



YORK AFFORDABLE HOUSING COMMITTEE

Ombuds (Complaints and Conflict Resolution) Policy

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Fairness and Transparency

Background

Affordable Housing Committee is committed to creating a fair, accessible and transparent process for resolving complaints and situations of conflict involving Affordable Housing Committee representatives, members, and the general public.

Preamble

We decided to add this preamble to provide guidance and warn future members, staff, and executives about the dangers of abuse of the complaints process. Typically, in a well-run organization with a positive culture, you will rarely receive any complaints. However, abuse of complaints processes is becoming more common.

We ask that the Ombudsperson, Board of Directors, staff and membership keep these thoughts in mind when dealing with complaints:

- (1) Frivolous attacks (complaints, lawsuits, slander, etc.) have hurt or ruined many organizations doing good work by taking away staff and volunteer time away from the mission of the organization, damaging the reputation of the organization, emotionally exhausting staff and volunteers, or hurting the finances of the organization. The Ombudsperson and the Board of Directors has every right to ignore frivolous or trumped-up complaints.
- (2) The person who complains first often sets the tone and is initially more believed. Be aware of this logical fallacy and consider both sides equally when addressing complaints and the response(s).
- (3) There is a sizable portion of the general population (approximately 5-10%) with psychological differences (personality disorders, including psychopathic, sociopathy, and narcissism, or other disorders including mood, delusion, memory or neurological impairments) that may see and experience the world in ways that can be different from the consensus of the majority of members and staff of the organization. We would like to be clear: this is not to say that folks with any of these psychological differences will automatically result in difficulties for the organization. By no means should any folks be excluded just because of psychological differences. The vast majority will have no issues and be productive and welcoming members of the organization. However, it is important to consider this possibility when examining complaints in order to ensure both a fair process for all involved and that the organization can still maintain a focus on its mission and objectives.

Policy

Affordable Housing Committee is committed to creating and maintaining an organizational environment characterized by constructive, productive and supportive working relationships. These are the 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 Affordable Housing Committee 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.

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.

Definitions

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.

Complaint Resolution: A decision-making /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.

Ombudsperson: The purpose of the Ombudsperson is to review complaints entailing decisions made by the Affordable Housing Committee Board or Staff, or any other internal disputes, which cannot otherwise be resolved. The Ombudsperson ideally should be an alumni of Affordable Housing Committee with a background in law, meditation or conflict resolution.

Complainant: The person or persons who raise the concerns, conflicts or complaints and bring them to the Ombudsperson.

Procedure

In the event that any member is experiencing a work–related conflict or has a complaint about the actions of another member or a decision of the Organization, the following steps will be followed.

There are two paths to this policy:

A. 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.

B. The other policy path is Complaints Resolution; a decision-making /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

Part 1 Filing your Complaint:

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 member.
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. Support can be sought from members of the Affordable Housing Committee Board or Staff. Outside or independent assistance in resolving the conflict may be sought.
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 step 2 , the nature of the problem should be communicated in writing to either the Board of Affordable Housing Committee or the Ombudsperson. 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 Ombudsperson if you feel that the Board is implicated. If pursuing a Complaints Resolution Process, the written document should be sent directly to the Ombudsperson.
7. To get in touch with either the Affordable Housing Committee Board or the Ombudsperson, send an email to info@ahcyork.com asking that a member of the board or the Ombudsperson contact you, or by directly emailing the Ombudsperson at ombudsperson@ahcyork.com. 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 Ombudsperson. 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 chose a Conflict Resolution Process, either the Board or, if the Board is involved in the complaint or has a conflict of interest, the Ombudsperson 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 to the Ombudsperson.
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 openness, 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.

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 processes, 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.

Part 2 b: Complaints Resolution

13. All decisions of the Conflict Resolution and Complaints Ombudsperson will be made in accordance with the Affordable Housing Committee Mandate and Active Policies and By-laws.
14. All parties dealing with the Ombudsperson must be familiar with these terms
15. The terms of the Ombudsperson is outlined in appendix A
16. Complaints must be submitted in writing to the Ombudsperson as soon as possible in relation to 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.
17. The Ombudsperson will accept or reject complaints based on the legitimacy of the claims according to the procedure outlined in these terms. If the Ombudsperson rejects a complaint they must, in confidence, outline their grounds for refusal in writing to the party filing the claim.
18. If a complaint is accepted, the Ombudsperson 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.
19. If a complaint is accepted, an investigative hearing must be held, within 60 days, at a time agreed on by the whole Ombudsperson 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.
20. 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.

