

**Cycle Toronto –
Policy 2014-1: Member Dispute Resolution Policy**

**Effective date: January 1, 2015
Last revised: November 21, 2018**

REFERENCES

Cycle Toronto By-law 1, Section 12 “Disputes”

PREAMBLE

Cycle Toronto is a member-supported organization. All members have the following rights:

- 1) to vote as individuals at General Meetings;
- 2) to benefit collectively from the advocacy work of Cycle Toronto for “safe streets, a healthy city, and a vibrant voice”; and
- 3) to opt in or out of newsletters, updates and action alerts;
- 4) to enjoy various other benefits and discounts associated with membership, as posted and updated from time to time on Cycle Toronto’s website.

DEFINITIONS

“Dispute” – means any problem, concern, disagreement, or complaint related to member-staff, member-member, or member-Director relations that cannot be resolved through normal dialogue (in-person or electronic).

“Member” – includes a member under Cycle Toronto By-law No. 1 as well as a person working in a volunteer capacity for Cycle Toronto—regardless of the volunteer’s membership status in the organization.

“Arbiter” – means any person(s) asked to arbitrate a dispute by virtue of their role as a committee chair, ward leader (or similar), staff person, or member of the Board of Directors.

POLICY

- 1) Cycle Toronto is committed to upholding a culture of mutual respect and providing a positive and collaborative environment for its members and volunteers. The organization is also committed to providing a fair and consistent process to address disputes that may arise from time-to-time between:
 - a) a member(s) and staff;

- b) a member(s) and a Director(s); or
 - c) a member and another member during the course of their volunteer work as part of Board committees, ward-based advocacy, outreach, or other activities.
- 2) Every member, staff person, and Director has a responsibility to comply with the policies and procedures outlined in this document when reporting disputes or responding to reports regarding member-member, member-Director, or member-staff disputes.
 - 3) This policy applies to reports made in good faith.
 - 4) Where appropriate, members should make a good-faith effort to resolve the dispute directly with the person(s) involved in the dispute before escalating the dispute.
 - 5) If unresolved, a report of a dispute shall be made to an arbiter as follows:
 - a) for member-member disputes:
 - i) a committee chair, Ward Advocacy Group leader, or similar; escalated if necessary to
 - ii) the Executive Director or his/her designate.
 - b) for member-staff disputes:
 - i) a senior staff person, normally the Executive Director; except where the dispute involves the Executive Director, in which case the arbiter shall be the Governance Committee of the Board of Directors.
 - c) for member-Director disputes:
 - i) the President of the Board of Directors; except where the dispute involves the President, in which case the arbiter shall be the Chair, who will report to the Board *in camera*; escalated if necessary to:
 - ii) the Board of Directors as a whole.
 - 6) The Executive Director, or her/his designate, has the final decision on how a member-member or member-staff dispute will be resolved (including a finding of a report made in bad faith), except in the case of disputes involving the Executive Director, in which case the Governance Committee shall have the final decision, after advising the Board of Directors. The Governance Committee, in consultation with the full Board of Directors, has the final decision on how a member-Director dispute will be resolved. The Director involved will recuse her/himself from any discussions and decisions concerning her/himself.
 - 7) The resolution of a dispute may involve remedies up to and including:
 - the removal of a member from a committee, Ward Advocacy Group, Working Group or similar;

- the removal of a Ward Advocacy Group/Working Group leader from her/his role; and/or
 - the invocation of provisions in Cycle Toronto employment policies in the case of staff.
 - Directors may be removed from office in accordance with Cycle Toronto's by-laws.
- 8) In the case where a person occupies more than one role (e.g., Director and ward leader), the response shall be dictated by the role which grants the respondent more authority in the organization.
- 9) All disputes reported in accordance with this policy will be promptly investigated and addressed in accordance with the procedures outlined in this document, other relevant Cycle Toronto policies and procedures, and any relevant legislation.
- 10) Filing a claim with the Human Rights Tribunal of Ontario or any similar agency shall not preclude a member's use of this policy and its procedures and vice versa.
- 11) This policy shall be made available and updated from time to time on Cycle Toronto's website, including current contact information for the staff, board president and board chair.

APPLICATION

This policy goes into effect on January 1, 2015. It will be reviewed by the Board of Directors following the first instance in which it is invoked, and at least every three years following.

This policy applies to staff, board, and member/volunteer conduct.

This policy does not cover disputes arising from (alleged) harassment and discrimination, which must be reported and handled in accordance with the Harassment and Discrimination Policy.

