

Definitions of Terms

The following defined terms are used consistently across OCF processes and will be reviewed and updated as law/case law, rules, regulations and precedent dictates is necessary.

- 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** are 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) **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.
- 11) **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.
- 12) **Co-Sponsor** Is the person who co-sponsors a Request for Support filed on behalf of someone (the requestor).
- 13) **Crew Coordinator** is the contact persons between the crew and the rest of the Fair organization and has responsibility for the crew.

- 14) 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.
- 15) 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.
- 16) Dispute Resolution** is a process that can be used to resolve a conflict, dispute or claim. This includes mediation, restorative justice & arbitration.
- 17) 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 Oregon State.
- 18) Fact Finders** are Fair Family members trained to investigate issues prior to an arbitration hearing, engaging in information gathering and analysis. 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.
- 19) 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.
- 20) 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
- 21) 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.
- 22) Community Relations and Restoration Administrator** serves as a guide to the conflict support process for the requestor 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.

- 23) Requestor** is the person who is filing the Request for Support. The requestor would typically be the person who has been harmed, however, someone other than the harmed person could file a request on their behalf. If filing on behalf of another individual, the request must be co-sponsored by an OCF Fair leader.
- 24) 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.
- 25) Hostile Environment Sexual Harassment:** Unwelcome conduct based upon sex 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).
- 26) Humanistic 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 through the use of the "three-chip" interaction which is to take care of business, treat everybody with love and respect and have fun.
- 27) Management Team** is composed of Management employees (including the Executive Director and his or her designee) and BUMs.
- 28) Mediation** is an alternative dispute resolution process that utilizes a neutral third person, the mediator, to assist people in conflict.
- 29) 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.
- 30) 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.

- 31) 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.
- 32) 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.
- 33) 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.
- 34) Respondent** is the person who the grievant claims violated a written rule or policy as found in the OCF Governing Documents.
- 35) 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.
- 36) 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.
- 37) 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 requestor and respondent to reach their own mutually achieved resolution of the grievance.
- 38) 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, law, financial misconduct regulations, and/or policies as long as the report is made in good faith.
- 39) 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.
- 40) 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:
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.

Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent in the State of Oregon.

- 41) Stalking:** Engaging in a course of conduct directed at a specific person that involves repeated (two or more occasions) visual or physical proximity, non-consensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person fear.
- 42) 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 support during breaks. The support person should not be a direct witness to facts underlying the grievance.
- 43) Abusive Conduct** is conduct of a Fair Family member while gathering for OCF activities or discussion, in person or online, that a reasonable person would find hostile and/or offensive. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's performance. A single act shall not constitute abusive conduct, unless especially severe and egregious. Reasonable feedback related to legitimate OCF operational or business interests is not abusive conduct.
- 44) Verbal Abuse** is language a reasonable person would find intimidating, humiliating, threatening, discriminatory, degrading, or severely insulting like racial slurs or other hate speech, or degrading language based on gender or sexual orientation and interferes with a Fair Family members' participation at Fair.
- 45) Emotional Abuse** is a pattern of behavior that a reasonable person would find insulting, humiliating, that instills fear in an individual in order to control them. Emotional abuse centers around control, manipulation, isolation, and demeaning or threatening behavior. An isolated occurrence doesn't necessarily qualify as emotional abuse, but a pattern of behavior that creates fear and control does.
- 46) Bullying** is repeated and unwelcome, less favorable treatment or behavior of a person by another which may be considered unreasonable and inappropriate operational/business practice. It includes behavior that intimidates, offends, degrades or humiliates, possibly in front of others.
- 47) Social identity** is an individual's social identity indicates who they are in terms of the groups to which they belong. Social identity groups are usually defined by some physical, social, and mental characteristics of individuals. Examples of social identities are race/ethnicity, gender, social class/socioeconomic status, sexual orientation, (dis)abilities, and religion/religious beliefs.

48) Good faith generally means honest dealing. Depending on the situation, good faith may require an honest belief or purpose, faithful performance of duties, observance of fair dealing standards, or an absence of fraudulent intent.

49) Hiatus the time when a break is taken from the process.