

Report of the 2110 Centre for Gender Advocacy Conflict Resolution & complaints Committee

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Introduction

On November 2nd, 2009, a Conflict Resolution & Complaints Committee (hereinafter referred to as 'the CRCC') was elected at a Special General Meeting of the 2110 Centre for Gender Advocacy (hereinafter referred to as 'the 2110'), in the midst of an ongoing conflict at the 2110. Stemming from this conflict, the CRCC received, to date, 19 complaints where the complainant was seeking a hearing, as well as 3 complaints where the complainant was seeking conflict resolution.

The 2110's Conflict and Complaint Resolution Policy outlines, in sections 34, 41 and 42, the documentation required when the policy is accessed. However, it assumes a single complaint, rather than multiple complaints being addressed together, as is the case here. Therefore, with the goal of respecting the documentation requirements set out in the Conflict and Complaint Resolution Policy the report should be understood as follows:

This report speaks in a general way to the 18 complaints heard by the CRCC at hearings on December 12th, 13th and 16th, 2009 and is intended to be entered into the 2110 board meeting minutes, and be made public. It outlines the process undertaken, recommendations that can be made public, as well as some general comments from the CRCC.

A series of confidential appendices, each one corresponding to a hearing, is being submitted to the board along with this report. It is the intention that these appendices not be made public, nor be entered into the minutes, but rather be kept on file confidentially within the 2110, either in employee files where the complaint involves one or more employees (a copy in each employee file) and/or as sealed files where the parties are not employees, for a period of three years.

CRCC process

The CRCC met for the first time on November 10th, 2009. We reviewed the Conflict and Complaint Resolution Policy and made some structural suggestions for how to proceed, in regards to modifying the committee structure from how it is outlined in the policy, and in regards to conflict of interest. We

contacted all 2110 staff and board members and invited them to contact us within 48 hours with any concerns or feedback regarding these structural suggestions.

The modifications to the CRCC structure were accepted, and were as follows:

As per Appendix 1 of the Conflict Resolution and Complaints Policy the CRCC is normally comprised of:

- 1 Representative of the board who acts as the Administrator and who is responsible for facilitating the decision-making about the process (appointed by the board, non-decision-making, except in the event that it goes to vote and the vote is tied).
- 1 member appointed by the board and staff, specific to each case (appointed, decision-making. The appointment of this committee member should be made by the board alone, if the staff is in conflict of interest and by the CR/CC itself, if the board is in conflict of interest).
- 3 member representatives (elected, decision-making)
- 1 alternative member representative, should it be deemed by the CR/CC or the 2110 Board that there is a conflict of interest with one of the members of the CR/CC or with the Board's ability to appoint a member or should one of the members elected at the AGM be unavailable.

It was the feeling of the elected CRCC members that given the nature of the complaints we expected to receive, the position of the board member on this committee would be a conflict of interest. We proposed, with the approval of the board, that the representative of the board on this committee be limited only to administrative purposes, that they not attend CRCC meetings and not have tie-breaking voting power for the duration of this particular conflict.

Also, in the interest of time and because the 4 of us had been elected recently by the membership, we didn't appoint an "alternate" committee member, but instead the 4th elected member took up the position of the appointed member. Since there were four of us, and no vote tie breaker, we committed to a full consensus process with no voting during the hearing and deciding of complaints.

Regarding conflict of interest, we made it known that if, during the aforementioned 48 hour period, a concern is raised about a conflict of interest of one of the CRCC members, the remaining three committee members would decide by consensus whether the concern warrants their stepping off the committee. Two concerns were received. Each concern was discussed by the full committee (i.e. all four of us), with the person about whom the concern was raised having an opportunity to respond to it, and the other three members having an opportunity to ask questions. The person about whom the concern was raised then left the room, and the other three members decided by consensus whether it was appropriate for them to remain on the committee. In both cases the consensus was that it was appropriate for the member to remain on the committee.

Following this, we held an open period of 5 days, from November 15-20 in order to receive written requests for CRCC attention. After these 5 days we looked at requests together and considered November 21st as the first day in the 30 day period outlined in part 2(b), point #19, of the conflict resolution and complaints policy.