PROCEDURES

1. The dispute may be raised at the first point of escalation through a verbal or written communication. If the arbiter does not resolve the dispute to the satisfaction of the person making the report and further action is requested, the member must submit a written statement outlining:

- The type of incident/concern being raised;
- Details of the incident/concern, including date, time, location, people involved;
- Efforts made to resolve the dispute with the person(s) involved in the issue;
- Any pertinent documentation;
- Remedy being sought that is reasonable and within Cycle Toronto's control;
- Name of the person submitting the report; and
- Person the report is being submitted to.

2. All written requests for support in the resolution of a dispute received by the arbiter will be reviewed and responded to in a timely and fair manner. Incomplete written requests for support in the resolution of a workplace dispute will not be considered until all necessary information is provided. This may delay the ability to provide a timely and efficient response to the request.

3. Anonymous reports of disputes will not be responded to or investigated.

4. Members must assume responsibility for their own disputes. Persons other than the affected member may not represent or file a written request for support in a dispute resolution on behalf of the affected member.

5. The arbiter will evaluate the dispute report for eligibility under this policy and determine whether to investigate, escalate or dismiss the report:

- Does the dispute/issue meet the definitions established to qualify for review?
- Is the report made in good faith or is it vexatious, frivolous or malicious in intent?
- Is the dispute/issue specific to the member making the request for support?
- Has the member attempted to resolve the dispute/issue directly with the person(s) involved in the dispute?
- Is the remedy being sought reasonable and within Cycle Toronto's control?
- Does the resolution of the dispute fall within the scope of authority of the arbiter?

a. Investigate: If the dispute reported is eligible for review under this policy and falls within the scope of authority of the arbiter, the arbiter will complete the investigation using the steps outlined below and provide a written response to the members involved within 30 days following receipt of the written request.

- Review of the details of the dispute/issue and the steps taken in an effort to resolve the dispute;
- Review of applicable policies and procedures;
- Interview and follow up with the person making the report; and
- Interview and follow up with the person(s) with whom the dispute has reportedly taken place.

b. Escalate: If the dispute reported is eligible for review under this policy and does not fall within the scope of authority of the arbiter, the members involved will be notified in writing that the request has been escalated (and to whom) to assist with the completion of the dispute resolution process. This notice will be provided within ten (10) days following the receipt of the written request.

c. Dismiss: If the dispute reported is not eligible for review under this policy, the members involved will be notified in writing that the dispute does not qualify for review and the reasons for the determination will be provided. This notice will be provided within ten (10) days following the receipt of the written request.

6. If the member making the request for support in the resolution of a dispute does not believe that the matter has been resolved after receiving the response outlined above, the member must appeal to the next arbiter listed in Section 5 of the Policy (unless the first arbiter has final authority, as per Section 6 of the Policy). This request for escalation must be submitted in

writing within ten (10) days of receipt of the initial response. The request must state why the member believes the matter remains unresolved and the remedy being sought.

7. Upon receipt of this request, the next arbiter will take the steps outlined in Procedure 5a to investigate and resolve the dispute at the appeal stage.

8. While conducting the investigation, the details of the reported dispute/issue will remain confidential unless disclosure is necessary for the purposes of investigation.

9. The person(s) against whom the dispute report is being made will be provided the full details of the allegation(s) against them and will be provided an opportunity to review and respond to the allegation(s) before resolution is attempted.

10. Where necessary, the arbiter will bring the involved parties together for discussion about the dispute. The purpose of this discussion is to seek resolution in the matter.

11. A summary of the investigation and steps taken to respond to the dispute resolution request will be created and kept with the original report in a confidential file in the Cycle Toronto office. A copy of this report will be provided to the Executive Director and, if the dispute involves a staff person, it will be included in the staff person's human resources record.

12. In the case of a dispute involving the Executive Director, the President of the Board of Directors shall follow the steps outlined in Procedure 5 above. If the dispute is not resolved to the satisfaction of the member, the Board of Directors may be asked to decide the matter. A summary of the arbiter's report will be shared with the Board of Directors in confidence whether or not the dispute is escalated to the Board for resolution. This summary will be provided via a confidential written report. The identity of the person(s) involved may be disclosed in this report.

Adapted from Waterloo Co-operative Residence Incorporated's (WCRI) "Member Dispute Resolution Policy" (July 2013):

<http://www.wcri.coop/DataLibrary/Docs/pdfs/policiesH-Z/Member%20Dispute%20Resolution%20-%209%20July%202013.pdf>