these services. You may be able to resolve the conflict here and not progress further through the [grievance steps](#).

Pre-grievance Step 2 - Reach out to a fair leader. The grievant will ask an authority figure such as a [BUM](#) (Back-Up Manager), crew coordinator, booth rep, Facebook group admin, or other appropriate Fair leader who is neutral to the conflict for help in resolving the situation. The leader may also recommend or rely on CeDaR support services while working on resolution. Sometimes a written complaint might be required. It is likely that your grievance will be resolved with the help of a Fair leader and/or CeDaR. If the conflict is resolved, you do not need to file a grievance.

Pre-grievance Step 3 - Notify the grievance administrator. If you resolve your conflict in pre-grievance Step 1 or 2, you do not need to file a grievance. If you are not able to resolve it, contact the grievance administrator at grievance@oregoncountryfair.org and file a grievance.

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The Role of the Grievance Administrator

The **Grievance Administrator will serve as a guide to the grievance process** for the [grievant](#), the [respondent](#), Restorative Justice facilitators and the [arbitrators](#). The Grievance Administrator will not serve as a [Restorative Justice](#) facilitator or as an arbitrator. The Grievance Administrator will not be involved in deciding the outcome of a [grievance](#). The Grievance Administrator's role will be to give advice and counsel regarding the process, and to facilitate the orderly flow of paperwork associated with a grievance.

The Grievance Administrator will maintain **grievance forms available online** at www.oregoncountryfair.net under Forms or by request at the OCF office. Grievance forms can also be mailed or emailed to fair family members if requested.

The Grievance Administrator will maintain a **list of trained and approved arbitrators** to call upon. The Grievance Administrator has the power to remove persons from the list of arbitrators if those arbitrators fail to comply with the requirements of this process or OCF guidelines. Through the Grievance Administrator, OCF will provide a thorough yearly training for arbitrators so that trained arbitrators will be available when needed.

The Grievance Administrator will **archive the written decisions of arbitration councils, and coordinate between arbitrators and Fact Finders.**

The grievance administrator will fulfill the responsibilities of the Grievance Administrator's role at each step of the grievance process and **any failure to do so will extend any deadlines missed** as a result of such failure.

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How to File a Grievance

Fill out a grievance form, which can also be found at oregoncountryfair.net under *Documents, Grievance Form*.

The time limit to file a grievance is within 60 days of the event that gave rise to the [grievance](#), or within 60 days of the [grievant](#) becoming aware of the grievable event. The 60-day time frame relies on the date stamp on the mailed or emailed grievance form. **Grievance forms must be either mailed or emailed**. They can be mailed by first class mail to the grievance administrator at

Oregon Country Fair
442 Lawrence St.
Eugene, OR
97401

or emailed to grievance@oregoncountryfair.org.

If there are questions related to filing a grievance, email the Grievance Administrator at grievance@oregoncountryfair.org.

The Grievance Administrator will send a copy of the grievance form to the [respondent](#) within 15 days of receiving it by email or first class mail. The Grievance Administrator will contact [CeDaR](#) within 15 days to start the process for Level One of the grievance process – Restorative Justice. The Grievance Administrator will also contact the Executive Director so they are aware of the issue and can be helpful in resolving it if possible.

If the Grievance Administrator or top management person is party to a grievance, appropriate backup people will be assigned to take those roles as needed so that no one who is party to a grievance will be involved in administering the grievance process for that grievance.

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Grievance Process Level One – Restorative Justice

A Restorative Justice orientation meeting will be scheduled once the grievance administrator refers the case to [CeDaR](#). The case manager will contact the [respondent](#) to schedule the orientation. The purpose of the orientation is to explain the [Restorative Justice](#) process and its

benefits, then invite the respondent to participate. The orientation can be conducted in person, over the phone or online, depending on the circumstances.

The Restorative Justice orientation meeting **must occur within 30 days of the referral** date. If the respondent is unreachable, fails to participate in the required orientation, or upon invitation after the orientation chooses not to participate further, the case will be sent back to the Grievance Administrator who will then begin Level Two of the grievance process, arbitration.

If the respondent chooses to participate in the Restorative Justice process, the case manager will explore with the respondent the events that occurred that led to a [grievance](#) complaint, and how the [grievant](#) and perhaps others may have been impacted by those events. The respondent will also be invited to begin thinking about how they might address the needs of those people who were impacted, with the goal of making things right. In a post-orientation follow-up, the case manager may also reach out to the grievant and others who may have been impacted, and might circle back to the respondent if needed.

