

Fort Erie Native Friendship Centre Policy and Procedure Manual			
<i>Human Resources</i>			
<i>Subject</i>	<i>Standards of Conduct</i>	<i>Section Number</i>	
<i>Title</i>	<i>Stakeholder Complaint Process & Resolution Procedures</i>	<i>Created</i>	<i>August 2018</i>
		<i>Approved</i>	September 25/18

PURPOSE:

Fort Erie Native Cultural Centre (“FENCC”) is committed to providing and maintaining a professional working environment based on respect for the dignity and rights of everyone working for or being serviced by the organization. FENCC believes that individuals must have an opportunity to address and resolve concerns and complaints which arise from FENCC business and day-to-day operations. This policy is designed to provide stakeholders (staff, clients, and members of the public) a safe, transparent, and accountable process for addressing complaints.

POLICY STATEMENT:

FENCC’s mandate is to provide safe, caring, and professional programs and services for all stakeholders to carry out their responsibilities. FENCC values peace, friendship, honesty, truth, humility, bravery and form the basis for professional and community conduct at all times. However, when situations arise where conflict exists for whatever reason, FENCC shall endeavour to provide a safe, transparent, and accountable process of address complaints. Stakeholders who have a serious complaint that cannot be resolved directly through in informal process, may seek to resolve the concern by filing a formal complaint in accordance with the procedures stated herein.

It is the policy of FENCC to have in place a complaints resolution policy which is respectful and fair to all stakeholders and has as its ultimate goal to restore peace, friendship, professional conduct. This policy is meant to protect any complainant that has a real or legitimate claim.

INFORMAL PROCEDURE:

Stakeholders are encouraged to first raise their concerns directly with the person or persons with whom they have a concern. Stakeholders are encouraged to bring the issue to the attention of a FENCC Manager and should they be unsuccessful in achieving

resolution of the issue at this stage, the stakeholder may choose to seek redress of the issue through the formal Complaint Resolution Policy.

SCOPE:

- This Policy applies to all staff, volunteers, clients, and members of the community of FENFC;
- To provide an easily accessible process to redress concerns or complaints;
- To ensure accountability and transparency in FENCC operations;
- Stakeholders are prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent.

DEFINITIONS:

“A complaint” is an expression of concern, dissatisfaction or frustration with any of the following:

- the quality or delivery of service
- the interpretation, application or administration of FENCC policies, procedures and practices
- the employee’s terms and conditions of employment
- the conduct of another person that is not specifically addressed under another policy

“Stakeholder” is any person directly or indirectly affiliated with FENCC:

- A member of the staff
- A client of any program or service run by FENCC
- A member of the community or organization

COMPLAINT EVALUATION:

Complaints will be evaluated based on the following policies, practices, and legislation and determinations will be made if the one or more of the following have been violated.

- FENCC Code of Conduct, Bylaw’s, Finance Policy, Harassment and Lateral Violence in the Workplace, Human Resource Policy, etc.
- Ontario Human Rights Code;
- Ontario Employment Standards Act;
- Accessibility for Ontarian’s with Disabilities Act;
- Any and all legislation that applies.

RESPONSIBILITIES:

The Executive Director is responsible for:

- providing leadership in demonstrating commitment to the resolution of complaints made in accordance with this policy;
- ensuring there is an effective, timely, impartial, and just system for dealing with complaints;
- overall management and monitoring of complaints handling within FENCC
- providing advice and assistance to managers or Managers who have received and are handling a complaint;
- conducting internal reviews of complaints in both process and content;
- making decisions relating to complaints within FENCC;
- identifying systemic issues arising from complaints and making recommendations to the Board of Directors.

Managers are responsible for:

- conducting internal reviews of complaints in both process and content;
- exercising primary responsibility for receiving and resolving complaints and any conflict in their areas in a timely and fair way;
- advising people of their right to make a complaint where appropriate;
- providing advice and assistance to people who have a complaint;
- identifying systemic issues arising from complaints and making recommendations to the Executive Director.

Complainants are responsible for:

- providing a clear and honest account of their concerns and their expectation for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- engaging openly in the complaint with the complaint handling process, including participation in discussion with other parties to resolve the concerns;
- responding to FENCC requests for information in a timely manner;
- respecting those individuals involved in the complaint handling process.

Respondents are responsible for:

- providing a clear and honest account of their concerns and their expectations for the out come of the complaint, including providing all relevant information and documents to assist in the investigation and/or resolution of the matter;
- engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns;
- responding to requests for information in a timely manner;
- respecting those individuals involved in the complaint handling

process and maintaining confidentiality.

COMPLAINT RESOLUTION PROCEDURES:

1. The Stakeholder is to submit his/her concern in writing on an Stakeholder Complaint Form, to the Executive Director within **10 working days** from the time the stakeholder had the initial discussion with a Manager in an attempt to resolve the issue. The formal complaint signed by the stakeholder must include:
 - a statement of the complaint, which specifies the individual harm alleged and includes a description of the policy or procedure allegedly breached;
 - a list of the date(s) in which the complainant raised the issue with the person or persons with whom they have a concern;
 - a list of the date(s), the complaint was discussed with the Manager, the remedies proposed and the reasons for rejection; and
 - a statement indicating the remedy sought.

