**ADR Institute of Alberta (ADRIA)**
**Complaints and Dispute Resolution Policy and Process**
**DRAFT JULY 28, 2012**

## Purpose:

The purpose of this policy is to address disputes and complaints that may arise, and to address complaints received by ADRIA, in an open, honest and transparent way about:

- Operational activities: programs, policies, services, 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.
- *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.

## What Types of Complaints Are Covered in this Policy?

**Definition:** 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.

This policy deals with complaints by:

- ADRIA members, partners, affiliates, staff or customers or 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 Executive Directors

- 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 which will be 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 main responsibility of the Senior staff of ADRIA (Executive Director(s)) and
- matters relating to Board policy, Board activities\decisions and Society governance are the responsibility of the Board of Directors.

**Complaint Procedures**

**Where to take concerns or complaints:**

While there may be exceptions, the following is a general guide for whom to talk to about a concern or complaint.

The first person the complainant should talk to is clearly the person with whom he or she has the conflict. The complainant should also contact any person with whom he or she has a primary relationship pursuant to the area of dispute or whoever is most familiar with the area of concern.

If someone is unsure or it is not clear about who to talk to they are encouraged to consult with the ADRIA Executive Director. If the ADRIA representative receiving the complaint is not the right person, he or she will support the complainant in redirecting the concern to the appropriate person.

An Ombudsperson will be appointed at the early stages of a complaint to assist the complainant in clarifying the concern and seeking possible remedies.

| **Subject\Type of matter** | **Who to talk to first- ADRIA Representative** |
|---|---|
| Complaints regarding ADRIA services, programs, activities, operations, staff, contractors or volunteers | **ADRIA Staff** - a person who is involved in the service area relating to the complaint and, if necessary, the **Executive Director(s)** |
| 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, or complaints about the performance/actions of the | **Board President or Vice-President** |

**Step 3: Ombudsperson**

On receipt of a referral of a written complaint 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 an interest-based 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.

If the complaint is resolved, the Ombudsperson will send a confirmation letter to that effect 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 is referred to an ADRIA Board Review Panel by the Board of Directors a three-member panel of the Board shall be appointed and will hold a meeting to be attended by the parties within thirty (30) days.

During this meeting each party 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 at a Board meeting, a written response will normally be received by the complainant one (1) week after the next scheduled ADRIA Board meeting where it will be discussed. The complainant will be provided written notice of the Board meeting.

The written response of the Board will provide a final, non-appealable decision on the matter.

**Documenting Complaints**

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

A summary of the complaints received including number and type will be reported to the Board of Directors annually.

## 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.