## Dispute resolution guidance

The goal of dispute resolution is that individual members of the W3C can:

* get help and support to safely resolve issues that negatively affect them
* correct their behaviours that negatively affect other members of the W3C
* continue to safely work and contribute to the W3C after an issue has been raised

The Code of Ethics and Professional Conduct is the standard that W3C members are required to follow and is used as the basis for any resolution and disciplinary actions. In exceptional circumstances, individuals may have their W3C membership suspended or withdrawn as a result of a complaint or investigation.

It is expected that individuals should try to resolve issues themselves in the first instance. However, if individuals do not feel comfortable or safe doing so, they can get help through facilitators and/or mediation.

Depending on the severity of the situation, it may not be appropriate to attempt to resolve the issue informally (for example, threats of violence, assault or sexual assult). Individuals should immediately report the incident whenever they feel unsafe or threatened by the behaviour or actions of other W3C members.

Everyone involved in the dispute resolution process is expected to:

* try to resolve the issue independently or with the help of mediation before an investigation is initiated (if appropriate)
* show respect for others
* work together to resolve the complaint
* maintain confidentiality

A disciplinary investigation can be started where:

* it’s not appropriate to begin with mediation
* all other mediation or resolution attempts have not worked

**Timelines**

You need to raise an issue an official complaint within 3 months of the original incident.

An investigator will be appointed as soon as possible and will conduct the investigation within a month, but time may vary depending on timezones and availability of the relevant people needed to interview for the investigation.

## Individual, facilitated or mediated resolution

You should first try to resolve the issue through individual channels, such as talking to the person who has done something that you believe conflicts with CEPC or has affected you personally. You can also contact on Ombudsperson to help you with any issue related to the CEPC.

You should:

* engage with the individual promptly, within 3 months of the incident taking place
* be clear about the issue, for example refer to the specific area of the CEPC and how the individual's actions were contrary to that point, or how you personally were affected by their actions
* avoid using language which might be considered insulting or abusive
* ask what you’d like as an outcome, for example an apology or a change in a behaviour

You should try to have an honest and open discussion with the person concerned, either through email or a video call, whatever is most comfortable for both parties.

If it is not possible to talk directly with the person, or if you do not feel comfortable doing so, you could ask another W3C member to act as a facilitator (for example, the Chair of a Working group). If that is not possible, you may want to try mediation.

**Mediation**

It is strongly recommended that individuals attempt mediation as part of the dispute resolution process. Mediation is most effective when used earlier in a dispute, before people become fixed in their position, as it provides a positive opportunity to resolve practical problems.

It empowers people to work together to resolve issues, and can therefore be less stressful and have a less negative impact on individuals. Mediation can also be successful in later stages after an investigation has concluded to help people rebuild relationships.

It is usually between two parties, but mediation can also work for groups. Mediation can be used to resolve a range of issues including a breakdown in relationships.

Mediation can help people in dispute attempt to reach an agreement. If two or more people agree that there is conflict, the steps in the process are:

* agree to attend mediation as an option for resolving the issue
* individually attend a meeting with independent trained mediators
* collectively attend a meeting to state how each party sees the problem and how it might be resolved
* engage with the mediator who will work through the issues confidentially and confirm agreements with everyone as they are reached

### Investigations

If resolution attempts have not worked or the issue is not appropriate for mediation, an individual can raise a complaint against another individual.

You will need to:

* raise a written complaint using and submit the complaint within 3 months
* be clear about the grounds for the complaint (for example, what parts of the CEPC you think are relevant)
* describe what you have done so far to resolve the complaint, for example trying to solve the issue yourself or through mediation (if this was appropriate)
* be as factual as possible
* avoid using language which might be considered insulting or abusive
* state what outcome is being sought (for example, you’d like the person to work on that behaviour or an apology)

You need to submit this complaint to [need a process].

An investigator will be appointed and will talk to both parties and anyone else relevant.

The investigator’s role is to:

* establish what happened, in a fair and objective manner
* ensure that the investigation is proportionate to the seriousness and complexity of the complaint
* ensure that the investigation is concluded without delay
* keep notes and submitted evidence in confidence

The investigator will write a summary of the result of the investigation and recommend what actions should be taken. Outcomes and actions will be agreed by W3M and communicated to both parties.

### Disciplinary actions

There are various actions that the investigator and the W3M can take, depending on the frequency and severity of the behaviours in conflict with the CEPC. All decisions are final.

As the intent of the process is to ensure that individuals can continue to work together after the incident, it may result in both participating in some of the actions.

Where it is beneficial to the continued functioning of the W3C, a high level summary of results and actions from an investigation may be communicated in the W3C, for example if an individual is suspended from a working group or being a chair in any working group. Otherwise, results and actions should be kept confidential.

1. **Corrective action**

The individual who had the complaint raised against them will be advised to correct their behaviour going forward, for example not engaging in the same behaviours that resulted in the complaint.

1. **Agree to a mediation process**

The individual who had the complaint raised against them will be advised to participate in a mediation process, where both parties can agree to certain actions and changes going forward.

1. **Removal from a working group or from a chair of a working group**

In cases where the actions by an individual’s has been frequent and disruptive, or they have failed to adhere to actions agreed through mediation, they will be suspended from participating in any working groups or chair positions for at least one year.

1. **An official warning**

In cases where the actions by an individual are frequent or severe, an individual and their employer (if relevant) will be given an official warning that their conduct is contrary to the CEPC and that they should immediately desist in those behaviours. If they continue, thy may result in the removal or suspension of their W3C membership. There is no time limit for the expiry of the warning.

1. **Disciplinary meeting**

In cases where the actions by an individual are frequent or severe, and where greater intervention is needed, an individual and a representative from their place of employment (if relevant) will be asked to attend a meeting with W3M. They will be told where their conduct is contrary to the CEPC and that they should immediately desist in those behaviours. If they continue, they may result in the removal or suspension of their W3C membership.

1. **Final written warning or suspension**

Where individuals have received multiple warnings, across the same or multiple parts of the CEPC. The individual and their employer will receive a written warning that any further complaints will result in the removal of their W3C membership. They may also be suspended from W3C for a given length of time.

1. **Termination of membership**

Where there have been exceptional circumstances or frequent upheld complaints against an individual, they may have their participation in or membership of the W3C terminated. The individual and their employer will receive a letter from the W3C outlining the reasons and why termination was warranted.