2. A meeting of the stakeholder and the Executive Director and other significant parties shall be convened. Having considered the complaint, the Executive Director shall respond to the stakeholder in writing within (5) working days of hearing the complaint.

APPEAL PROCESS:

If the outcome of the meeting with Executive Director is not to the stakeholder's satisfaction or if the time for a response has expired, the stakeholder may request a joint conference with the President and the Executive Director. The request shall be in writing on the Stakeholder Complaint Appeal Form provided and must be filed with in seven days following receipt of the written response or, if no written response is received, within seven days of the response deadline. If any relief has been granted at Step 1, the employee shall state on the form why such relief is inadequate. The Stakeholder Complaint Appeal Form must be copied to the Executive Director.

1. Upon receiving the appeal, the President may elect to delegate responsibility for hearing the appeal to the Vice-President. In preparing for the hearing, the President or Vice-President shall review the relevant policies, all other documentation and correspondence concerning the complaint, and consult with the Executive Director and other parties as deemed necessary.

2. A written decision shall be rendered by the President or Vice-President within ten **(10) working days** from the time the complaint is heard.

FINAL APPEAL PROCESS:

3. Should the stakeholder be dissatisfied with the resolution of the President or Vice-President, the matter will be presented to the Board for final resolution. The Board shall review all available evidence but shall not give an audience to the complainant. The decision of the Board shall be final and shall be communicated in writing by the President to the complainant within five (5) business days of the Board's decision.

TIME LIMITS:

In exceptional circumstances, where it is not possible for an action to be completed within the time limit, steps will be taken to ensure that the process is completed within a reasonable time. Under such circumstances the complainant will be kept informed of the progress by the appropriate designate.

FENFC MAY DECLINE COMPLAINTS AND APPEALS:

The Executive Director and/or the President may decline to initiate or complete a formal complaint investigation and resolution process where:

- It is determined that the complaint is:
 - ✓ Frivolous
 - ✓ Vexatious
 - ✓ Malicious
 - ✓ not made in goodfaith
 - ✓ misconceived
 - ✓ lacking in substance
 - ✓ lacking in currency

- In these circumstances, the Executive Director shall notify the complainant in writing of the decision and reasons not to initiate or complete the complaint investigation and resolution process. The complainant has the right to appeal the decision in writing to the President of FENFC.

- a claim has been commenced (either by the complainant or FENFC) in a court or before another judicial authority;

- the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency;

- the subject matter of the complaint maybe more appropriately dealt with by an external agency;

- FENFC has already dealt with the substance of the complaint in the past.

- It is determined that the resolution proposed by the Executive Director was fair, proper and reasonable.

CONFIDENTIALITY:

In most situations, the complainant and respondent will be expected to sign consent forms to allow the sharing of information in order to implement the Lateral Violence policy, facilitate the investigation, the resolution process or the final resolution itself. The FENFC or anyone acting on behalf of the FENFC shall not disclose the name of the complainant or the respondent, or any information that may identify them, unless the disclosure of such information is necessary to conduct the investigation, implement corrective action, or pursue other legal remedies.

As a general rule, only the people who are directly involved in the complaint, or in helping to resolve it, are to have access to information about the complaint.

RECORDS:

Accurate written records must be kept of all communications that form part of the complaint process. This includes

Notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint. All records must be marked "Confidential". All documents and statements obtained during the course of the complaint investigation and investigation process shall not be disclosed to any person not directly involved in the investigation unless required by law.

Records will be retained by the Executive Director, and they will normally not enter any personnel records, nor will any reference to the complaint or the complaint investigation and resolution process appear in any other permanent personnel records.

A record of the complaint may be kept in the complainant's personnel file if the investigation concludes that the complainant filed a reckless, frivolous or vexatious claim.

STAKEHOLDER COMPLAINT FORM

The personal information requested on this form is primarily being collected by FENFC for the purpose of investigating and responding to a complaint. This information will be used solely by FENFC for that purpose or directly related purposes. FENFC may disclose some of this information to relevant organizations if the nature of the complaint involves services delivered/matters dealt with by parties other than the agency. If sufficient information is not collected on this form, Fort Erie Native Friendship Centre may not be able to effectively address the issue(s) raised and provide feedback to the submitter.

Name:	Date:
Address:	Daytime Contact No:
COMPLAINT DETAILS (fill out all applicable details)	
Date of Incident:	Time:
Location of Incident:	
Who/What is the Subject of Your Complaint:	
Summary of Complaint/Issue: (use the back of this form if necessary)	
Preferred Outcome /Suggested Solution: (use the back of this form if necessary)	
Signature:	Date: