



## **CITY Conflict Resolution Policy**

Adopted by the Executive Board October 2014

### **1. Scope**

1.1. This Policy applies to all persons performing paid or unpaid work for CITY, including but not limited to students, faculty, staff and volunteers. It applies to conflicts that may arise among co-workers or between workers and superiors, in relation to CITY as a workplace.

1.2. For clarity, this Policy does not apply to conflicts in relation to

- the governance and governing organs of CITY, including the Executive Board;
- membership in CITY; or relations with or activities of partner organizations, other organs of the University, CITY-affiliated programs or research projects, or individual researchers conducting research in association with CITY; except to the extent that they also raise issues relating to CITY as a workplace.

### **2. Policy**

CITY is committed to providing a working environment that fosters inclusion, collaboration, trust, mutual respect, and conflict prevention. It strives to maintain a workplace in which everyone who performs work for CITY

- understands the rights, responsibilities, roles and reporting relationships relevant to their work;
- feels safe from workplace intimidation and harassment;
- feels empowered to raise legitimate workplace-related concerns and complaints without fear of retaliation; and
- is confident that such concerns and complaints will be handled in a respectful, discreet, timely and fair way.

### **3. Definitions**

3.1. A minor conflict is a minor dispute between two or more parties in the workplace, which the parties are unable or unwilling to resolve on their own. Sources of minor conflicts may include but are not limited to arguments, rudeness, unwillingness to share shared office resources, small-scale misappropriation of office property, inappropriate pranks, and minor disagreements over the nature or fulfillment of tasks.

3.2. A major conflict is a major dispute between two or more parties in the workplace. Sources of major conflicts may include but are not limited to loss of temper, shouting, verbal abuse, bullying, discriminatory speech or action, major disagreements about work performance, or the culmination of unresolved minor conflicts.

3.3. A severe conflict is a dispute involving conduct by one or more parties that should be brought to the attention of the University, law enforcement officials, or both. Sources of severe conflicts may include but are not limited to harassment, physical violence, theft, destruction of property, and threats of bodily harm. Note: The lines between the preceding levels may be blurry and difficult to draw, and the examples given under each level are illustrative only. Depending on the circumstances, examples listed for one level may constitute a more serious level of conflict.

3.4. A mutual superior is, in the case of conflicts among co-workers, a person who has authority to assign tasks to or supervise the work of all parties to the conflict, or to whom they all report. In the case of conflicts between worker(s) and superior(s), a mutual superior is a person who has authority to assign tasks to or supervise the work of the superior, or to whom the superior reports, in relation to the work relationship at issue.

#### **4. Conflict Resolution Process**

##### *4.1. Conflict identification.*

4.1.1. Any party to a conflict may identify the existence of a conflict. If no party to the alleged conflict believes a conflict exists, the Director shall determine whether a conflict exists.

4.1.2. If all parties to the conflict agree on the level of conflict, the level is as agreed unless the Director, acting reasonably, considers it to be a different level, in which case it shall be the level determined by the Director.

4.1.3. If any party to the conflict considers the conflict to be major, it is a major conflict unless the Director, acting reasonably, considers it to be a different level, in which case it shall be the level determined by the Director.

4.1.4. In both of the preceding situations, the Director shall not classify a conflict as a lower level than that identified by any party to the conflict unless convinced that there is no reasonable basis for classifying the conflict as a higher level.

4.1.5. If any party to the conflict considers the conflict to be severe, it is a severe conflict.

##### *4.2. Preference for informal approaches.*

Except in cases of severe conflict, CITY's policy is to pursue informal, flexible approaches to conflict resolution in the first instance, which seek to restore harmony in the workplace without resorting to formal procedures.

#### *4.3. Expectation of self-help.*

Parties to conflict are expected to make efforts to resolve the conflict themselves, amicably and respectfully, before invoking the procedures set out below, unless they have good reason not to. Such reasons may include but are not limited to situations where a party to a conflict feels unable to raise the issue with another party because, for example, the other party is in a position of power or authority over him or her. Whenever a party to a conflict invokes the procedures described below, the mutual superior or Director shall first ask what the party or parties have done to resolve the conflict or the reasons for not doing so, and may decline to initiate the procedures if he or she believes, on reasonable grounds, that the parties should do more to resolve the conflict between them.

