



CONFLICT RESOLUTION PROCESS

March 2024

BATS VALUES

Throughout BATS, we care about, stand for, and commit to:

- Diversity, equity, and inclusion (specifically, working to become anti-racist and anti-oppressive)
- Creativity and innovation
- Collaboration and connection
- Joyful play and fun

BATS COMMUNITY STANDARDS

The [BATS Community Standards](#) lists the standards that BATS has adopted.

These standards should be applied in all interactions whether by email, in person, on stage or in class. We commit to holding ourselves and each other accountable to these standards. We have a zero-tolerance protocol in place to remediate harmful behavior and hold the community accountable to these standards. These remediations could range from further learning, apology, participation in a restorative justice process, through to termination as set forth in the BATS Conflict Process.

This policy is not intended to replace the Discrimination, Harassment and Retaliation Prevention policy. Employees may report conduct which violates that policy as described in that policy or as stated in this policy at their option

CONFLICT PROCESS: INTRODUCTION

Intentions of the Conflict Process

The BATS style of improv has been described as radical cooperation in action. Likewise, this conflict process requires radical cooperation in action.

The Conflict Process ensures that the BATS community feels safe and free from harassment. The Managing Director and Managers are expected to respond to complaints and requests, and to engage the Conflict Process, with support from leadership of the BATS Board of Directors as needed.

This document is intended to support:

- All employees, including managers, administrative staff, company members, coaches, guest artists, front-of-house, musicians, and lighticians
- Students of BATS School of Improv and attendees of @Work events
- Contractors and vendors
- Volunteers, including Board Members
- Audience members

This Conflict Process is a tool to uphold our Community Standards and hold ourselves and each other accountable. It is applicable to breaks from the Community Standards as well as to other forms of conflict.

Context for Conflict

Much like improv, conflict may be spontaneous and may happen on the spot and in the moment. Conflict may also build up over time resulting in a moment that is not spontaneous for one or more people involved. Conflict also may be generative when it builds relationships and increases understanding. By creating cultural norms around conflict, we make space for courageous change. While one of our core principles on stage is to “make your partner look good” this may not be possible in a moment of conflict. However, when our response to conflict is restorative and transformative, we

create collective healing that is for our greater good.

The Conflict Process cannot cover every possible incident and is written to address and embrace nuance and complexity that reflects real life incidents.

Building a Culture of a Conflict Positive Workplace: Setting Up an Environment for Conflict to be Generative

Create community standards and norms

- BATS Community Standards: These standards will be reviewed and updated periodically to assure the standards continue to meet BATS needs and values.
- BATS Discrimination, Harassment and Retaliation Prevention Policy provides additional guidance for all coaches, staff and company members about the standards they are expected to uphold in the workplace.

Actively build relationships within the workplace

- Build-in time for BATS staff, company, students, coaches, and community to get to know each other
 - online and in person community building events like the picnic, holiday party, student performances, wider community meetings, alongside shows and classes
 - Create space to share about cultural backgrounds, communication styles, work styles, and inviting others to share communication styles, work styles, cultural backgrounds, etc.

Onboarding

- As new staff, company members, coaches, board members, guest artists, students, and volunteers join the community, they review the community standards and this conflict process
- All shall receive clear (written) guidance about the BATS expectations, norms, and processes (BATS Community Standards and the Conflict Process)
- Read best practices for onboarding [here](#).

CONFLICT PROCESS OVERVIEW

Reporting a Conflict

Any individual can report a situation, including a participant in a situation or a party observing a situation. A conflict can be reported to a designated Manager and or Managing Director in the following ways:

1. Verbally, either in person, over the phone, or on a video call
2. In writing, in an email, a text message, or a letter
3. Submission of a Complaint Form.

Plan for Organization-Wide Accountability

BATS Improv is committed to ensuring accountability for appropriate conduct across the organization. Since people often hold multiple roles at BATS (e.g., being both a company member and a coach), responsibility for addressing a conflict is defined based on their designated Manager.

