



## **POLICY 2.22**

### **COUNCIL GOVERNANCE**

#### *Alternative Dispute Resolution*

#### **POLICY INTENT**

The intent of this policy is to provide an alternative dispute resolution for internal disagreements and to solve the problems at the lowest level possible while remaining fair to all parties.

#### **POLICY**

##### **Circumstances of Application**

- 2.22.01 With the consent of all parties, any dispute between Councillors and/or AUSU Staff may use an alternative dispute resolution process rather than the formal methods of discipline outlined in Policy 2.04 Discipline, Policy 2.12 Respect in the Workplace, or Policy 5.04 Progressive Discipline and Terminations.
- 2.22.02 Parties looking to access support made available under this policy may request verbally or in writing to the Executive Committee.
- 2.22.03 Upon receiving a complaint made under Policy 2.04 Discipline, Policy 2.12 Respect in the Workplace, or Policy 5.04 Progressive Discipline and Terminations, AUSU will outline the alternative dispute resolution process and offer the opportunity to all parties to agree to drop or suspend the formal complaint to facilitate an early resolution to the issue.
- 2.22.04 The Executive Committee may consider to continue a formal complaint based on several factors including, but not limited to, to protect the individual, to protect the workplace, and the number and the seriousness of the allegation or allegations.
- 2.22.05 Using the alternative dispute resolution process is not intended to delay decisions of AUSU nor circumvent other AUSU policies.

##### **Process**

- 2.22.06 Every effort will be made to resolve the problem early with open communication and in a cooperative manner through the use of problem-resolution mechanisms such as coaching, non-binding mediation, and facilitation, which can resolve the issue and prevent the situation from escalating further.
- 2.22.07 Any internal individual or individuals used to support this process must be neutral, not be a party to the dispute, and must be agreed to by all parties as well as the Executive Committee.

- 2.22.08 Issue resolution mechanisms may involve the services of an outsourced human resources partner, legal advisor, or other professional providers whose cost will be borne by AUSU.
- 2.22.09 Participants in this process will look at existing resources within AUSU to see if there is an appropriate person to assist in mediation before pursuing an outsourced human resources partner, legal advisor, or other professional provider.
- 2.22.10 Determining the need for an outsourced human resources partner, legal advisor or other professional provider will be made by Council and must be agreed to by all parties.
- 2.22.11 This process should be considered friendly and not hostile, keeping in mind that this is an attempt to resolve conflict in a collaborative, solution-focused environment.
- 2.22.12 The preferred process of alternative dispute resolution involves:
  - a. direct negotiation between the parties, with or without assistance and/or facilitation; if resolution is not achieved then;
  - b. non-binding mediation conducted pursuant to ADR Canada’s Code of Conduct for Mediators, or to mediation practices agreed upon by the parties.
- 2.22.13 Should a resolution not be reached then AUSU will rely upon the processes outlined in Policy 2.04 Discipline, Policy 2.12 Respect in the Workplace, and/or Policy 5.04 Progressive Discipline and Terminations to find a resolution to the conflict.

### **Reporting**

- 2.22.14 The conclusion of any alternative dispute resolution must be reported to the Executive Committee and in the case of an AUSU Staff member being a party to the conflict, to that Staff member’s supervisor.
- 2.22.15 AUSU pledges to respect the privacy of all concerned as much as possible. AUSU will not disclose the circumstances related to a conflict or the names of the parties involved except where necessary to investigate an incident, take action, and inform the parties involved, or as required by law.

### **RELATED REFERENCES, POLICIES, PROCEDURES AND FORMS**

#### **This Policy References**

Policy 2.04 Discipline  
Policy 2.12 Respect in the Workplace  
Policy 5.04 Progressive Discipline and Terminations

#### **This Policy is Referenced by**

None

#### **POLICY RESPONSIBILITY**

Council

#### **POLICY HISTORY**

Original Approval Date: December 15, 2022

Last Review Date: December 15, 2022  
Review by Date: December 2024