

Preamble:

To guide the Managing Members on the process for arbitration and appeals in regards to decisions made by an individual or the Organization.

Policy Statement:

In the event that a conflict occurs between two parties within the Organization or with the Organization and an external organization that cannot be solved between the participating parties, the conflict can be brought to arbitration.

Procedures:

ARBITRATION

For the arbitration process to begin a member of either of the parties involved must summon the President, or if the President is involved in the conflict, the Human Resources Director, to step in and mediate the conflict. By seeking mediation for the conflict, the parties will need to follow the direction given by the arbitrator, regardless of personal opinion and view. Failure to do so may result in disciplinary action by the Board of Directors.

Only one party need to agree to the arbitration process for the arbitrator to step in and mediate the conflict. However all parties should make every effort to solve the conflict before seeking arbitration and all parties should be informed about moving into arbitration before a party summons the arbitrator.

After the arbitrator has been notified of the conflict and has asked to mediate the conflict, the arbitrator must setup a meeting with the majority of the Executive and at least one member from each of the parties involved in the conflict. During this meeting, the parties will be given equal opportunity to explain their case. The Executive will take a neutral stance during this discussion and may ask questions as needed to clarify information. Prior to deliberation process beginning, the Executive will clarify with each party, a summary of their case to ensure there is no miscommunication. The Executive will also state clearly what options they are deciding over to ensure no options were miscommunicated or missed.

Once the Executive feels they have received all the necessary information from the parties they will begin the deliberation process. Depending on the time constraints, the Executive will decide how long the deliberation process will take. During the deliberation process the Executive will examine the cases presented to them along with all available facts. If the Executive discovers they are missing key pieces of information they may seek out individuals to obtain that information.

Once the Executive believe they have enough information to make a decision, the Executive will vote on one of the options. The option that receives the majority vote will be recommended to the arbitrator as the deciding option. The arbitrator will then convene the parties and announce the decision. This decision is binding and must be adhered to by all parties or risk facing disciplinary action by the Board of Directors.

APPEAL PROCESS

If time limitations allow, the decision handed down by the arbitrator may be appealed to the Board of Directors by following the proper appeal process.

If there is not enough time to convene a meeting before the decision needs to be made, the Arbitrator will take all steps necessary to provide detailed information about the conflict to the Executive and have them advise them on what decision to make. The Arbitrator, acting on the advice from the Executive, will make the final decision. This decision is binding and must be adhered to by all parties or risk facing disciplinary action by the Board of Directors.

EXEMPTIONS: ILLEGAL / IMMORAL / UNETHICAL REQUESTS

If a Subordinate Managing Member is given a task by their supervisor that they feel is illegal, immoral or unethical, they may refuse to follow the direction. In doing so, they will not be required to carry out the directed task, however, they must release any information or resources related to the task to their superior.

Refusal to carry out a task on the grounds of ethics or legalities will automatically trigger a review of the task from the Board of Directors.

This review will be added to the agenda of the next regularly scheduled Board meeting. During the meeting, the incident will be reviewed by the Board and the Board must decide whether the individual had the right to refuse the task.

If the majority of the Board feels that the task was illegal, immoral or unethical, the supervisor may face disciplinary action up and including termination.

If the majority of the Board feels that the request was NOT illegal, immoral or unethical, the Subordinate's action will be classified as insubordination and the Managing Member in question may face disciplinary action up to and including termination.

FURTHER APPEAL PROCESS

Any decision made by of member of the Board of Directors or the Board of Directors as a whole may be appealed.

For an appeal to be examined by the Board of Directors, a written request containing the signatures of at least fifty percent (50%) of the Executive and fifty percent (50%) of the Directors must be submitted.

Once a valid appeal application has received it will be added to the agenda for the next scheduled Board of Directors meeting.

At the meeting the Board Members requesting the appeal will speak on behalf of the appeal and move to accept its actions.

The Board will discuss the appeal and the actions being requested.

Depending on time constraints, the Board has the power to refer the appeal to Committee for further and more detailed examination.

The Board has the power to amend the appeal assuming the amendments are approved by a fifty percent (51%) majority vote in favor. Once the Board feels they have enough information about the appeal application they will vote on whether to grant or deny the appeal. The appeal will need fifty percent (51%) majority in favor for the appeal to pass.

If an appeal passes, the Board will need to carry out the actions in a timely matter.

TIME LIMITS

If an appeal is denied, the Chair of the Board of Directors may enact a period of time in which the decision cannot be appealed again to a maximum time limit of not more than one year.

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