Employees: Each employee will have a designated Manager who is responsible for addressing the conflict, with support from the Managing Director and/or the Board President, Vice President, or HR Committee. Each designated Manager will receive training in conflict resolution and mediation. Employees are not required to participate in conflict resolution when they report conduct that they believe violates the Discrimination, Harassment, and Retaliation Prevention policy. Instead, they may opt to have the concerns investigated as stated in that policy.

Students and attendees of School and @Work Events: In event of a complaint from or involving a student, the Head of School is responsible, with support from the Managing Director as needed. For an @work event attendee, the Director of @Work is responsible, with support from the Managing Director as needed.

Contractors and Vendors: The Managing Director, with support from the Board

President and Board HR committee as needed, is responsible for enforcing appropriate behavior of all contractors and vendors toward employees, students, board members, and volunteers.

Board Members: The President of the Board is responsible for ensuring appropriate behavior of Board Members, with support from the Board's HR Committee. If the complaint involves the President of the Board, the Board's HR Committee will address the issue, with support from the Vice President of the Board, or other board member tasked by the Vice President to be a neutral leader of the committee.

Other Volunteers: For conflicts involving other volunteers, the Head of the department for which they were volunteering is responsible: Artistic Director(s) for shows, Head of School for school activities, Director of @Work for @Work events; Managing Director for org-wide or administrative volunteers; and Board President for non-board members providing volunteer support to the Board of Directors.

After a Complaint is Received

Once a designated investigator, manager or other responsible party, becomes aware of the complaint, they will engage in conversations with the reporting party and the responding party, with the intention of gathering information and gaining further insights into the issues and to determine if the complaint will be investigated or mediated based on the complaining party's choice. If mediation is chosen, it shall be clearly articulated to those involved that there is an information-gathering function to these conversations. Any information gathered will be analyzed with a restorative lens, meaning that the focus will be on understanding the underlying needs of the parties and thinking about ways to implement the process to repair harms that may have been caused and explore a path to restoration.

Documentation

The investigator, manager or other responsible party receiving the complaint is

responsible for documenting each conversation they have about the issue. The individual responsible for addressing a complaint must provide the Managing Director with all documentation. This is critical, because it allows repeat offenses to be logged and supports accountability within the organization across time. A mini-form can be accessed [here](#).

Confidentiality

All complaints and reports will be kept in a password protected database and access will be restricted to individuals who are directly involved in addressing or investigating the complaint. Personal name and contact information will not be shared outside of the individual(s) directly involved in addressing the complaint except as required by law. Confidentiality cannot be guaranteed. This applies to all complaints regardless of how they are resolved. Aggregate demographic information may be used to track and report on our progress addressing conflict overall.

ADDRESSING CONFLICT RESTORATIVELY WHEN TENSIONS OR INCIDENTS ARISE

Background on Restorative Practices

Restorative Practices are a set of principles and practices inspired by indigenous values that bring people together to build and maintain community, to reconcile and rebuild relationships when conflict or harm occurs. Restorative Practices allow affected parties the opportunity to collectively define the impact and determine steps to make things as right as possible for everyone—the person(s) harmed, the person(s) who harmed others, and the broader community.

Potential Outcomes of Restorative Processes

The potential outcomes can be full (or partial) resolution and new understandings, new agreements between individuals, commitments made by a person who caused harm (to repair the harm in various ways determined by the participants). On occasion, parties may not resolve the conflict and they may decide to escalate it to HR to resolve. In

addition, because the process is voluntary, an individual may always go directly to HR.

Restorative Approach #1: Consider Direct 1:1 Communication

Our first choice for resolving conflict is one on one conversation. If you feel safe going directly to the person you're having an issue with, and you do not feel it would cause any additional harm to you, you don't have to follow any process other than doing just that.

If a one-on-one conversation doesn't feel safe for any reason, see the next section on how to get help by escalating a conflict to a designated Manager, who may have an option to provide or engage additional resources (either in-house or a vendor) such as a mediator or investigator. It is helpful to address issues as they arise and not let them build up, so we recommend addressing them in a timely manner so the problem does not escalate.

It is recommended that individuals engage around the conflict as soon as possible in a way that meets the above needs. This reduces the likelihood of the harm recurring or the conflict escalating. This also supports any developing process that grows to include the designated manager or an HR process.

