

Conflict and Complaint Resolution Policy

Please feel free to seek support in understanding and applying this policy from the Staff and Board at QPIRG McGill, the Centre for Gender Advocacy, or QPIRG Concordia.

Preamble

QPIRG McGill is committed to creating and maintaining an organizational environment characterized by constructive, productive and supportive working relationships. These are ones that are open to contrasting styles of understanding and acting and different points of view and that recognize that human interactions are complex, often difficult, and that we all can contribute to their success and breakdown.

All persons involved with QPIRG McGill have an obligation to communicate openly and respectfully with one another and to provide reasons for particular decisions or actions. When disagreements arise, greater understanding by all is needed. The presence of conflict, if dealt with effectively, offers an opportunity for individual and organizational learning including the identification of policies and practices that need to be improved.

Central to the mandate and vision of QPIRG-McGill is an ongoing commitment to anti-oppression. The application of this policy should be undertaken with a recognition and understanding of the historical and contemporary marginalization of individuals and communities on the basis of race, religion, gender, class, dis/ability, sexual orientation, etc, and the impact this has on both systemic and interpersonal relationships.

Conflict situations should be addressed at the earliest possible opportunity as unresolved conflict can lead to a stressful, and in the worst cases, a poisoned, work environment.

This policy is designed for use by actively involved members of QPIRG-McGill including board members, staff, working group members, volunteers, space users etc.

Definitions

Informal Facilitation: A process generated by participants who seek an external facilitator in order to help the parties restore a positive working relationship and find mutually satisfactory resolutions to a conflict where no documentation is required.

Conflict Resolution: A process generated by a mediator responding to a formal request in writing that aims to help the parties restore a positive working relationship and find mutually satisfactory resolutions to a conflict, with documentation.

Complaint Resolution: A decision-making and arbitration process where complaints are investigated to find out ‘what happened’ and make a determination of who is responsible for the situation, if anyone, and what the consequences/resolutions for the parties should be.

Conflict Resolution/Complaints Committee: The purpose of the CR/C Committee is to review complaints entailing decisions made by the QPIRG Board or Staff, or any other internal disputes, which cannot otherwise be resolved. The composition of the CR/CC is outlined in Appendix 1.

Complainant: The person or persons who raise the concerns, conflicts or complaints and bring them to the Conflict Resolution/Complaints Committee.

Vexatious claims: Claims that are meant to impede QPIRG-McGill in fulfilling its mandate.

Process

In the event that any person or group is experiencing a work-related conflict or has a complaint about the actions of another person, the following steps will be followed.

There are two paths to this policy.

Conflict Resolution: a facilitated or mediated process where the goal is to help the parties restore a positive working relationship in the future and find mutually satisfactory resolutions to a conflict. To follow a Conflict Resolution path follow Part 1 and Part 2a.

Complaints Resolution: a decision-making and arbitration process where complaints are investigated to find out ‘what happened’ and make a determination of who is responsible for the situation and what the consequences/resolutions for the parties should be. To follow a Complaints Resolution path follow Part 1 and Part 2b.

All decisions of the Conflict Resolution and Complaints Committee will be made in accordance with the QPIRG McGill constitution, bylaws, and policies. All parties dealing with the CR/CC must be familiar with these documents.

Part 1:

1. Communicate directly with the person or persons whose actions are the causes of the complaint. People should reasonably expect to know if their behaviour or their decision is a problem for another person or group.
2. If the circumstances are such that the person with a complaint is unable or unwilling to communicate directly with the person or persons whose actions are the cause of their complaint, either for fear of it going badly, or of reprisal, the help of others should be sought in resolving the conflict. We recommend seeking the support of a facilitator external to the organization (for example, a member of a CRCC of another organization). Support of this kind may also be sought from members of the QPIRG-McGill Board or staff. However, any facilitator or mediator involved in this informal facilitation may not continue to be involved if the parties pursue a formal conflict or complaints process. In the event that an outside facilitator is retained for the process of an informal facilitation, this person may be compensated for their work.
3. Communication of the complaint or conflict shall first be made verbally, as in step 1 & 2. The parties, and those helping to resolve the conflict, should avoid communicating the details of a complaint, making or responding to allegations or giving advice by e-mail. Face-to-face communication, as difficult as it can be, should be relied upon. E-mail messages can be used for arranging meeting or communicating details of the process.
4. The parties will refrain from drawing others into the process as a way of garnering support or getting attention. This can escalate the problem and can be damaging to the organization.

5. If the problem cannot be resolved at steps 2 or 3, the nature of the problem should be communicated in writing to either the Board of QPIRG or the Conflict Resolution/Complaints Committee. Such communication should be no more than one page and be descriptive in outlining the events that gave rise to the complaint or conflict and what has been done, thus far, to resolve the situation. It should also convey whether the complainant wishes to pursue a Conflict Resolution Process or a Complaints Process.
6. If pursuing a Conflict Resolution Process, the written document should be sent to the board, although you can ask that it be forwarded to the CR/CC if you feel that the board is implicated. If pursuing a Complaints Resolution Process, the written document should be sent directly to the CR/CC.
7. To get in touch with either the QPIRG McGill Board or the Conflict Resolution and Complaints Committee, send an email to info@qpirgMcGill.org asking that a member of the board or the CR/CC contact you. If you wish to remain anonymous, you can send an email from an account that won't be recognized by staff, who will be checking the info account. Please be sure to identify who it is you want to have get in touch with you.
8. The choice of these two approaches should be offered to the parties by the Board and/or the CR/C Committee. If a Conflict Resolution process fails to resolve the matter, a Complaints Resolution Process can still be undertaken.

Part 2 a: Conflict Resolution Process

9. In the event that the parties choose a Conflict Resolution Process, either the board or, if the board is involved in the complaint or has a conflict of interest, the CR/C Committee will retain the services of a facilitator/mediator who has experience and/or training in mediation and facilitation.
10. Before engaging in a Conflict Resolution Process, the board will undergo its own process to identify if it has any conflicts of interest that would prevent it from appropriately engaging in the process. If the board identifies a conflict of interest they may choose to strike a committee of the board that is not in conflict of interest to deal with the process or they may forward the request directly to the CR/CC.
11. Complaints and conflicts shall be dealt with in a confidential manner. Meetings to resolve a complaint shall be open only to the parties and to people acting as mediator/facilitator. In the interest of confidentiality and the comfort of the parties involved, no minutes or written record of what is said in these meetings shall be recorded although, if the parties agree, the outcome of the meetings or the resulting agreement may be documented. Documentation that a conflict resolution meeting took place and that a resolution was reached or not reached, though, should be recorded. Where the conflict pertains to staff members, please refer to the permanent staff contracts for policy on confidentiality and documentation of conflict and complaints processes as well as disciplinary procedures.
12. The parties may have a support person present for the purposes of emotional support. The support person's role is not to enter into or be involved in the process, but simply to listen and be there for the person. They must also agree to keep all information confidential, it is not

their place to impart this information. It is strongly advised that this person be external to the organization (i.e. not on the QPIRG-McGill Board or staff).

Part 2 b: Complaints Resolution

13. Complaints must be submitted in writing, as per Part 1.6, to the CR/CC within 28 days of the decision, incident, or other matter with which the complaint is concerned. This letter must clearly explain the background and exact nature of the complaint, should be no more than one page, and should include what has been done, thus far, to resolve the situation.
14. The CR/CC will reserve the right to reject complaints based on the legitimacy of the claims according to the procedure outlined in this document, as well as if they consider the claim to be vexatious. The CR/CC will err on the side of accepting complaints. If the CR/CC rejects a complaint, they must, in confidence, outline their grounds for refusal in writing to the party filing the claim.
15. If a complaint is accepted, the CR/CC will inform the other party(ies) named in the complaint immediately by forwarding them a copy of the complaint. It should be made clear to the complainant that their complaint is being forwarded to the other party.
16. If a complaint is accepted, an investigative hearing must be held, within 30 days, at a time agreed on by the whole CR/CC such that all members are present. Both parties will be given at least 2 weeks notice informing them of the date of the investigative hearing and that their attendance is required.
17. Failing to attend the investigative hearing, without having communicated exceptional circumstances results in the forfeit of your right to participate in the hearing, which will take place regardless.
18. Previous to the date of the hearing, the CR/CC may request information (written or otherwise) to be submitted by all parties concerned in support of their case. All supporting documents must be typed.
19. Both parties will be present at the hearing. The party with the complaint will present their case first.
20. Presentations must be brief and to the point. The CR/CC reserves the right to set time limits.
21. Pending the nature of the case, the CR/CC has the right to close a presentation if the presentation is deemed redundant or irrelevant.
22. Each party has the right to present their case in their preferred language. If necessary, translation will be provided by the organization.
23. In the case of group presentations the number of people who will speak for each case will be agreed upon before the hearing by the CR/CC.
24. After both parties have made their presentations the CR/CC will have the right to ask questions of each party.