We made it clear that request received after November 20 would, of course, still be considered by the CRCC, but that we would begin on November 21st to move forward on the all requests received in that 5 day period, so as to be able to schedule most or all hearings before the end of December holidays. The CRCC received 19 complaints where the complainant was seeking a hearing, as well as 3 complaints where the complainant was seeking conflict resolution. We received a few additional inquiries that did not result in complaints. Of these, 18 complaints were heard of the course of three days on December 12th, 13th and 16th, 2009. The three requests for conflict resolution are still pending due to our inability to find a suitable mediator who was able to meet at the times that the parties were available. The one hearing request that is still pending has delayed due to a scheduling oversight on the part of the CRCC.

Bias and neutrality

The CRCC would like to be completely clear that all four members have multiple connections to the 2110 Centre as an organization, the community in which it operates, and to various parties to the conflict. As such, we cannot claim to be neutral, in a technical sense, nor free from bias. However, rather than constituting a conflict of interest, these connections are the basis of our investment in the 2110, and as such, our investment in seeing this conflict resolved in the best interest of the organization and the mandate it serves. Throughout the complaints process, we maintained open lines of communication among the four of us regarding potential conflicts of interest, and openly discussed our various connections to the 2110 and to the parties to the complaints. Moreover, all decisions, both procedural and substantial were made by consensus, further ensuring the impartiality of the process in the event that the any one CRCC member may have unwittingly been allowing a bias to guide them. So while we do not claim neutrality – in fact we don't think it would have been possible for there to be a completely neutral CRCC – we are confident that we have been able to conduct the process in a fair and impartial manner. We each bring to our roles on the CRCC a set of principles that we believe to be consistent with the 2110's mandate, as well as the confidence of the 2110 members present at the special general meeting where we were elected.

Findings

Given the extremely public nature of some aspects of the conflict, the CRCC feels that in order for the 2110 to move forward, a number of our findings need to be made public. In certain cases, details have been omitted from this public report for the sake of brevity; in others identifying details of the parties have been omitted to respect the confidentiality ensured to the parties participating in the process.

Throughout this process several comments have come to our attention – both from participants in the process and from the wider public – comparing the CRCC process to the court system. That is, use of terms like 'trial' and 'guilty' or not-guilty'. In this light, we want to underscore that fact that in several of the complaints, we did not come to a simple conclusion of either upholding or dismissing the complaint.

Rather, a number of issues came to light, and in some cases more than one party was found to have acted inappropriately. What follows is a summary of the most significant findings from the hearings on all 18 complaints.

Regarding the development of the conflict

The CRCC has heard evidence of frustrations and differing visions between core staff that pre-date the current period of open conflict at the 2110 (understood variously by most of the different parties involved as starting during a July 2009 hiring process, the summer 2110 staff evaluation process, or thereabouts).

A lack of clear board response to questions from some employees about staff accountability led to escalating conflict between staff, as well as a growing frustration by these three staff members towards the board. The board's inability to – and lack of structures for – responding to this conflict promptly, allowed it to escalate, contributing to the polarization of the staff where these employees were in fact treated differently from other staff who were not engaged in a confrontational dynamic with the board. The CRCC understands that this differential treatment is, once a dynamic of conflict exists, difficult to distinguish from a priori discrimination. However, we did not find that a priori discrimination occurred against the staff who were in conflict with the board.

It is our understanding that the polarizing and escalating character of this conflict was exacerbated by an inability on the part of the board, as body, to effectively enact their role –that is, to be well-versed in 2110 policies, to make clear, transparent, consistent, and well documented decisions, and to allow those skills to guide it in operationalizing the mandate of the 2110.

The CRCC finds that a number of 2110 bylaws, as well as 2110 policies, were violated at various points during this conflict. We believe that a significant factor that led to this situation was a lack of understanding of some of the bylaws and policies. That said, we realize that being trained on policy in the abstract at the beginning of one's term is not an effective way to commit it to memory and ensure that it is followed at all times. The 2110 needs to create a culture of understanding policy implications of specific decisions, and of turning to policy as a reference on a regular basis as well as whenever important decisions are being made.

