

Conflict Resolution Procedure for the GYG Oversight Committee



Preamble

Conflicts can and do arise within an organisation and between individuals, and GYG is not immune from this. GYG encourages conflict resolution at the level where it occurs and by the parties directly concerned. In general, conflicts can and should be resolved in a timely manner by the regular decision-making bodies within the GYG. In cases when a conflict cannot be resolved within the normal functioning of these bodies, a petition is filed with the GYG Oversight Committee (Article 2.2). Two conflict resolution methods are defined: mediation and conciliation (Article III).

I Oversight Committee

1.1 The Oversight Committee (OC) is an independent body within the Global Young Greens (GYG), which is responsible for settling disputes arising from the application or interpretation of the GYG Organisational Principles (OPs), the GYG Code of Conduct (CoC), or other operational matters related to GYG.

1.2 The remit of the OC shall exclude:

- a. political differences, differences in points of view or disputes of a political nature, which are within the competences of the respective Member Organisation's body for conflict resolution;
- b. appeals relating to the decisions taken by the respective national Oversight Committee (or similar body for conflict resolution);
- c. any cases of *political* disagreement between the Members and/or Partners should be referred to the SC directly, unless there is an issue of interpretation of the GYG statutory documents, including membership issues (Article 2.2.d).
- d. budgetary issues.

1.3 The members of the Oversight Committee are independent and not bound by instructions other than those laid down in the GYG Organisational Principles, the GYG Code of Conduct and the procedures contained herein for the operation of the OC.

1.4 The Oversight Committee operates in public to the members of GYG, hearings are open to representatives of the members, but members may be excluded if it is in the interest of the concerned parties.

1.5 The OC respects the principle of "hear and heard"; all parties involved should be allocated equal time while presenting their point of view.

1.6 The OC respects the basic principles of fairness, accessibility, responsiveness and efficiency in handling any complaints and conflicts.

1.7 In case of language barriers between the persons involved, GYG strives to provide translations of written material and to facilitate interpretation during oral negotiations.

II Eligibility for submitting a petition to the Oversight Committee

2.1 Those eligible to submit petitions to the OC are:

- a. Any member as identified in the Organisational Principles, bodies, and working groups, whose interest is harmed by a decision of the SC or any other body can apply to the Oversight Committee within 30 days of the decision.
- b. Any Members, bodies, working groups, members of the Committee, employees of GYG and representatives of partner organisations (GG, regional Young Green Federations) can ask the Oversight Committee to mediate or conciliate a dispute between them.

2.2 A complaint or petition is eligible for consideration by the Oversight Committee if:

- a. the disputed issue is within the remit of the Oversight Committee (Article 1);
- b. the petition is motivated and submitted by an individual or a party as described in Article 2.1;
- c. in cases where the disputed issue is a decision of the SC or the Congress, the petition to the Oversight Committee shall be submitted within one month after the decision has been taken;

III Internal procedure upon receipt of a petition to the Oversight Committee

3.1 An interested party (petitioner) eligible to submit a petition for conciliation or mediation (art. III) shall submit the request via email to oversightcommittee@globalyounggreens.org. Access to this account is reserved to members of the Oversight Committee. The petition needs to include a statement of reasons and, if available, evidence.

3.2 Within one week after submission, the OC shall examine the petition in view of its eligibility and answer to a submitter. Their response shall include the following:

- a. acknowledgement of the receipt of the petition;
- b. proposal to conduct a mediation if applicable;
- c. a time-frame for the deliberations process in cases where the petition is eligible, or justification for refusal of the petition in cases where the request has been considered as ineligible.

6.3 If a submission is rejected by the OC, the submitter has 30 days to issue a rebuttal. The Oversight Committee then has to reconsider if the submission is eligible.

IV Conflict resolution mechanisms

4.1. Mediation

4.1.1 In cases where all involved parties have agreed to mediation, the Oversight Committee shall select a mediator amongst themselves or externally. The parties involved can submit a motion to reject a mediator nominated by the OC in case they consider a nominated person biased. The OC (except the rejected mediator) decides

over the motion to disqualify that person on the grounds of suspected bias. The motion is carried if at least two OC members agree with it.

4.1.2 In addition to the mediator nominated by the OC, each of the conflicting parties nominates an external mediator of their choice. External mediators must not directly be involved in the conflict and have to be a member of GG or GYG but not of member organisations whose members are involved in the conflict.

The OC Chair may set the conflicting parties a deadline to nominate their external mediators. If the deadline is not met, the OC Chair in agreement with the OC members may nominate a mediator of their choice instead.

