



Canada's LGBTQ2+ Archives

Conflict Resolution Policy A022 V.02

Purpose

The purpose of the Conflict Resolution Policy is to present a high-level policy statement for The ArQuives regarding internal conflict resolution. This policy will assist The ArQuives in fulfilling all aspects of its mandate to provide a safe workplace for all volunteers and staff. This policy outlines the commitment, principles, and procedures that The ArQuives will follow concerning conflict resolution in the workplace. 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.

Scope

This policy and related procedure apply to all volunteers and staff members of The ArQuives who act on behalf of The ArQuives in carrying out their roles and responsibilities.

Definitions

Public: For the purpose of this policy, clients, users, researchers, and the general public will be referred to as “the public.”

Staff: A staff member is anyone who is a paid full-time, part-time, probationary, temporary, or casual worker.

Volunteer: A volunteer is anyone who, without compensation or expectation of compensation beyond reimbursement, performs a task at the direction of and on behalf of The ArQuives. For the purpose of this policy, interns will be referred to as “volunteers.”

Workplace: Workplace refers to any land, premises, location or thing at, upon, in or near which a worker works. A workplace could be a building, off-site, vehicle, or street.

Workplace Harassment: For the purpose of this policy, workplace harassment means engaging in the course of vexatious comment or conduct against an individual in the workplace that is known, or ought reasonably to be known, to be unwelcome. This includes comments or actions

in the workplace, which negatively affect working relationships or productivity or create a poisoned work environment.

Institutional Responsibility

The Executive Director will:

1. Establish procedures to address conflict in the workplace effectively.
2. Provide all staff/volunteers/interns/Board members with training and information regarding this policy.
3. Monitor the organization's compliance with this policy and related procedures.
4. Review this policy to ensure that it is current and useful.
5. Participate in conflict resolution between staff and volunteers.
6. Act promptly concerning all complaints.
7. Maintain the confidentiality of those involved in conflicts.

The Board of Directors will:

1. Model respectful behaviour in the workplace.
2. Ensure that staff under their supervision receive adequate information and training on this policy.
3. Participate in conflict resolution should complaints against the Executive Director arise.
4. Act promptly concerning all complaints.
5. Maintain the confidentiality of those involved in conflicts.

All staff and volunteers will:

1. Familiarize themselves with this policy.
2. Attend any training related to this policy.
3. Ask the Executive Director for clarification on this policy if they have questions.
4. Report conflict to the Executive Director or their designate promptly.

Policy

1. All staff and volunteers have an obligation to communicate respectfully and openly with one another.
2. It is the policy of The ArQuives that informal problem solving shall be the first step for conflict resolution. If this does not lead to a resolution of the issue that is satisfactory, then the matter should be communicated in writing to their direct supervisor.
3. Conflicts that are not resolved through informal problem solving (verbally or in writing) shall be brought to the Executive Director's attention. The Executive Director, or their designate, shall play the leading role in conflict resolution.
4. If the conflict involves the Executive Director, then the concern should be brought to the attention of the President of the Board of Directors. Communication should be direct with the President, not with the whole board. The President must inform the entire board of the conflict's existence, but the board may appoint one of their number or an impartial party to help resolve the matter.
5. The President of the Board of Directors may, in unusual situations, delegate another member of the Board or work with them.

6. If the person with the complaint is unable or unwilling to communicate directly with the person/persons with whom they are in conflict (for any reason including but limited to fear of it going badly, fear of reprisal, or for safety reasons), the assistance of another trusted person within The ArQuives should be sought.
7. A third party may take on a facilitation or mediation role where the goal is to help the parties restore a positive working relationship. The Executive Director will be responsible for finding a facilitator or mediator.
8. If a mediator approach fails, mediators may take on an arbitration role to investigate what happened and decide who is responsible for the situation and what the consequences for the parties should be.
9. Whenever possible, conflict resolution will take place in person. Written communication, such as email, shall be used primarily for arranging meetings or communicating details of the resolution process.
10. All parties involved in the conflict will refrain from bringing in additional staff and volunteers into the process as a way of garnering support. This may include, but is not limited to, "copying" the written complaint by email to others.
11. Confidentiality will be maintained at all times except where the disclosure of names is necessary for resolving a complaint, when taking any action regarding the complaint, or when required by law. In some circumstances, members of the Board may learn of the complaint and any related documentation.
12. The Executive Director or designate shall take dated and detailed notes of all efforts to resolve the dispute. After the Executive Director's efforts, the Executive Director shall write a summary of how they handled the conflict and share it with all parties involved in the dispute.
13. Staff and volunteers who make complaints of harassment in good faith will not have their employment affected adversely.
14. Where a complaint is determined to be abusive, frivolous, vindictive, or made in bad faith, the Executive Director or designate will take appropriate action towards the complainant, which may include discipline or dismissal.
15. Reprisal against an individual who has filed a complaint in good faith or who has been named a witness or respondent in a complaint, whether or not the complaint was substantiated and whether or not the complaint was resolved through any of the procedures set out in this policy, may itself become an incident of workplace harassment and could result in disciplinary action being taken by The ArQuives.
16. All records of the conflict will be kept separate and apart from the personnel file unless disciplinary action is taken. The ED will be responsible for these files.
17. If any party is disciplined through a letter of reprimand or dismissal, the incident will be documented by the Executive Director or President of the Board of Directors and filed in the appropriate personnel file.
18. The Executive Director and Board of Directors may involve advisors and other individuals as required to support the effective execution of this policy.
19. The Executive Director or designates will attempt to respond to issues brought to their attention as expeditiously and efficiently as reasonably as possible. Circumstances may require flexibility, depending on the details of the conflict resolution process and the work required.

