ADR Institute of Alberta (ADRIA)
Complaints and Dispute Resolution Policy and Processes
DRAFT JUNE 17, 2013

Purpose:

The purpose of this policy is to address disputes and complaints that may arise, and to address complaints received by ADRIA openly, honestly, thoroughly and transparently concerning:

- Operational activities: programs, policies, services, ADRIA staff, contractors or volunteers; and
- Board policies and governance of the Society.

Guiding Principles

- *Collaboration:* The skills and resources of ADRIA will be used to address complaints and resolve disputes in a manner that is consistent with an interest-based, collaborative approach.
- *Timeliness*: Complaints will be dealt with promptly and resolved as quickly as possible.
- *Fairness:* Review of complaints will be fair, impartial and respectful to all parties and allowing all parties to have their perspectives heard.
- *Thoroughness:* Review of complaints will be thorough and as detailed as possible, based upon the information provided by the complainant and respondent.
- *Accessible and User Friendly*: The process will be easily accessible and communicated to members. It is designed to be clear and as simple to follow as possible.
- *Transparency:* Complainants will be provided clear and understandable reasons for decisions relating to complaints. Complainants will be provided with updates during review processes.
- *Confidentiality:* Information about a complaint will only be given to people directly involved and to others on a need to know basis. All involved will be advised of the need for confidentiality.

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Types of Complaints Covered in this Policy

Definitions:

A complainant is the individual or entity lodging a complaint against another individual or entity within ADRIA's jurisdiction.
A complaint is an expression of dissatisfaction about the service, actions, or lack of action by ADRIA as an organization or about a staff member, Institute member, contractor or volunteer acting on behalf of ADRIA.

A dispute is a disagreement between parties about the occurrence of events, the correctness of facts, the quality of products or services delivered, recompense for products or services delivered, and personal or professional conduct of one or more parties.

An Ombudsperson is an individual who has been appointed by the Board to act as an intermediary in complaint processes and to work with disputing parties and the Board of Directors to resolve complaints. The Board may appoint a roster of Ombudspersons, the appointments of which may be from the Board, the staff, or the general membership based on experience, personal reputation and neutrality.

A policy is any policy that has been approved by the ADRIA Board of Directors.

A respondent is the individual or entity against whom a complaint has been made.

This policy deals with complaints by:

- ADRIA members
- partners, affiliates or clients
- ADRIA staff, instructors, coaches or students
- the general public.

This policy deals with:

- Complaints between ADRIA members
- Complaints about ADRIA members
- Complaints about ADRIA Board members
- Complaints about ADRIA staff members or the Executive Director
- ADRIA member competency or ethical breaches
- Complaints about ADRIA instructors or coaches
- Complaints about the ADRIA Educational or Professional Development programs
- Disputes relating to contracts with private service providers
- Internal ADRIA human resources matters that are addressed under Bylaw 8.4 (see attachment 1)

Responsibility for Implementation

This policy respects the accountability framework of ADRIA which provides that:

- operational matters are the responsibility of the Executive Director and
- matters relating to Board policy, Board activities\decisions and ADRIA governance are the responsibility of the Board of Directors.

Complaints Procedures

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Preliminary Procedure

The first person a complainant should talk to is the person with whom he or she has the conflict. The complainant should also contact any person who is most familiar with the matter of concern.

If the claimant is unable to resolve the matter with the respondent and is unsure about who to talk to, he or she is encouraged to consult with the ADRIA Executive Director. If the Executive Director is not the right person, he or she will support the complainant in redirecting the concern to the appropriate person.