25. The CR/CC will then break to decide on a ruling.
26. The parties may have a support person present for the purposes of emotional support. The support person's role is not to enter into or be involved in the process, but simply to listen and be there for the person. They must also agree to keep all information confidential, it is not their place to impart this information.
27. In deliberation, the CR/CC will strive to achieve a decision by consensus. If the non-voting board appointee to the CR/CC deems that consensus is impossible, a vote will be taken. In a vote, the majority of voting members will prevail.
28. A vote of abstention is not allowed.
29. If the vote is tied, the non-voting board appointee to the CR/CC will vote to break the deadlock.
30. Decisions of the CR/CC are final and not subject to further appeal. These decisions may, but are not required to, include measures outlined in the QPIRG McGill Disciplinary Procedures (see Appendix 3). Recommendations, resolutions, and disciplinary measures of the CR/CC are required to be enacted by the Board of QPIRG McGill.
31. The CR/CC must produce a written report within two (2) weeks of a ruling. This report may be included in the minutes and portions of it may be made public as deemed appropriate by the Board of Directors.
32. Timelines may be extended by mutual agreement.
33. These terms may be amended by the CR/CC according to the committee's decision-making procedure and pending the approval of the QPIRG McGill Board.

It should also be noted that:

34. The QPIRG McGill Board has an obligation to act immediately in addressing a complaint if the physical and mental health and safety of any of the parties is perceived to be at risk. In doing so, one of the parties may be granted a temporary leave of absence with pay until the issue has been satisfactorily resolved, or up to two weeks, whichever is shorter, or parties may be banned from the space for the same period of time.
35. If threats to persons are made, or if the QPIRG McGill board perceives a possible danger to a party or to other employees, including the possibility of one party being a danger to themselves, external professional assistance must be sought immediately.
36. With respect to the above two instances, the organization may rely on the guidelines of the Quebec Labour Standards Act or Quebec Law.

Documentation:

37. In the event of either process being requested, the Board needs to be informed by the CR/CC that such a process is being undertaken.

38. In the event that a Conflict Resolution Process has been requested, the following documentation will be minuted and included and, if relevant, in employee files: a) that a Conflict Resolution Process took place; b) whether or not a resolution was reached; and c) the nature of that resolution if the parties agree to having it made public.

39. In the event that a Complaints Resolution Process has been requested, the following documentation will be minuted and included, if relevant, in employee files: a) that a Complaints Resolution Process took place; b) a copy of the written report, although names may be removed if the CR/CC or Board deems it appropriate; and c) any recommendations that the Board will be enacting.

Appendix 1: Conflict Resolution/Complaints Committee (CR/CC)

The purpose of the CR/CC is to review complaints entailing decisions made by the QPIRG Board or Staff, or any other internal disputes, which cannot otherwise be resolved. The CR/CC holds no regular meetings; it meets only when the need arises and for one training session, which will take place within one month of being elected. Decisions of the CR/CC are final and not subject to further appeal and can include disciplinary measures outlined in the QPIRG McGill Disciplinary Procedures, Appendix 3.

The CR/CC is comprised of:

- 3 permanent voting members, elected annually at QPIRG-McGill's Annual General Meeting.
- 1 representative of the QPIRG-McGill Board of Directors. This Board member volunteers and is appointed by the Board through the normal consensus decision-making process. This person will act as a liaison between the board and CR/CC to ensure regular updates and communication between these two bodies. They will also be responsible for facilitating the decision-making process of the CR/CC committee. As a member of the CR/CC, they assume a non-decision-making role, except in the event that decisions in the committee are to be resolved by a vote and that vote is tied.
- In the instance that a formal complaints process is initiated, there will be one additional voting member appointed to the CR/CC for the duration of that process. The appointment should be made by Board and staff together. In the instance that a staff member has a conflict of interest relating to the process, the Board alone should appoint this member. In the instance that the Board has a conflict of interest, the CR/CC should appoint this additional member.
- Should it be deemed by the CR/CC or the QPIRG McGill Board that there is a conflict of interest for one of the members of the CR/CC, or with the Board's ability to appoint a member of the CR/CC, or should one of the members elected at the AGM be unavailable to participate in a CR/CC process, 1 alternate member of the CR/CC shall be appointed. In the instance that a staff member has a conflict of interest relating to the complaints process, the Board alone should appoint this member. In the instance that the Board has a conflict of interest, the CR/CC should appoint this additional member. It is recommended that this alternate member be selected from the CR/CC of a sister organization, or be someone who has received CR/CC training in the past.