In attempting to build a complete narrative of the conflict, the CRCC examined (among other things) the minutes of 2110 meetings for the period in question. We are very concerned by the lack of board competence in giving proper notice and keeping transparent records of its meetings. While we do believe that it is a lack of competence, rather than ill-will on the board's part, this level of incompetence on the part of a board of directors is irresponsible. More broadly, the board is responsible for knowing and implementing the organization's bylaws and policies, and their lack of skill in the area has had a negative impact on the organization. This situation must be corrected immediately.

Regarding breach of confidentiality

The breach of confidentiality is serious within any organization, but particularly so in one such as the 2110 where confidentiality is a cornerstone of some of the central programs of the organization. Two breaches of confidentiality occurred with regard to board-staff check ins. In one of these instances, the CRCC believes, part of the problem was the use of a commonplace, colloquial phrase such as ‘check in’ to denote a formal, regularly scheduled meeting between an employee and a representative of the employer. We can easily imagine a scenario (both in this case, or more generally) where a board member says they want to ‘check in’ with an employee or ‘have a check in’ about a particular task, issue or project, but not intend this to be a check-in as such, in the formal meaning of the term.

The CRCC can foresee a variety of situations where it is appropriate for a board member to individually approach a staff member. This may, at times be difficult to distinguish from asking questions about the employee’s job tasks, and in particular, it may be perceived quite differently from the other side of the employer-employee power differential, particularly when there is no terminology to distinguish these two things.

In the other instance, minutes from an employee’s check-ins were left on a publicly accessible computer by a board member. While the CRCC believes the board member did not do this intentionally, it is nonetheless inappropriate.

Regarding the legitimacy of the currently sitting 2110 board

During this conflict, it came to light that there is a discrepancy between the letters patent and the constitution about the number of members that is legally stipulated for the 2110 board of directors. The current board of directors were duly elected or appointed by the 2110 membership, and then registered as directors with the Quebec government *registraire des enterprise*, without the latter’s objection. Thus the CRCC believes that the current board was elected in good faith and as such is legitimate. Now that the issue of a discrepancy between the letters patent and the constitution has come to light, the solution is not to remove the current board, but rather to correct this discrepancy for the future.

Regarding the functionality of the 2110 listserv & electronic communication with 2110 members and the public

As per information heard by the CRCC in relation to a different complaint, the mysterious disappearance of the 2110 centre’s listserv that coincided with the beginning of the 2110 Democracy campaign, in fact occurred because the organization that hosted the listserv, mutualaid.org, had de-activated the list as part of a wider pairing-down of the lists they host. According to the information heard by the CRCC, mutualaid.org had sent advance notice of the de-activation to a 2110 email account; however that email account was itself no longer in use. Thus it appears, and the CRCC has no reason to doubt, that the disappearance of the listserv and its timing in relation to the conflict was merely coincidental.

Albeit the case that the staff involved in the 2110 Democracy campaign didn't purposely sabotage the 2110 centre's listserve, they did, by their own admission, take email addresses collected in the course of 2110 centre activities in order to create the 2110 democracy listserve.

The CRCC would like to make clear that we feel that some of the tactics used in the 2110 Democracy campaign, in and of themselves, are legitimate forms of worker resistance.

Firstly, for employees to access an organization's membership list without the employer's permission, in order to disseminate a message criticizing the employer will in most instances, by definition, be illegal, since the employer, by definition, owns the resources of the organization. The CRCC recognizes this tactic as legitimate in principle, as it is often the only recourse available to workers. However, in the case of the 2110 Democracy campaign, the workers in question could have sent a single email to the member addresses they had gathered through 2110 Centre channels, informing them of their basic critique, pointing people to the 2110democracy.ca website, and inviting those who wanted to more permanently join the 2110 democracy listserve to do so.