#### *4.4. Minor conflict resolution.*

4.4.1. When a minor conflict is identified, any party to the conflict or any other person who believes the conflict exists may bring it to the attention of a mutual superior, who shall consult with the parties with a view to facilitating a resolution to the satisfaction of everyone concerned.

4.4.2. Such consultation may be conducted in person or otherwise, and need not take place in the presence of all parties to the conflict. In the latter situation, the superior shall make a special effort to be even-handed and fair, and to avoid any impression of bias or impropriety.

4.4.3. The mutual superior may

- listen to and help to analyze the parties' concerns;
- investigate the conflict;
- identify and explain relevant policies, procedures and practices;
- help define and evaluate options and strategies;
- help resolve problems informally and expeditiously;
- make referrals to other campus and community resources; and
- with the consent of the parties, enlist the good offices of a neutral third party to help facilitate a resolution of the conflict.

4.4.4. If the mutual superior is unable to facilitate a resolution of the conflict either alone or with the assistance of a neutral third parties/he or any party to the conflict may ask the Director to intervene. In this case, the procedures for major conflicts set out in the next paragraph shall apply.

#### *4.5. Major conflict resolution.*

4.5.1. When a major conflict is identified, the Director shall consult with the parties with a view to facilitating a resolution to the satisfaction of everyone concerned.

4.5.2. Such consultation may be conducted in person or otherwise, and need not take place in the presence of all parties to the conflict. In the latter situation, the Director shall make a special effort to be even-handed and fair, and to avoid any impression of bias or impropriety.

4.5.3. The Director may, if s/he sees fit, require parties to put their concerns and views in writing.

4.5.4. The Director may

- listen to and help to analyze the parties' concerns;
- investigate the conflict;
- identify and explain relevant policies, procedures and practices;
- help define and evaluate options and strategies;
- help resolve problems informally and expeditiously;
- make referrals to other campus and community resources; and
- with the consent of the parties, enlist the good offices of a neutral third party to help facilitate a resolution of the conflict.

4.5.5. If the Director is unable to facilitate a resolution of the conflict either alone or with the assistance of a neutral third party, s/he may decide upon a resolution after affording all parties an opportunity to be heard. All parties shall accept and abide by the decision. If the Director finds that a party was at fault or engaged in inappropriate conduct, s/he may impose any sanctions that within his or her authority, provided that such sanctions are reasonably commensurate to the misconduct and reasonably likely to further the objectives identified in section 2.

4.5.6. There is no appeal from the Director's decision under the previous paragraph.

#### *4.6. Severe conflict resolution.*

When a severe conflict is identified, York University's Policies, Procedures and Regulations, and in appropriate circumstances official law enforcement procedures, shall take the place of this Policy. York University's policies on workplace violence and workplace harassment can be found on the University website, [www.yorku.ca](http://www.yorku.ca) – <http://www.yorku.ca/univsec/policies/document.php?document=154> – <http://www.yorku.ca/univsec/policies/document.php?document=155>

#### *4.7. Director's Involvement in Conflict.*

If the Director is a party to a conflict, any duties assigned by this Section to the Director shall be performed by another member of the Executive Committee who is not a party to the alleged conflict. Such member shall be chosen by a majority of the Executive Committee members, excluding the Director, with the Director taking no part in the selection process. If all members of the Executive Committee are parties to the alleged conflict, CITY shall seek the good offices of a neutral third party to perform the duties assigned to the Director.

### *5. Competence and Awareness*

The Director shall make best efforts to ensure that

- all persons performing work for CITY, and all persons who are in positions of authority in relation to such persons in the performance of this work, are aware of this Policy;
- all persons who are in positions of authority in relation to persons performing work for CITY are competent to perform the roles contemplated for them in this Policy; and
- relevant members and staff of CITY have access to information, training and other resources available to them within the University in relation to conflict resolution.

#### **6. Record-keeping**

Whenever the procedures in sections 4.4, 4.5 or 4.6 are engaged, the mutual superior (in the case of section 4.4) or the Director (in the case of sections 4.5 and 4.6) shall make a record of the particulars. Such records shall be kept confidential and secure, and shall be retained and/or destroyed in accordance with any applicable records retention policies.

#### **7. Relation to other rules**

This Policy does not displace any rights, responsibilities, rules, procedures or remedies applicable to any conflict by virtue of any York University policy or collective agreement. Such other rights, responsibilities, rules, procedures or remedies shall prevail in the event of conflict with this Policy.

#### **8. Review**

This Policy shall be reviewed at least every three years.