The election procedures for the CR/CC are as follows:

- Members of the CR/CC at QPIRG McGill will be selected by popular will, and elected at QPIRG's Annual General Meeting (AGM).
- Nominations may come from the floor.
- Nominees will demonstrate the existence of a minimum one (1) year involvement with the organization.
- Nominees will be members in good standing of QPIRG McGill;
- All candidates will have the opportunity to present themselves and members present at the meeting shall have the opportunity to ask questions of the candidates.

- Any candidate who cannot be present due to extenuating circumstances may present a written statement that will be read on their behalf;
- Elections for the Conflict Resolution and Complaints Committee will be conducted by secret ballot;
- To be elected, candidates must receive a simple majority of ballots cast. If more than 3 candidates receive a simple majority vote, then the 3 candidates with the most votes are deemed elected;
- No voting by proxy will be allowed
- Where necessary, the QPIRG-McGill Board of Directors may appoint permanent members to the CR/CC prior to the AGM, provided it is not during an active conflict or complaints process.

Members of the Committee cannot be employees of QPIRG, nor can they have a paid contract with QPIRG. Members of the Committee, however, can receive honorariums for work such as childcare, facilitation, etc, but may not do so while the Committee is reviewing a complaint.

It is strongly recommended that members of the Committee not resign while a complaint is before the Committee. All members of the Committee should be familiar with QPIRG McGill's bylaws, constitution, and active policies. Training in the above mentioned policies will be provided by the organization. For procedural guidelines, please see the Conflict and Complaint Resolution Policy.

Appendix 2: QPIRG McGill Conflict Resolution and Complaints Committee Decision-making Guidelines

Part 1:

When beginning a Complaints decision-making process, consider the following questions:

1. How do the actions of either party relate to QPIRG McGill policies. Consider the Constitution, Mandate, and all relevant policies.
2. If there are no policies that speak to the issues or incidents, or if the existing policies do so in a way that seems inappropriate or unfair, what would need to be changed?
3. Detail the effects that the actions of either party have had (or may have had) on each other, on other parties and on the organization.
4. Consider all aspects of the evidence, both that which has been submitted in writing, and that which arose out of questioning at the hearing.
5. Break down the issues pertaining to the complaint. Come up with a process to deal with each issue. Consider making a general ruling only after this process is complete.
6. When deciding on outcomes consider, among other possibilities, the following:
 - Policy recommendations
 - Disciplinary measures

- The effects of the outcome on the general well-being of QPIRG-McGill

Part 2:

1. Decisions of the Committee should be made by consensus where possible.
2. After discussing the issues, and deciding on what aspects of the complaint require a decision, the Committee should begin deliberations. These deliberations can include a go-around to test where people are at. If further discussion is required, a facilitated discussion (the board appointee should act as the facilitator) that works to clarify people's positions and underlying concerns should take place. Discussion should be geared to identifying and addressing concerns and to working in the spirit of compromise. If multiple attempts to reach consensus have failed, the facilitator can recommend that the committee move to a vote.
3. The provision to go to a vote is intended to provide an alternative to consensus in the event of a deadlock that cannot be overcome. Nonetheless, it is important to remember that as an organization, we are committed to consensus as the decision-making process that best reflects our ideals.
4. Simple majority decides a vote. In the event that there is a tie with voting members of the committee, the board appointee will cast a tie-breaking vote.

Appendix 3: QPIRG McGill Disciplinary Procedures

Disciplinary procedures usually progress in the following order:

1. Warning: refers to a written statement from the QPIRG McGill Board of Directors or from the Conflict Resolution and Complaints Committee (CR/CC) to a member of staff, a member of QPIRG, a space user, or to an individual member of the board of directors (hereafter "disciplinee") informing them of the nature of the offence, along with a request not to repeat it again. No further action will be taken unless the offense is repeated.
2. Probation: refers to a period, usually 4 weeks (but length can vary) in which the disciplinee is monitored in order to verify compliance with the above regulations. Probation usually occurs after a warning or a suspension has been issued. Any infraction of the rules and regulations while a disciplinee is on probation is likely to result in dismissal. All newly hired staff are placed on a 3 month probationary period, after which they will be officially accepted or dismissed (as per the QPIRG McGill staff contracts)
3. Suspension: refers to disciplinee in question being relieved of their job, board or working group duties or privileges for a period of 2 weeks or more. It is then followed by a probationary period.
4. Dismissal: refers to the removal of a disciplinee from all QPIRG duties (firing, removal from the board, terminating membership).

5. Expulsion: refers to the removal of a disciplinee from all QPIRG activities (banning from the space, events, etc).