Secondly, in the context of worker resistance, the CRCC feels it is legitimate in principle for workers to publicly criticize the employer. However, we make a distinction between publicly criticizing the employers and publicly criticizing co-workers. The former is sometimes necessary in the interest of workers' rights. The latter is inappropriate, certainly in this case; more generally in an organization with the 2110's structures, judging whether a staff member has or has not performed their duties is the role of the employer (i.e. the board) not of their co-workers.

The CRCC also finds that the 2110 Democracy campaign went beyond the scope necessary to simply inform the Centre's membership of their position, forwarding its statement to various listserves which have no direct connection to the 2110 Centre, reaching an audience in many cases outside of Montreal, and in some instances outside North America.

Regarding the allegations made against 2110 board and staff in public letters

With regard to the specific criticisms made of other 2110 staff, the public allegations have been found to be unsubstantiated.

The CRCC did not even receive any complaints regarding theft or financial misappropriation, however, insofar as these questions were examined during the hearings, we found no evidence of financial misappropriation, or any form of theft.

It was stated on the 2110 Democracy website, that the fulltime volunteer coordinator was not doing the volunteer coordination part of their job. In many if not most social justice organizations, job descriptions are often unrealistically large for the amount of hours allotted to them, and as such there must be an ongoing dialogue regarding what the priority tasks and portfolios should be at a given time. The CRCC finds that this may well be the case with volunteer coordination at the 2110. If the intent of the volunteer coordinator's job description is that they do all work related to volunteer recruitment,

placement, training, support and appreciation, across programs within the centre, then certainly this is too large of a portfolio to exist – within a single job – alongside the other portfolios currently held by the staff person tasked with volunteer coordination. This issue needs to be addressed by the organization, through the process of visioning about the various staff job descriptions.

Even with visioning around the staff job descriptions, the CRCC foresees that the 2110, like most small scale social justice organizations, will continue to be challenged by a workload that exceeds staff capacity. Ongoing inter-staff communication about this is key, as the jobs of all staff at the 2110 are quite interdependent.

The CRCC heard evidence that the volunteer coordinator was carrying out some aspects of that role and was transparent with the organization (board and staff) about certain other tasks that they were not able to fulfill at various times. Simultaneously, the CRCC heard, this same staff person was working on other portfolios within their job description, whereby the amount of time committed to volunteer coordination seems reasonable.

One task that falls clearly under the heading of volunteer coordination that was clearly not done was the organizing of the spring 2009 board training retreat. In the CRCC's view, being accountable need not necessarily entail punitive or disciplinary action. In this case, though the error of failing to organize the retreat had consequences for the organization, the staff person responsible has been adequately accountable through:

- Admitting the error, and being transparent with board and staff about not having fulfilled this responsibility
- Approaching the employer to follow up as to whether any measure of accountability would need to be implemented
- Organizing board training later in the summer.

On this last point: while additional board training is clearly still needed (and the CRCC is making recommendations to that end) the training organized by the volunteer coordinator and completed by the end of August 2009 was on par, in content and in scope, with training provided to new boards of directors in organizations similar to the 2110. We feel no further accountability measures are needed beyond the steps proactively taken by the volunteer coordinator.

It was also stated on the 2110 Democracy website, that the Peer Support and Advocacy program (PSA) was postponed for five months. The CRCC would like to make the distinction between the PSA program as such, and the training sessions for the PSA. The PSA training was in fact postponed, not the implementation of the PSA itself, from the fall semester of 2008 to the winter semester of 2009. Having heard the reasoning for this postponement, the CRCC believes that this was actually a prudent decision. Based on the information we received, we see no evidence of mismanagement of the PSA.

In fact, of the numerous serious allegations in the 2110 Democracy campaigns various written public statements – including theft, corruption, financial misappropriation, breach of trust – none have been substantiated through the CRCC hearing process.

Given the 2110's mandate, and the fact that as a social justice organization it is vulnerable to backlash, it is important to act responsibly in making public criticisms of the organization.

Given the contrast between the lack of evidence to support the public claims made about the 2110 Centre, and the superlative wording of the public statements (the wording of the claims themselves, but also terms such as repression, impunity, and abuse of power), the CRCC finds that those involved in the public campaign acted irresponsibly, and with disregard for the harmful impact their claims could have on the 2110 Centre and its mandate.