Steps for resolving conflict with direct communication

It's almost always a good idea to start with a direct conversation with the person you are having conflict with but is not required. If you decide to use direct communication, use these [Steps for Resolving Conflict Directly](#) instructions to help you with a direct conversation. Refer to the next section if you would like to explore other options. It is important to note that some issues of harassment or harm may not be appropriate for directly approaching the other person. See how BATS defines harassment in our Discrimination, Harassment and Retaliation Prevention Policy included in this Employee Handbook.

Restorative Practice #2: Consider Direct Communication with Support from a designated Manager

If members need additional support to feel comfortable addressing another person directly, the member may contact their designated Manager for support with this restorative practice. The following types of support are available:

1) Request Conflict Coaching to help you prepare for the conversation (either party)

If skill building is needed and/or desired to feel comfortable and confident engaging in direct communication regarding conflict, the designated Manager can work with the employee to help them prepare for the conversation. The designated Manager can attend the meeting as a witness or support if desired. If the employee is uncomfortable working with the designated Manager, BATS may have the option to engage an external provider.

2) Request a Facilitated Conversation to help you resolve the issue and/or repair the Relationship.

This option can help if a direct conversation has not resolved the issue and support is needed to convene a restorative conversation. The designated Manager will attend the meeting and facilitate the conversation. If the employee is uncomfortable working with the designated Manager, BATS may have the option to engage an external provider.

Addressing Conflict Traditionally, Involving HR

Involving an HR process is an important option when harm is caused. It ensures that BATS Improv is accountable and can enforce creating a safe place to work, perform, learn, and play. This includes an organization free from violence, abuse, harassment, and bullying.

When to escalate a conflict to an HR process

Sometimes it is necessary to escalate a conflict to an HR process:

- 1) When a member is unable to resolve a situation on their own, using the above approaches or opts to have an investigation
- 2) When mediation or restorative options have not produced results
- 3) When a conflict situation is inappropriate to bring to mediation or a restorative process
- 4) When the manager or Managing Director becomes aware that there is an issue that may be serious and harmful.
- 5) When there is no restorative path forward

When mediation or restorative options are not possible or have not produced results

Sometimes communication breaks down and mediations or restorative processes either do not produce results or the parties are not willing to participate. Sometimes the parties are not willing to consider continuing to work together under any circumstances.

Not all conflicts are appropriate to bring to a restorative process.

[See this link](#) for circumstances that are inappropriate for a restorative process. The lack of [these skills](#) may also be barriers to a mediation or restorative process.

In instances where there is no restorative path forward, designated Managers may find it necessary to take more traditional disciplinary approaches. This could include an informal or formal investigation, grievance processes, arbitration, coaching for the manager and/or the employee, mediation, and other HR interventions if necessary, including but not limited to suspension, demotion, and termination.

The questions to be considered are:

- Has a policy been violated?
- Who has violated it?
- According to our policies, what is an appropriate consequence?

Potential Outcomes of Traditional HR process

Should the issue not be suitable or possible to resolve with restorative justice,

Management will conduct an investigation or have a third party investigate.

Management will have recourse to all performance improvement and disciplinary measures up to and including termination. Outcomes can include mediation, performance improvement plans, and progressive discipline, including verbal warning, written warning, disciplinary action notice, suspension, demotion, and/or termination.

Management is responsible for reviewing complaints and identifying when there might be a possibility of severe or pervasive situations, and escalating them appropriately.

Below are two examples among many potential outcomes.

Training with Reintegration

Sometimes a restorative process or HR processes analysis results in a decision that the person who caused harm will be allowed to engage in training to support them in developing more appropriate behavior going forward. The details of the education or/training will be determined by the same process. See this link for more information.

Removal

While some forms of harm may be appropriate for coaching and support and eligibility for participation in the Conflict Process, other situations may result in termination:

- Cases where the individual is not able to demonstrate an ability to end their harmful words, actions, and behaviors within a reasonable timeframe
- Cases where there is a lack of compliance with the Community Standards and expectations

Suspension or Termination can only be carried out by BATS leadership, which includes the Managing Director or Board President. In the case of complaints against either of these parties, the Board HR Committee will implement the HR process, and determine the appropriate disciplinary action. Leadership may also reach out to external HR, legal

resources, or other external expertise to help consider the outcome.