Subject\Type of Dispute/ Complaint	First Contact
Complaints regarding ADRIA services, programs, activities, operations, contractors or volunteers	**ADRIA Staff** – a person who is involved in the service area relating to the complaint and, if necessary, the Executive Director
Complaints regarding ADRIA staff members	**Executive Director**
Disputes between staff members	**Executive Director**
Complaints regarding ethics, conduct or professionalism of an ADRIA member	**Executive Director**
Complaints concerning the Executive Director	**Board Officers –** Vice-President
Complaints regarding Board Policies, Board actions/decisions and governance of the Society	**Board Officers** –President, Vice-President, Treasurer or Secretary
Matters related to Board/staff relations	**Board Officers -** Vice-President
Complaints concerning a Board Member	**Board Officers –** Vice-President or President

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Complaints about operational practices pertaining to Education, such as course materials, teaching schedules, class quality, certificate requirements, concerns with instructors or coaches, fees, etc. will be initially dealt with by the Manager, Professional Development.

Complaints about operational practices pertaining to Membership, such as designations, membership fees, processing issues, refunds, the Directory, website problems, etc. will initially be dealt with by the Director, Member Services.

Day to day operational matters may be escalated to the Executive Director, who will meet with all parties, including the Manager, Professional Development and/or the Director, Member Services. The complaints procedures will still be followed; but the decision of the Executive Director in these matters is final.

Step 1: Informal Discussion

A complainant will first contact the appropriate ADRIA representative to discuss the concern. At this step facilitated dialogue and negotiation between the disputing

parties is encouraged. An Ombudsperson will be appointed at the early stages of a complaint to assist the complainant in clarifying the concern and seeking possible remedies. The Ombudsperson may request some details from both parties in writing; however this does not constitute a written complaint at this point.

Every attempt will be made to resolve the matter in less than two (2) weeks from the date the concern was raised with the ADRIA representative.

Step 2: Written Complaint

If the informal discussion does not resolve the matter to the satisfaction of the complainant, the complainant will be asked to present the complaint in writing to:

- the ADRIA Executive Director for all operational matters, or
- the Vice President for Board policy /governance matters or matters involving board/staff relations and performance/actions of the Executive Director or complaints against a Board member

Complaints received in writing will be acknowledged within two-three (2-3) business days. While further discussion to resolve the complaint may still occur in an attempt to find a mutually agreeable solution, the following will apply:

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- Where the complaint is filed with ADRIA staff or the Executive Director, a written response from the Executive Director(s) will normally be received by the complainant, with a copy to the respondent, within two (2) weeks.

  If, within two (2) weeks of receiving the response, the complainant advises the Executive Director in writing that the response does not resolve the matter, it shall be referred by the Executive Director in writing,to an ADRIA appointed Ombudsperson. (Step 3)

  Where the complaint is filed with the Board, a written response from the Vice-President will normally be received by the complainant, with a copy to the respondent, within two (2) weeks.

  If, within two (2) weeks of receiving the response, the complainant advises the Board through the Vice-President in writing that the response does not resolve the matter, it shall be referred by the Vice-President in writing, to an ADRIA appointed Ombudsperson. (Step 3)

  Depending upon the nature of the complaint, the Ombudsperson appointed by the Executive Director or the Board may or may not be the same individual originally assigned to help the complainant during the initial stages.

Resolution Procedure

The Ombudsperson shall attempt to resolve all issues using various tools at his or her disposal and in a manner deemed most appropriate by the Ombudsperson in consultation with the parties.

Any dispute that is not resolved through an ADRIA Ombudsperson may be appealed to the Board of Directors. The Board may wish to determine the matter at the next full meeting of the Board or refer the issue to the Board Review Panel. (Step 4)

If a matter falls under the dispute resolution provisions of the ADRIA bylaws (see attachment 1) the matter may be referred to Mediation and\or Arbitration.

Step 3: Ombudsperson

Upon receipt of a referral or a written complaint from either the Executive Director or the Board, the Ombudsperson will contact the parties to commence an attempt to resolve the issue(s). The Ombudsperson will determine if the matter is appropriate for mediation and will use a non-evaluative mediation approach. All parties are encouraged to work with the Ombudsperson.

a. If the complaint is not resolved by efforts of the Ombudsperson, the Ombudsperson may refer the matter to the ADRIA Board for review and determination.
b. If the complaint is resolved by the efforts of the Ombudsperson, the Ombudsperson will send a confirmation letter to the parties and write a report of the complaint, documenting the parties, the issue, steps taken and the resolution. What actually happened or what was discussed during this process will be confidential and not part of the report. The report will be submitted to the ADRIA Board and/or the Executive Director, as appropriate.