Regarding the suspension of 2110 employees

The law provides only a minimum standard when it comes to labour practices. Social justice organizations such as the 2110 often have employment policies that grant greater benefits, more job security and additional rights to employees than the minimum required by law, precisely because doing so is consistent with their social justice principles.

With specific reference to the suspension without pay imposed upon three 2110 employees, the CRCC finds that regardless of whether it was legal, it does not follow the 2110's employee policy, or the principles of fairness, transparency and collaboration that are consistent with the 2110's mandate. While the CRCC has found that there did exist, as of October 20th, 2009 (the start date of the suspension), valid reasons for the board to take disciplinary action against these three staff members, a number of serious violations of the employee policy obscure these reasons and render the disciplinary action itself invalid.

Regarding police involvement at the 2110 centre

On October 20th, 2009 three staff members were physically removed from the 2110 centre by city of Montreal police, and one was taken into police custody, after having been served with suspension letters by two 2110 board members.

According to the information the CRCC received, the board as a whole mandated two of its members to sign and deliver suspension letters to three employees, although this is not duly recorded as a board decision.

Both board representatives expressed being surprised by what the CRCC views as predictable scenarios, from the staff's initial responses to being approached by them that day, to their refusal to recognize the suspension letters as legitimate, on through the chain of events culminating in their physical removal by the police from the 2110 premises. The CRCC finds that these events could reasonably have been foreseen by the board based on events and dynamics at the 2110 leading up to October 20th, 2009.

Unable to deliver the letters in the manner planned, one board member entered into phone contact with the lawyer who had been retained by the board to draft the suspension letters. The CRCC heard that the lawyer's advice was at the least a driving force, and in some cases the sole factor, in the decisions taking from that point forward: campus security were called, the Dean of Students was consulted, and then upon learning that Concordia campus security could or would not remove the suspended staff from the 2110 space, the police were called (notably by the board member who was in phone contact with the lawyer, upon the latter's advice). It should be noted that the CRCC heard contradictory reasons attributed to Concordia security's decline to remove the suspended staff. The CRCC did not verify Concordia security's rationale for their position, but it is clear that they communicated to the board representatives that it would be necessary to call the police if the goal was to physically remove the suspended employees.

Once police officers were present – the police being the institution that it is, and the situation being what it was immediately prior to their arrival – the ensuing events were, again, foreseeable: the employees continued to refuse to leave willingly, and the police escalated to intimidation and then physical force.

The CRCC finds that the board as a whole failed the two members who delivered the suspension letters, insofar as insufficient direction was given for responding to several predictable scenarios when mandating them to do so. However, these two board members went beyond the mandate they were given. Notably, the board member who called the police told the CRCC she didn't know what else to do. This indicates that she had gone beyond the board's mandate, but failed to seek further direction from the board, instead relying solely on legal advice.

It should be remembered the legal advice is exactly that – advice. It informs the recipient of their legal rights and obligations in a given situation, and notably considers only the legal aspects of a situation; that is, it doesn't necessarily consider whether an action is ethical, or in keeping with an organization's principles, or any other factors that are not of a legal nature. Legal advice needs to be considered alongside all other contextual factors when making a decision. The CRCC finds that the lawyer's advice need not necessarily have been followed in this situation. While we believe that she honestly did not know what else to do, given the foreseeable chain of events, the CRCC holds the board member who made this decision responsible for calling the police.

The CRCC believes that these events unfolded in foreseeable ways, each time decisions were made on how to proceed at various points before as well as on October 20th, 2009. We believe that a variety of alternate choices could have been made, by the board as a whole, by the two board representatives together, and by each of the representatives individually. Ultimately, it was one board member's decision to follow the advice of the lawyer, and to call the Montreal police to the 2110 centre.

Given the social justice mandate of the 2110 centre, which the CRCC itself is committed to, we do not find it necessary to explain in detail here why recourse to the police is best avoided. When the police are used where other choices were available, the principles of the organization have failed to be enacted.