21. Previous to the date of the hearing, the Ombudsperson may request information (written or otherwise) to be submitted by all parties concerned in support of their case. All supporting documents must be typed.
22. Both parties will be present at the hearing. The party with the complaint will present their case first.
23. Presentations must be brief and to the point. The Ombudsperson reserves the right to set time limits.
24. Pending the nature of the case, the Ombudsperson has the right to close a presentation if the presentation is deemed redundant or irrelevant.
25. Each party has the right to present their case in either official language. If necessary, translation will be provided by the organization.
26. In the case of group presentations the number of people who will speak for each case will be agreed upon before the hearing with the Ombudsperson.
27. After both parties have made their presentations the Ombudsperson will have the right to ask questions of each party.
28. The Ombudsperson will then break to decide on a ruling.
29. 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 processes, 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.
30. In deliberation, the Ombudsperson will strive to achieve a decision by consensus. If the non-voting board appointee to the Ombudsperson deems that consensus is impossible, a vote will be taken. In a vote, the majority of voting members will prevail.
31. A vote of abstention is not allowed
32. If the vote is tied, the non-voting board appointee to the Ombudsperson will vote to break the deadlock.
33. Decisions of the Ombudsperson are final and not subject to further appeal. These decisions may (but are not required to) include measures outlined in the Affordable Housing Committee Disciplinary Procedures – see Appendix 3. Recommendations, resolutions, and disciplinary measures of the Ombudsperson are required to be enacted by the Board of Affordable Housing Committee.
34. The Ombudsperson must produce a written report within two 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 organization.

35. Timelines may be extended by mutual agreement.
36. These terms may be amended by the Ombudsperson according to the committee's decision-making procedure and pending the approval of the Affordable Housing Committee board.

It should also be noted that:

37. The Affordable Housing Committee 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.
38. If threats to persons are made, or if the Affordable Housing Committee 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.
39. With respect to the above two instances, the organization may rely on the guidelines of Canadian and Ontario Law.

Documentation:

40. In the event of either process being requested, the Board needs to be informed by the Ombudsperson that such a process is being undertaken.
41. 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.
42. 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 be removed if the Ombudsperson or Board deems it appropriate; and c) any recommendations that the board will be enacting.

Appendix 1: Ombudsperson

The purpose of the Ombudsperson is to review complaints entailing decisions made by the Affordable Housing Committee Board or Staff, or any other internal disputes, which cannot otherwise be resolved. The Affordable Housing Committee Board of Directors will determine the appointment and term of the Ombudsperson. The Ombudsperson will have jurisdiction within Affordable Housing Committee. The Ombudsperson holds no regular meetings; it meets only when the need arises. Decisions of the Ombudsperson are final and not subject to further appeal and can include disciplinary measures outlined in the Affordable Housing Committee Disciplinary Procedures, Appendix 3.

When the Ombudsperson receives a complaint or a request for conflict resolution, the Ombudsperson must first determine:

1. Does Affordable Housing Committee have jurisdiction over this issue? Are both parties members or volunteers of Affordable Housing Committee? Did the incident take place at a Affordable Housing Committee space or event?
2. Is the issue of a serious nature? Any incidents of violence or threats are considered of a serious nature. The Ombudsperson may legally be required to report the incident to the police. If the incident is serious, the individual should be referred to the appropriate University or public service. These could include:
 - a. The Office of Student Conflict Resolution at your university
 - b. Human Rights Centre at your university
 - c. Security Services at your university
 - d. Local Police service
 - e. Sexual Assault Centre at your university
 - f. Ombudsperson at your university
3. Is there enough evidence? Evidence could include witnesses, emails, or testimonies from those involved.
4. Is the complaint merited? Unfounded accusations are common in the legal field and workplace. There are many possible reasons that an accuser may make false accusations, these can include: personal gain, revenge, mental illness and political gamesmanship. Other complaints may be unreasonable, illogical or minor in nature that they don't warrant investigation or conflict resolution.

5. Is the incident recent? All complaints should be brought forward three months or sooner from the date of the last incident.

Appendix 2: Affordable Housing Committee Ombudsperson 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 Affordable Housing Committee policies. Consider any policies that might be relevant.
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 have 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 the organization

Part 2:

7. Decisions of the Ombudsperson should be made by consensus amongst the parties (and facilitator) where possible.
8. After discussing the issues, and deciding on what aspects of the complaint require a decision, the Ombudsperson should begin deliberations. These deliberations can include a go-around to test where people are at. If further discussion is required, a facilitated discussion (a 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 Ombudsperson can move to a decision.

Appendix 3: Affordable Housing Committee Disciplinary Procedures

Disciplinary procedures usually progress in the following order:

1. **Warning:** refers to a written statement from the Affordable Housing Committee Board of Directors or from the Ombudsperson to a member of staff, a member of Affordable Housing Committee, 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.
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 Affordable Housing Committee duties (firing, removal from the board, terminating membership) for a period of up to a year for Directors and members.
5. **Expulsion:** refers to the removal of a disciplinee from all Affordable Housing Committee membership and activities, and restrictions on the eligibility for future membership.

The Affordable Housing Committee will take the following steps to implement the Conflict Resolution (Ombudsperson) Policy:

- All Affordable Housing Committee Directors, employees, users and volunteers will be informed of this policy through the policy being publically posted at our locations and all new employees and volunteers will be notified of this policy during volunteer orientations and/or new staff training. **[ACTION: Add to Volunteer Orientation Presentation Template, Add to Director Orientation Presentation Template, Members Handbook Template, Chapter Coordinators Manual and Staff Training Manual]**
- The policy will be incorporated into the Affordable Housing Committee policy manual. **[ACTION: Add to Policy Manual]**
- An Ombudsperson will be appointed at the Annual General Meeting of Affordable Housing Committee. **[ACTION: Recruit and appoint an Ombudsperson at the Affordable Housing Committee AGM]**
- This policy will be reviewed from time to time and can be changed because of experience or new knowledge.