If the complaint is resolved, the Ombudsperson will send a confirmation letter to the parties and notify the Executive Director or Board of Directors (depending on the source of the referral) of the matter's conclusion.

The Ombudsperson will make every effort to complete this work within sixty (60) days from the date of receipt of the written complaint.

Step 4: Board Review Panel

Where a matter need be referred to a Board Review Panel, a three-member panel shall be appointed by the ADRIA Board of Directors. The panel shall consist of at least two members of the Board, with the third panel member being the Executive Director, an ADRIA staff person or an ADRIA member at large.

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Upon occasion, and depending upon the severity of the complaint, the Board may appoint a subject matter expert or professional from outside ADRIA as the third panel member.

The Review Panel will contact the complainant and the respondent within five (5) working days of being struck and will hold a meeting to be attended by the parties within thirty (30) days.

During this meeting the parties will have an opportunity to provide their views on the matter. A written decision of the panel shall be provided to the parties within two (2) weeks of the meeting date. There is no appeal.

Step 5: Board Determination

Where a matter is referred by the Ombudsperson to the ADRIA Board of Directors, the Board may choose to determine the matter at a whole Board meeting or refer it to an ADRIA Board Review Panel (Step 4). If the Board determines it will deal with the matter, a written acknowledgement will normally be received by the complainant and respondent one (1) week after the next scheduled ADRIA Board meeting.

The Board acknowledgement will inform the parties of the process the Board chooses to use in resolving the matter, what additional information the Board requires, and whether the Board wishes the parties to appear at a Board or Review Panel meeting.

Whether the Board determines the matter as a whole, or whether it accepts the recommendation of the Review Panel, the written response of the Board will provide a final, non-appealable decision on the matter within a week it its determination.

Documenting Complaints

A record will be kept of any written complaint under this process. Information about such complaints will include the parties involved, a description of the complaint, who handled it, what was done to resolve the complaint, the timeframe, and a description of the resolution or an explanation for non-resolution. These records will be kept in a confidential file.

A summary of complaints, including total number of complaints and the type of complaints received, will be prepared by the Executive Director and reported to the Board of Directors annually.

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Day to day operational matters may be escalated to the Executive Director, who will meet with all parties, including the Manager, Professional Development and/or the Director, Member Services. The complaints procedures will still be followed; but the decision of the Executive Director in these matters is final.

Matters Not Appealable

- ADRIA Bylaws
- [1]Previously Reviewed Complaints
- Operational Matters (after due process & determination by the Executive Director)
- Issues within the jurisdiction of the ADR Institute of Canada (ADRIC)
- Matters of law.

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Attachment 1: Bylaw Provisions

8.4 DISPUTE RESOLUTION

1. This Section applies to any dispute arising out of the Society's affairs and between members, or between the Society or its Director or its Officer and either,
   a. a member or a person who is aggrieved and who has for not more than 6 months ceased to be a member; or
   b. a person claiming through the member or aggrieved person or claiming under the Bylaws,

2. Any dispute subject to Subsection 1 will be resolved by:
   a. Direct negotiation between the affected parties. If resolution is not achieved, then by the provisions of the Complaints and Dispute Resolution and Process Policy by
   b. Mediation pursuant to the *National Mediation Rules* of ADRIC. The place of mediation will be in Alberta. The language of the mediation will be English. If resolution is not achieved, then by
   c. Arbitration pursuant to the *Simplified Arbitration Rules* of ADRIC. The place of arbitration will be in Alberta. The language of the arbitration will be English, and the decision will bind all parties.

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