The public statement already issued by the 2110 board regarding the events of October 20th, 2009 leaves doubt as to whether the board feels they had choices in this situation, and as such is not unequivocal in taking responsibility for an action on behalf of a board member that should not have occurred.

There has also been an allegation that an assault took place during the events of October 20th, 2009. The CRCC takes this issue extremely seriously. The CRCC is unable to make a finding on this aspect of the events, without seeking information that was not available during the December 2009 hearings. We will therefore be investigating further.

Recommendations

We recommend that a downloadable version of this report be placed on the 2110's website as soon as possible after being submitted.

Recommendations regarding 2110 operating practices

We recommend that the 2110 implement a system of password protected computer desktops for users of the centre (that is, at minimum one for each staff member, one for the board, and one for each program, campaign, or volunteer where it is deemed useful) to avoid any confidential files being left accessible to other users of 2110 computers.

We recommend that the 2110 cease using the term check-in for regularly scheduled employee/employer meetings, but instead adopt a clearer term, such as perhaps 'board staff liaison meeting'.

The CRCC would also like to note that structures of staff accountability, while extremely important, cannot replace clear inter-staff communication and a mutual assumption of good faith. Based on this, **the CRCC recommends:**

- That there be regular scheduled, minuted staff meetings
- That staff meetings include a section where each staff member specifically outline the tasks they are working on, what has been completed since the last meeting, what is coming up and what they need help with.
- That there be regular discussions amongst staff at these meeting as to what tasks should be prioritized
- That similar structures be implemented for each staff member to report to the board on their work.
- That training/orientation for new staff include an orientation to the work of other staff – to a level where they understand the nature and basic functioning of all or the 2110's programs and how they fit together.

- That in the event that staff cannot agree what the priorities should be, the issue should be brought to the board, who would then decide what tasks should be prioritized.

Recommendations regarding board practice, training, and organizational culture

We recommend that the board receive training on the steps required to respond to employee complaints in general, and harassment complaints in particular, and that the 2110 review its policy in relation to this.

The CRCC recommends that all current board members be trained on the difference between board meetings and informal gatherings, and on the requirements for notice of meetings and minute taking. **We also recommend** that such training become part of training for all incoming board members in the future. **We further recommend** that the board seek advice and/or training from outside the organization on the proper format for minutes, and what types of information should or should not be included. (on this last point the CRCC is aware that such advice has been sought, to some extent, since this conflict began, so it is unclear how much additional training is needed).

We recommend that the current board receive training on the bylaws and 2110 policies, and that such training be included in the training for incoming board members in the future.

We recommend that the 2110 board assign a role during board meetings, committee meetings, or at any other time when organizational decisions are being contemplated (e.g. visioning, hirings) to check over the bylaws and applicable policies, so that the board can familiarize itself with the bylaws and policies as living documents.

We recommend that board training on the role of the board as employers include content relating to the power dynamics between board members and employees, and the need to be aware of these even in individual or informal interactions.

We further recommend that board training include information on confidentiality, as it relates to their role as employers, and more generally within the work of the 2110.

Policy recommendations

We recommend that the 2110 develop a written policy, as well as a detailed practical procedure for how members may access the documents, addressing questions such as how requests must be made, how much notice must be given, and what is defined as a reasonable delay.

Bylaw 4.6.2 on special board meetings states that a special meeting ‘may be called’ but doesn’t further specify a duty to attend, nor what constitutes reasonable notice, or valid reason for a board member not to be absent. **We recommend** that this bylaw either be changed, or that policy be developed to specify its implementation, that addresses the need for balance between urgency in deciding emergency matters, and reasonable notice for board members to be able to attend.

The CRCC recommends that the 2110 correct the discrepancy between the letters patent and the constitution about the number of board members through the proper legal channels after seeking appropriate advice on how best to do so.

