

# **Parti Vert New Brunswick Ombud Committee Operational Guide**

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# **PVNBGP Ombud Committee Operational Guide**

This reference manual reflects input obtained from the Federal Green Party, the Ontario Green Party and the British Columbia Green Party. It was a Working Document prior to the selection of the Ombud Committee (2020) consisting of Sam Arnold, Chair, Vern Faulkner, Marilyn Merritt-Gray and Margo Sheppard. The Ombud Committee has revised the working document into an Operational Guide (OG). The Ombud Committee considers this document to be appropriate for this time and propose the Operational Guide be inserted into the PVNBGP Constitution and Bylaws.

## **Ombud Committee Terms of Reference for Parti Vert NB Green Party (PVNBGP)**

### **A. PURPOSE**

The purpose of the Parti Vert NB Green Party (PVNBGP) Ombud Committee is to provide an independent avenue for resolution of serious disputes between members or between members and any other unit of the Party.

### **B. MEANS**

The Ombud Committee will receive complaints from members of the party regarding disputes they have with other entities in the party, or concerns regarding PVNBGP governance. The Ombud Committee will decide whether or not to accept and deal with each complaint and will issue reports with the Committee's recommendations to all parties involved, including the Provincial Council (PC).

### **C. NATURE**

The PVNBGP Ombud Committee is an independent body, accountable to the membership and is not under the direction of Provincial Council or any other body or unit of the party, including Party Leader. In addition to resolving disputes, The Ombud Committee may make recommendations for resolving each specific issue and for improvements to the PVNBGP constitution, bylaws and practices to reduce the likelihood of future similar issues arising.

### **D. FORM**

The Ombud Committee will consist of a minimum of three but not more than five members.

- a. Members of the Ombud Committee may not, while on the Committee, hold office on PVNBGP council or any committee of PVNGP Council or be employed by PVNBGP.
- b. The Ombud Committee should include diversity of age, gender and both linguistic communities. Provincial Council will advertise to the membership by all reasonable means to get committee members in respect of age, gender and language spoken in this bilingual province.
- c. Members of the Ombud Committee should be able to look impartially at all sides of an issue, to be neutral regarding personalities, and exercise sound judgment in resolving difficult issues.
- d. Ombud Committee members may be elected at general meetings of party members such as AGMs. If the Committee has at least three members it may appoint new members to complete

the term of vacant positions. If the Committee has less than three members the Provincial Council may appoint new members to complete the terms of vacant positions.

#### Term of Office

- a. The term of the Ombud Committee members shall be two (2) years. As necessary, some members shall be elected or appointed for three (3) years to ensure not all terms expire in the same year.
- b. The Committee shall choose a chair from its members and the chair shall be selected for a two-year term.
- c. The term of Committee members can be extended by one year or renewed for two (2) years.

#### Qualifications of members

The Ombud Committee shall solicit the services of PVNBGP members who have:

- a. had experience with management, dispute settlement and arbitration
- b. displayed impartiality, tact, judgment, clarity and firmness
- c. a familiarity with the policies and practices of the party

#### Direction and responsibilities

The Ombud Committee shall:

- a. act in the best interests of the PVNBGP
- b. act expeditiously to remove barriers to the effective and efficient operation of the PVNBGP
- c. act in accordance with the Constitution and Bylaws of the PVNBGP
- d. enhance Green Party values in the operation of the Committee.

#### Resignation

Should a member resign a replacement to fill the vacancy should be solicited as soon as possible by the Provincial Council in order to ensure the minimum number and diverse composition of the Ombud Committee.

### **E. OPERATION**

E1. Complaints or appeals to the Ombud Committee must be sent in writing or by email to the Chair of the Ombud Committee with copies to all other members of the Ombud Committee.

E2. Any complaint to the Ombud Committee must clearly outline the problem or disagreement and must clearly state what relief is sought.

E3. For each complaint, the Ombud Committee must decide whether to accept the complaint for consideration or to reject it and must notify the complainant of its decision. If a complaint is rejected, notification must include the reason(s) for rejecting the complaint.

E4. If the person who is the subject of a complaint has not yet received the complaint, the Chair of the Ombud Committee will send a copy of the complaint to that person so that they have an opportunity to respond to the complaint and to any allegations it contains.

E5. When a complaint is received, all members of the Ombud Committee must declare themselves to be

unbiased regarding the parties involved in the matter at issue or stand aside from it. Any member must stand aside if the rest of the Ombud Committee feel there is a reasonable perception that the member may be biased.

E6. When the Ombud Committee must carry on deliberations by email, all members of the Ombud Committee who are engaged in resolving a complaint must carefully attend to all communications on the complaint and respond promptly in discussion of the issues.