1.1.3 The OC is free to choose (an) advisor(s) for the conflict from a member organization.

4.1.4 The mediators may request any information relevant to the case from involved parties and relevant experts.

4.1.5 All written material shall be distributed among the conflicting parties and the mediator(s). An exception can be made for the protection of whistleblowers, in which case evidence is only distributed confidentially among OC members.

4.1.6 In order to reach an agreement, a mediator can propose several scenarios for dispute resolution.

4.1.7 Either party can withdraw from the mediation process at any time. If this happens, the case moves to Conciliation (4.2).

4.1.8 As a result of the mediation, the parties are expected to reach an agreement within four months. This agreement is to be documented in writing and communicated to the OC.

4.1.9 In case the agreement is not reached within four months, the OC mediator shall prepare a report indicating the reasons.

4.2 Conciliation

4.2.1 Conciliation shall be used in cases when the petition concerns an SC or Congress decision that has been made not earlier than one month before the date of submission of the petition and in cases when involved parties have refused to proceed via mediation.

4.2.2 In cases where the OC Chair after consultation with the other members of the OC have decided to accept the petition for Conciliation, the Oversight Committee shall select a group composed of an odd number, with a minimum of 3 persons, and including the Chair, to proceed with deliberations. The parties involved can request any member of the Oversight Committee be withdrawn from deliberations should they consider this person to be biased.

4.2.3 If any member of the Oversight Committee is directly or indirectly involved in a dispute to be decided on, that person shall be excluded from all deliberations on that case.

4.2.4 The Oversight Committee may request any information relevant to the case from the parties involved and relevant experts.

4.2.5 Neither party can withdraw from the conciliation proceedings until the decision is taken by the Oversight Committee.

4.2.6 The deliberations are prepared by the OC Chair. The chair determines time and place or format of any oral deliberations.

4.2.7 The Oversight Committee proceeds in a structured way, however it is free to choose its procedure. Possible steps within the conciliation procedure are:

- a. Collecting written material;
- b. Requesting research relevant in the case;
- c. Checking if proper procedure has been followed to arrive at the contested decision;
- d. Phone / video conferences;
- e. Visit/mission;
- f. Hearing of parties involved/experts;
- g. Consultation with the SC where problems arise in the exercise of its functions.

4.2.8 By mutual agreement of all involved parties, decisions of the OC can be taken by written or oral deliberations. Oral deliberations are chaired by the OC Chair.

4.2.9 Hearings of parties start with an overview of the essential content of the available material, given by the OC. Afterwards all conflicting parties get the same amount of time to put forward their respective motions. After this and after a possible hearing of evidence, the hearing is closed. Minutes of the hearings have to be taken and distributed to all involved parties. If evidence is disputed, counter evidence is required to contradict it.

4.2.10 OC decisions are being taken according to Article V.

4.2.11 As a result of the Conciliation process, the OC is expected to provide a report to the SC, including decisions for the resolution of the conflict. These decisions may include disciplinary measures defined in the GYG Organisational Principles/Code of Conduct. In case the disputed issue is a Congress decision, the OC can propose a compromise motion for the next Congress. 4.2.12 All Members, persons and bodies of GYG shall be bound by the outcome of the Oversight Committee process.

4.4 Confidentiality

4.4.1 All information and evidence is kept confidential, with the exception of the report to the SC. All written material will be distributed among the conflicting parties and the members of the Oversight Committee. An exception can be made for the protection of whistleblowers, in which case evidence is only distributed confidentially among OC members.

4.4.2 The GYG Secretary, or, if the Secretary is involved in the conflict, another uninvolved SC member, receives a copy of the petition, an update of relevant information during the conciliation or mediation process and a full report afterwards. The Secretary may inform the SC, but has to abide within the limits of confidentiality.

4.4.3 The SC and the Congress are informed about the number of cases at hand, the interested persons/parties, the nature of the conflict and the procedure to be followed.

V Decision-making process

5.1 OC decisions may only be based on conclusions that are known to the involved parties and that they had a chance to react to. The OC takes decisions in non-public deliberation by absolute majority. The OC shall take a decision as quickly as possible, normally within six months.

5.2 All decisions of the OC shall be taken in accordance with the Organisational Principles and the Code of Conduct as well as the Global Greens Charter. GYG Organisational Principles and Code of Conduct must take priority over an individual federation's or a political party's/ organisation's rules. Decisions of the Oversight Committee are public to the Members and the Steering Committee.