After the orientation, the case manager will work with everyone to schedule the Restorative Justice meeting **within 60 days** of the date the case was first referred to CeDaR.

The purpose of the Restorative Justice meeting is to safely and fully explore the events that led to grievance complaint, paying particular attention to those people who may have been harmed or negatively impacted by these events, and then giving the respondent an opportunity to mend the harms by agreeing to a Restorative Action Plan that all the participants create together.

Participants in a Restorative Justice meeting may include the following: the meeting will be facilitated by the case manager, who may be assisted by up to two additional trained facilitators. The respondent is the only other person required to attend, but the meeting participants may also include the grievant, any others who were also impacted, one or more representatives from the Fair Family at large, and possibly others if needed for a reason related to their situation. This would include the option for the respondent and grievant each to bring a support person with them if needed. (See “reasonable accommodations” under *Definition of Grievance Terms*.) Support persons generally do not participate in the dialogue, but can provide silent support during the meeting and additional support during breaks. The support person should not be a direct witness to facts underlying the grievance.

There will be a strong preference for in-person Restorative Justice meetings when possible, but video conferencing may be approved in some circumstances.

Facilitator neutrality is integral to the process. If either the grievant or respondent perceive that a facilitator is unable to be impartial, the concern should be brought to the facilitator's attention. After a discussion about the issue, and if the facilitator is unable to alleviate the party's concern, then either that facilitator should excuse themselves from the meeting (if one or more facilitators are still present) or the meeting will be postponed to a future date with a different facilitator.

Restorative Justice meetings are confidential. The participants will all pledge to keep the discussions confidential, unless they all agree otherwise. However, the Restorative Action Plan that participants create together will not be confidential and will be provided to the Executive Director and others as appropriate.

Additional Restorative Justice meetings may be necessary to resolve all of the issues. If that's the case, the next meeting date will be agreed to prior to ending the current meeting. The next meeting date will be within 30 days of the current meeting. If additional meetings are required beyond that, they will each have the same 30 day window, until either the Restorative Action Plan is agreed to or the participants and facilitators determine that no resolution is possible, at which point the case will be referred back to the grievance administrator who will move the case to Level Two of the grievance process, arbitration.

When participants reach agreement on a **Restorative Action Plan**, the respondent will have a specified amount of time from the date of their final Restorative Justice meeting to complete the steps they agreed to take.

While the respondent is working on the steps in their Restorative Action Plan, **they must check in with the case manager monthly by email to report on their progress.** Failure to provide a monthly progress report may result in the case being referred back to the Grievance Administrator for arbitration.

When the respondent successfully completes all the steps in their Restorative Action Plan within specified and agreed upon time period, the grievance will be dismissed and no further action will be taken by the fair.

If the respondent fails to complete all the steps in their Restorative Action Plan within the specified time frame, the case will be referred back to the grievance administrator who will move the case to Level Two of the grievance process, arbitration.

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Grievance Process Level Two - Arbitration

If the [grievance](#) is not resolved by the parties in Level One (Restorative Justice), the case manager will alert the grievance administrator who will **contact the grievant within 15 days** to find out if the grievant wants to proceed to **Level Two - Arbitration** where trained fact finders will gather information about the situation, and arbitrators will decide for them how to resolve it, or close the grievance.

Within 15 days, the [grievant](#) will alert the Grievance Administrator by phone or email at grievance@oregoncountryfair.org **if they want to move forward to Level Two** of the grievance process. If the grievant does not do so within 15 days, the Grievance Administrator may close the grievance.

If so, **within 15 days** of finding out the grievant wants to proceed to **Level Two - Arbitration**, the Grievance Administrator will refer the grievance to fact finders, and provide a list of trained, capable, willing and available [arbitrators](#) to each of the parties. Each party will choose one arbitrator from the list. If there is a name on the list that a party does not want as an arbitrator, the party will cross off that one name. **Parties will return their choices to the Grievance Administrator within 15 days.** The Grievance Administrator will select the two arbitrators, using the parties' choices and avoiding any name that has been crossed off. If both parties choose the same name, the Grievance Administrator will choose a second name. If one of the parties chooses a name that the other party has crossed off, then the Grievance Administrator will choose the second name, avoiding any name that has been crossed off. The Grievance Administrator will alert the chosen arbitrators of their selection.

Within 15 days, the two chosen arbitrators will choose a third arbitrator from the list who will act as the lead arbitrator on the arbitrator council. Within the same time period, the Grievance Administrator will send to the arbitrators a copy of the grievance, the fact finders' report, and any written position statements prepared by the parties.