E7. The Ombud Committee may ask questions of any person to seek additional information or clarity during the course of resolving a complaint.

E8. The Ombud Committee will reach its conclusions and recommendations by consensus and will agree to accept the final wording of the report on the complaint before it is sent to the parties.

E9. If consensus cannot be reached by the Ombud Committee a majority decision will take its place with the Chair having a vote.

ADDENDUM: The following from the Ontario Provincial Green Party Constitution and Bylaws has been modified by the Ombud Committee and as such be considered as an initial methodology of operation.

F2. Grounds upon which the Ombud Committee may decline a complaint:

(2.1) The Committee may, at its sole discretion, decline to consider a matter referred to it on the following grounds and cannot be challenged for having done so:

- (a) in the opinion of the Committee, the dispute that has been referred to it is not of sufficient severity as to disrupt the efficiency or effectiveness of the PVNBGP or of any of the PVNBGP organizations created under the Constitution, provided that the matter is not a Conflict-of-Interest allegation or an expulsion request referred to it
- (b) in the opinion of the committee, there have not been attempts at prior discussion, fact-finding or mediation before the matter was referred to the Committee
- (c) in the opinion of the committee, the matter is being pursued for vexatious reasons, particularly if the person or organization bringing the allegations or participating in the dispute have repeatedly been found to have brought unfounded allegations in the past, or not to have made serious attempts to maintain the effective and efficient operations of the party in the face of such disputes
- (d) the matter is under investigation by the police or other quasi-judicial public body such as the Human Rights Commission
- (e) the Ombud Committee may decline to consider the matter further after having undertaken some fact-finding and/or research into the matter.

(2.2) The Committee is at liberty not to make a final decision if at any time it reaches any of the conclusions above, or if it has evidence that the matter is resolving itself satisfactorily without a Committee decision being made.

F3 Ombud Committee Procedures

(3.1) The Ombud Committee may take any steps it feels necessary to collect information, reach decisions, and make recommendations. All following references to “meetings” include online formats such as zoom, skype and other programs. At a minimum, one or more Committee members shall speak with each of the parties in the dispute referred to it and shall determine which additional PVNBGP members and organizations have a particular stake in the matter. If practical, one or more Committee members should try to hold a joint meeting with the disputants and any other stakeholders that have been determined.

(3.2) While being thorough and fair, the work of the Ombud Committee is not considered a legal proceeding and is not required to follow judicial rules of procedure. While any participant in a dispute, allegation or complaint may wish to have a lawyer express the participant’s opinions or present information on behalf of the participant, legal representation is NOT expected, and the Committee shall not delay its work unduly in order to accommodate lawyers or any other party.

(3.3) All members of the party shall cooperate thoroughly and expeditiously with the Ombud Committee.

(3.4) When a matter is referred to the Ombud Committee, it shall be addressed to the Committee Chair, who shall notify other Committee members. Where necessary or desirable, the Chair may appoint a sub-committee to review the matter referred to it. The sub-committee shall contain no fewer than two members. The Chair shall ensure that any Committee members involved in reviewing the matter have as little familiarity with or stake in the outcome of the matter as possible.

(3.5) The Ombud Committee shall develop procedures regarding the drafting of reports, and the acceptance of reports in the event that Committee or sub-committee members do not agree. The Committee may develop further procedures on any matter if it feels them necessary.

#### G4 Ombud Committee Decisions and Reports

(4.1) Unless the Ombud Committee has declined to deal with a matter referred to it, the Committee shall do a written report on each matter, including its decision. Committee decisions are final on matters within the jurisdiction of the Committee.

(4.2) Ombud Committee reports shall:

- (a) outline the issue or dispute referred to the Committee, including which people and/or organizations the Committee finds to have a particular stake in the matter
- (b) explain how the Committee has jurisdiction in the matter and the authority the committee has
- (c) summarize the relevant facts and information that the Committee has found
- (d) draw conclusions as appropriate
- (e) state the decision of the Committee
- (f) make any additional recommendations that the Committee chooses to make.

(4.3) All Ombud Committee reports shall be provided to:

- (a) the Provincial Council via the Secretary
- (c) to each participant and stakeholder, as specified in the report.

(4.4) Subject to any procedures that the Committee may develop, the Chair shall be the spokesperson for the Committee. The Chair or her/his delegate may be called to explain a Committee report in confidence to the Provincial Council.

(4.5) The Ombud Committee has the right to make recommendations to the Provincial Council and to an AGM on any matter concerning the Constitution, Bylaws, and conduct of the PVNBGP, as a result of issues raised through, or patterns observable from, the work of the Ombud Committee.