The CRCC believes that transparent, open hiring processes are a sound labour practice. That said, we understand that it's impractical to strike a hiring committee and do interviews for a task that will take a relatively short amount of time to complete and will be compensated relatively little. To that end, **we recommend** that the 2110 develop policy on when *not* to apply the existing hiring policy. Such a policy should include a maximum number of hours, maximum number of calendar days, and maximum amount of compensation for which someone can be hired outside the policy. If deemed useful by the organization, such a policy could also outline whether a distinction is made between work paid by hourly wage vs. work paid by honorarium, as well as special circumstances where it might apply (e.g. in the event of an emergency). In order to further clarify when the hiring policy does or does not apply, **the CRCC recommends** that the 2110 develop policy regarding the hiring and employment of contract positions, grant-based hires, honorarium positions and any other non-permanent positions. These policies should clearly outline the hiring processes associated with such positions (where these may differ from the 2110's usual hiring process, for example due to the requirements of the funding body providing a grant); that the board is ultimately responsible for the hiring of these positions; the expectations regarding renewals and continuations of such positions and their rights within or outside of the employment policy.

We also recommend that when a staff member proposes the creation of a position to be offered without the use of the full hiring policy, that the staff member proposing the position not be the person mandated to offer the position to the chosen candidate. This could help not only to prevent confusion, but also to guard against conflict of interest.

We further recommend that at the beginning of any hiring process, the committee be oriented to the hiring policy, as well as to the following concepts:

- Employment equity, as well as how and when to apply it
- Conflict of interest in hiring
- How to proceed in the case of a deadlock on the hiring committee
- Who can communicate with candidates on behalf of the committee and what their mandate is when doing so
- What needs to be included in the hiring committee's report to the board (including any recommendations beyond who to hire).

For all recommendations relating to hiring policy **we recommend** that the 2110 seek advice regarding these policies' compliance with the Quebec Labour Standards Act.

Recommendations regarding the Conflict and Complaint Resolution Policy itself

As noted earlier in this report, the process laid out in the 2110's Conflict and Complaint Resolution Policy was modified to address the present situation of multiple overlapping complaints.

To our knowledge, this is the first time this policy has been used. While we are confident that the present process has been a fair one, there are a number of aspects of the policy that struck the CRCC as either lacking or potentially problematic. In the interest of not causing further delay of this report, the CRCC has not undertaken a full review of the policy, and is only highlighting a few examples of clauses that may need revision:

- The definitions section does not define a term describing the party against whom a complaint is directed (the current CRCC called this party ‘the respondent’)
- The definitions section does not provide definitions of any of the concepts that are often at the heart of complaints within organizations, such as ‘harassment’ or ‘discrimination.’
- Section 7 of the process portion of the policy is the sole section to be written in the second person (the rest of the policy is written in the third person) leading to possible confusion. This same section of the policy states that people may contact the CRCC anonymously, but no further mechanism is outlined for either pursuing a complaint anonymously on the one hand, or setting out parameters for revealing the identity of the anonymous party on the other hand.
- Section 36 states ‘These terms may be amended by the CR/CC according to the committee’s decision-making procedure and pending approval of the Centre 2110 board’. While we feel flexibility is important, we feel the parameters for amending the process once it has begun should be more specific.
- Appendix 1 of the policy (which outlines the committee’s composition) states that ‘Members of the Committee cannot resign while a complaint is before the Committee.’ Again, we feel this phrase should be made more specific to allow for the extenuating circumstances, to avoid placing undue burden on people who volunteer to be on the CRCC.

We recommend that the Conflict and Complaint Resolution Policy be reviewed by the 2110 board, with outside professional assistance, to ensure that the organization is well equipped to address future conflicts. It is our understanding that this policy was developed by the Policy Bank – a joint initiative of the 2110, QPIRG Concordia and QPIRG McGill to write policies together which can then be adapted and implemented by each organization. On this basis, we would like to note that it may be worthwhile involving the other two organizations on the Policy Bank in this process.

On a practical level, **we recommend** that each subsequent 2110 CRCC, as it begins its term be responsible for checking the 2110 records for files that have expired, and destroying any outdated files. That is, for example, since the present CRCC is recommending that the confidential appendices being placed in employee and other respondents’ files remain there for 3 years, we are recommending that it be the mandate of the 2013 CRCC to destroy these files as of January 26th, 2013.