Once the arbitrator council has been selected, the arbitrators will work together to schedule the arbitration hearing with the parties. If the arbitrators and parties are unable to come to an agreement on a date and time and location within 15 days, the Grievance Administrator will choose for them. The date scheduled for the arbitration hearing will be no more than 30 days after the arbitrator council has been selected.

Arbitrators will not discuss the case with parties before the arbitration hearing in order to maintain fairness to all parties. The parties may not contact the arbitrators before they are contacted by the arbitrators. All communications between parties and arbitrators before the arbitration hearing will center on scheduling and not on matters pertaining to the grievance or the other party. After deciding on a day and time and location, the arbitrators will send that information to the parties by electronically or first-class mail.

Fact Finders will gather information to provide arbitrators with pertinent details. All information gathered will remain confidential to the extent possible for a thorough investigation. The investigation will include a detailed account of the incident or issues investigated including dates, parties involved, key factual findings, policies or guidelines and their applicability to the investigation, issues that could not be resolved and reasons for lack of resolution, any instances of retaliation, and any actions taken by the Fair or other parties. **Each party involved in a grievance may designate a support person to accompany them** during an arbitration. Such a designation must be made in writing and be submitted before the scheduled meeting. The notice should include the name, mailing address, email address and phone number of the support person. The Grievance Administrator will share the support person's name and contact information with the arbitrators in advance of their meeting. **The support person should not be a direct witness to facts underlying the grievance.** The grievant and [respondent](#) are expected to participate in good faith and speak on their own behalf whenever possible during the arbitration hearing. Other participants will be provided opportunities to share their perspectives in accordance with the arbitration process.

The exact length of the arbitration will be determined by the arbitrator council after consulting with the parties. **Both sides will be allowed an equal amount of time to present their positions.**

After completing the arbitration hearing, **the arbitrators will decide on the resolution.** Any resolution agreed to by two or more of the arbitrators will be the decision of the arbitrator council. The arbitrator council will notify the grievance administrator of its draft decision in writing within 15 days of the arbitration hearing at grievance@oregoncountryfair.org. This

notice will include the decision about any disputed facts and a statement of the council's rationale for its decision.

The Grievance Administrator will share the draft decision with appropriate OCF management to allow consideration of any legal or operational ramifications of the arbitrator council's decision. If potential problems are identified, the arbitrators will consider adjusting the consequences contained in their decision so that they do not unintentionally create legal or operational problems. **All reviews and revisions should be completed within 30 days of the start of management review.**

The arbitration council's **final decision will be sent to the parties by certified mail within 15 days** of OCF management review. The final decision of the arbitration council is binding on the parties unless management grants a request for appeal should either party have evidence that this process was not followed.

Arbitration hearings are confidential. Arbitrators and participants will pledge not to share what was said or how parties behaved in an arbitration hearing. Parties may share the written decision if they decide to, but arbitrators will not share their experience or final decision except in general terms for debrief or training purposes.

Arbitrators are selected from a list of trained and approved arbitrators maintained by the Grievance Administrator. Arbitrators are people who listen to the parties and then decide what the resolution of the grievance will be. They must be impartial parties to the grievance. In order to qualify as an arbitrator in the grievance process, a person must complete an arbitrator training program sponsored by the Oregon Country Fair. Fair family members wishing to be on the arbitrator list may notify the grievance administrator at grievance@oregoncountryfair.org.

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Grievance Process Appeal

Arbitration is binding and may only be appealed based on a procedural error. There are only two exceptions, in which cases an appeal may be made a) anyone who is forced to choose arbitration because the other participant refused to participate in the Fair's restorative justice or mediation process, may appeal based on disagreement with the Arbitration Panel's decision, or b) an actual instance of discrimination by an arbitrator on the Arbitrator's Council.

Should either party feel the need to appeal, please reach out to the ED or designee within 30 days of receiving the Arbitrator Council's written decision. The petition to hear the appeal must be in writing, must explain the circumstances dictating the use of the appeal process, and must be postmarked or hand delivered to the OCF office at 442 Lawrence St., Eugene, OR 97401 or emailed to the Grievance Administrator at grievance@oregoncountryfair.org within those 30 days.

The petition to hear the appeal should include the following:

- a statement of the error made leading to this appeal,
- a statement of why management should hear this appeal,
- a copy of the person's [grievance](#),
- and a copy of the arbitration council's decision.

Within 15 days of receiving the petition to hear the appeal, the Grievance Administrator will send it to OCF management along with appropriate files. **Within 15 days of when the petition is received at the OCF office**, management will decide whether to grant the petition to hear the appeal. Management's decision is final.