When Leadership is directly involved in the conflict

This conflict process has been created to ensure that all roles within BATS have accountability. Please see the Plan for Organization-Wide Accountability above to understand who is responsible for holding leadership accountable. The Board HR Committee is available to advise as needed. Additionally, conflict coaching or mediation support from an outside vendor may be requested.

AUDIENCE MEMBERS AND STUDENTS

Engage Audience Members and Students

It is important to engage audience members and students for transparency and accountability. View the multiple ways to do that here.

A condition of studying at BATS will be the students' acknowledgment of receipt of our Community Standards and Conflict process as set out in this document

Audience members will be made aware of both the Community Standards and Conflict Process and will be encouraged to help hold us accountable to the standards. They will be made aware that we are committed to being a learning organization and that they are encouraged to submit general feedback to feedback@improv.org and complaints via the same complaints form which will be available to everyone on our website.

Additional Support for BATS

If additional advice or support from HR, employment law, mediation, coaching, and/or other restorative justice perspectives are required, the manager or Managing Director will reach out to appropriate vendors for a consultation. The Managing Director will maintain a list of 2-3 providers for each modality.

Historical Context

In 2020, BATS publicly apologized unreservedly for allowing existing systems and biases within BATS that have contributed to upholding white supremacy within the organization to have gone unexamined and unchanged throughout our history. We apologized to our community members who raised such concerns and whose voices were ignored. We are sorry for the harm that our behaviors and practices have caused to our BIPOC community members.

Catalyzed by the national reckoning of the ongoing and devastating impacts of systemic racism, and the light this has shone on institutional racism within the theater sector, BATS Improv has committed itself to internal examination and reinvention to succor the eradication of racism and white supremacy that is endemic within theater in America and its manifestation at BATS.

Following the demands and advice set out in the “BIPOC Equity Action Plan” we are committed to taking the steps necessary for positive change to ensure that BATS becomes a “diverse, equitable and inclusive improvised theater community that fully affirms and celebrates artists, especially BIPOC artists.” * We strive to create an anti-racist, healthy creative community that embeds spontaneous and creative risk taking within a safe and inclusive environment for our community. The BATS Conflict Process set forth below is a part of the BATS Equity Action Plan to disrupt White Supremacy and to support our process in cultivating an equitable environment.

*(from the BIPOC Action Plan)

Our work has been informed by “The Living Document of BIPOC Experience in the Bay Area Theater Community,” (June 9, 2020), and more specifically by the “BIPOC Equity Action Plan” (summer 2020), which serves as an actionable supplement to the above linked living document and represents the demands set forth in the above linked equity action plan.

This document addresses the first demand of the living document as set forth in the summary of demands, which is to “acknowledge structures and histories of harm to better inform forward progress.” The conflict process specifically addresses the second demand which is, “to end harmful practices, programs, and contracts with individuals with a history of problematic and racist behaviors.” BATS is committed to addressing all demands set forth in the living document. The Conflict Process is in support of the BATS values. BATS maintains the Conflict Process on the website as a form of transparency and accountability to BATS community members as well as the larger improv community. Other companies are welcomed and encouraged to provide feedback regarding the Conflict Process which will be reviewed and updated annually and to use this framework to develop their own conflict process.

A Living Document

While the BATS Improv Conflict Process offers a plan of action it will also be a “living document” that is reassessed by the improv community, and BATS periodically. The annual review is meant to leverage collaborative imagination of the improv community. The needs of BATS and of the larger community may shift over time and the annual review process creates space for innovation and supports the BATS values. This document will serve as a historical and multi-generational tool and is in and of itself an opportunity for collaboration (region-wide to world-wide).

Gratitude/Celebration of Influencers

This complaints and accountability process closes by celebrating the courage and love of BIPOC artists who have contributed to this effort, celebrate, and welcome the allyship of non-BIPOC artists and decision-makers in the work and wisely concludes this work will take all of us. This process is written to mirror the action from a place of courage and love in a way that brings all willing community members on this journey together.