Procedures

Step 1: Informal

1.1. The ArQuives believes in open and respectful communication. Whenever possible informal problem solving should be the first step for conflict resolution. Individuals who feel confident/comfortable are encouraged to attempt to resolve their concerns by direct communication with the person(s) involved in the conflict in a timely fashion. If individuals do not feel comfortable approaching the person for any reason, they should contact their supervisor or committee chair to notify them of the issue and assist in the process.

1.2. The supervisor or chair should discuss the issue with the volunteer, and if necessary, contact the Executive Director for advice. If the direct supervisor or committee chair cannot mediate or is involved with the complaint, the Executive Director should be contacted.

1.3. If the issue continues to persist, the volunteer should be referred to the Executive Director, who will:

1.3.1. Discusses issue with the volunteer (if not resolved, see 1.3.2)

1.3.2. Discusses issue with President/Vice-President (if not resolved, see 1.3.3)

1.3.3. Discusses issue with Board

1.4 Should an informal approach to problem-solving prove insufficient, a formal approach to conflict resolution will be taken.

Step 2: Formal

2.1 In cases where informal problem-solving is deemed ineffective by at least one person, or in cases where a complainant has bypassed informal problem-solving altogether, a party to the conflict may wish to submit a formal complaint. Whenever possible, staff and volunteers are encouraged to lodge a formal complaint within thirty days of the facts becoming known that give rise to the concern or dispute.

The formal complaint shall state: when, where, who was involved, what happened, why it is of concern, what steps have previously been taken to resolve the conflict, and what redress is sought. If applicable, the complaint should include supporting documentation and directed to the Executive Director or the Board of Directors if the Executive Director is involved. The complaint and documentation should be written with the understanding that the Executive Director may share it with the person against whom the complaint is being brought.

2.2 The Executive Director will arrange a meeting within thirty days of receipt of the letter with the complainant and the person(s) named in the complaint—separately or, if both agree, together. Those involved in the conflict can bring one support person with them into the meetings.

2.3 At any point prior or during the conflict resolution processes, with the complainant and respondent's consent, the Executive Director may attempt to mediate the complaint personally; by appointing a trained volunteer mediator from The ArQuives community; or by hiring an external mediator. A mediator will be selected at the Executive Director's discretion. Every effort will be made to reach a satisfactory resolution to the dispute.

2.4 If there is evidence to support a complaint of workplace violence or harassment (see Policy A003 Workplace Harassment Policy), appropriate measures will be taken. These may include disciplinary action up to and including dismissal from The ArQuives.

2.5 The Executive Director or designate shall provide a written decision to the complainant and respondent within twenty days of either the formal meeting or, if mediation is chosen, within fifteen days of the mediation meeting (whichever date is later).

2.6 Should the complainant or respondent concerned wish to appeal the decision, it should be made in writing to the President of the Board of Directors and copied to the Executive Director within twenty calendar days of receipt of the written decision. The Executive Director shall inform individuals against whom a complaint has been lodged of the appeal. If a request is made to the Board, the President of the Board of Directors must act within thirty calendar days of receipt of the grievance.

The Executive Director must file a written response to the board's appeal and all parties to the dispute. Minutes of all meetings will be kept and distributed to the parties of the conflict. A written copy of the Board's decision and rationale shall be distributed to all parties to the grievance. There is no appeal of the Board of Directors' decision. However, a complainant can exercise their rights under the *Ontario Human Rights Code* or the *Occupational Health and Safety Act*.

Amendment, Modification or Variation

This Policy may be amended, varied, or modified in writing after consultation and agreement by The ArQuives Executive Director and Board of Directors. The Executive Director shall be responsible for revising the policy every three years, or with greater or lesser frequency as warranted. This review process seeks to correct any oversights in previous terms of reference and account for new circumstances that have arisen since the last review.

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