If management decides to grant the petition to hear the appeal, then the appeal will be heard by management within 30 days of when it grants the petition. All parties to the appeal may submit a written statement of their position and may have a limited and defined amount of time for **an oral presentation to management**.

Management's decision will be sent to the parties in writing within 30 days of hearing the appeal. Management's decision will be final.

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Summary of Grievance Process with Time Limits

Every year the grievance process is on hiatus from June 1st through July 31st unless both parties agree to forgo the hiatus period. Hiatus days will not be counted when calculating time limits.

a. **Within 60 days** of a grievable event, **grievant will:**

try to work it out with [respondent](#),
ask for help from an OCF person of authority, and
may file a [grievance](#) if no resolution has been reached (see pre-grievance steps page).

- b. **Within 15 days** of receiving the grievance, **Grievance Administrator will:**
send a copy of the grievance to the respondent,
alert management, and
contact [CeDaR](#) for **Level 1** of the grievance process, [Restorative Justice](#) (see Level 1 - Restorative Justice page).
- c. **Within 30 days** of a grievance being referred, **Restorative Justice case manager will:**
schedule and hold the [Restorative Justice](#) Orientation meeting.
- d. **Within 60 days** of a grievance being referred, **Restorative Justice case manager will:**
schedule and hold the first Restorative Justice meeting.
- e. **Within 30 days** of a Restorative Justice meeting, the **Restorative Justice case manager will:**
schedule and hold the next Restorative Justice meeting,
until and unless the Restorative Justice meeting participants decide to close.
- f. **Within** a specified time (?) of the last Restorative Justice meeting, **Respondent will:**
check in with Restorative Justice case manager monthly
and will complete all steps agreed to in their Restorative Action Plan.
- g. **Within 15 days** of the Restorative Justice group closing without agreement, **Grievance Administrator will:**
call [grievant](#) to see if they want to close or go to [Arbitration](#) (see Level Two – Arbitration page).
- h. **Within 15 days** of being contacted, **grievant will:**
decide whether to close grievance – or -
move to **Level Two** of the grievance process, **Arbitration**.
- i. **Within 15 days** of knowing grievant wants to move forward, **Grievance Administrator will:**
gather a list of trained and available [arbitrators](#) who are not too close to the conflict,
mail out the list of arbitrators to the parties.

- j. **Within 15 days** of receiving arbitrator choices, **parties will:**
choose one and cross off one if there is a question of neutrality,
and return the choices to the Grievance Administrator who will send grievance form and
party statements to the selected arbitrators.
- k. **Within 15 days** of being selected, the two **arbitrators will:**
select a lead arbitrator from the list – then -
alert the Grievance Administrator who will contact the lead arbitrator.
- l. **Within 15 days** of choosing the third arbitrator, the three **arbitrators will:**
schedule the arbitration hearing with the parties.
If they are unable to within 15 days, Grievance Administrator will set the date and time.
- m. **Within 30 days** of choosing the third arbitrator, the **arbitrators will:**
hold the arbitration hearing.
- n. **Within 15 days** of the arbitration hearing, the **arbitrators will:**
deliberate, decide, then give their draft decision to the Grievance Administrator
who will give it to management for operational and legal review.
- o. **Within 30 days** of receiving the arbitrated draft decision for review, **management will:**
complete any reviews.
Arbitrators will complete any revisions, so that there are no unintended legal or
operational ramifications in the decision,
then the final decision will be sent to the Grievance Administrator.
- p. **Within 15 days** of receiving final decision, **Grievance Administrator will:**
send the decision of the arbitrators to the parties by certified mail, and
archive a copy of the decision.
- q. **Within 30 days** of receiving the final decision, if given the defined circumstances, **either
party may:**
send a petition to appeal the decision to the Grievance Administrator,
entering **the Appeal phase** with management (see [Appeal page](#)).
- r. **Within 15 days** of receiving the appeal, **Grievance Administrator will:**
send the petition to hear the appeal to management.

s. **Within 15 days** of receiving the petition to appeal, **management will:**
decide whether or not to hear the appeal.

t. **Within 30 days** of deciding to hear the appeal, **management will:**
hold an appeal hearing.

u. **Within 30 days** of the appeal hearing, **management will:**
send their decision to the parties in writing.
Please note: Management's decision is final.

As seen here, a grievance could easily take a year if it took the maximum time to do each of these pieces, and a quarter of a year at the minimum. Therefore, all participants will do their best to accomplish their piece immediately or in a timely fashion, while staying within the time limits. Time limits are used to keep things moving forward through the process.

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