Other recommendations

The CRCC recommends that a letter be placed in the file of each of the employees stating that the unpaid suspension imposed on October 20th, 2009 did not follow due process and is considered null and void for the purposes of any further disciplinary action that may occur in the future. **We further recommend** that each of the three employees be paid in full for the number of hours they would normally have been expected to work during the period of the suspension.

The CRCC recommends that the employees involved in the 2110 Democracy campaign each be issued a warning letter, in accordance with step 1 of the progressive discipline clause in article 5 of the employee policy. The details of this letter are outlined in appendix #6.

For instances where the person is not currently employed by the 2110 Centre **we recommend** that the former employee be informed, in writing, that such warning letters have been placed in their employee files and will be retained there for a period of three years, to become active under step 1 of the progressive discipline clause in article 5 of the employee policy should they become employees of the 2110 during that period.

The CRCC recommends that the board representative who called the police to remove suspended staff members from the 2110 centre on October 20th, 2009, resign from the board for having done so.

We recommend that the board issue an unequivocal public statement taking responsibility for their role in calling the police to remove the suspended employees from the 2110 centre.

We recommend that the CRCC further investigate the allegation of assault relating to the events of October 20th, 2009. **We further recommend** that while this investigation is ongoing, the board member involved in this incident temporarily step down from the board of directors, with the explicit understanding that this leave is investigative, not punitive.

The CRCC recommends that the 2110 staff involved in the 2110 Democracy campaign provide the 2110 centre with all email addresses gathered through 2110 centre work or activities (including but not limited to those gathered from sign-up sheets and those gathered from pre-existing centre-related email communication).

In the interest of de-escalating the conflict and moving the 2110 centre towards a resolution, we encourage the makers of the 2110democracy.ca site to take their site offline. Here, we make a distinction between the unsubstantiated content that we are requiring them to remove (through a binding recommendation), and the request we are making here: in asking that the entire site be taken down, we are not condemning the creation of the site or the remaining content but rather suggesting that taking down the site could be a proactive step towards de-escalating the conflict.

We recommend that the 2110 as an organization undertake a process of visioning about the various staff job descriptions, in order to prioritize the tasks within them and thus to create an achievable list of tasks/portfolios within the number of hours allotted to each position.

We also recommends that the 2110 undertake visioning on the topic of how to address/reconcile the 2110's overall need for visibility and the need of some of the Centre's programs for confidentiality.

However, **we recommend** that such visioning processes be viewed as a task that takes substantial time and energy – that is, that the organization put aside time for this process, rather than trying to fit it into everyone’s already full workload while continuing all of the 2110’s other activities.

Recommendations regarding the healing of workplace dynamics at the 2110

The CRCC is aware of the spoof website 2110centerfordemocracy.wordpress.com, which anonymously parodied the 2110 democracy campaign. We believe the existence of this site, which is still online as of January 25th, 2010, plays a role in perpetuating the public and confrontational nature of this conflict. Without knowing who the makers of this website are, we call upon them to take it off-line (in its entirety, and as soon as possible) in order for all those directly involved in the conflict, and the 2110 as an organization, to be able to move forward. We encourage anyone who may know the identity of the makers of this site, to also ask them to take it down.

Some staff members involved in this conflict are now no longer working at the 2110, however the CRCC realizes that they may, theoretically, return in the future. Others, including combinations of staff members who were in conflict with each other, continue to be employed side by side at the Centre. The CRCC believes that mediation and/or other structured dialogue is needed in order to be able to productively share a workplace. As well, we believe that individuals involved in this conflict (both as staff and as board) may benefit from various forms of debriefing, self-care, and/or healing activities to move past the toxic environment of this period. Some specific instances of this are outlined in the confidential appendices related to some of the complaints, and others in a letter being sent to all of the parties. However, we wanted to make know publicly that we are making recommendations of this nature. (The organization is, of course, free to implement additional mediation, workshops, debriefing sessions, or the like, beyond what we have recommended, if the parties involved feel it would be helpful).