

Grievance Appeal Committee Recommendations 10/05/15

Richmond Neighborhood Association Grievance Appeal

Introduction/Timeline

- August, 24, 2015: Allen Field, Bonnie Bray and Karin Maczko (Grievants) filed a grievance with the Richmond Neighborhood Association (RNA) alleging RNA Board Member Doug Klotz (Respondent) violated the RNA Code of Ethics. The RNA voted 6 to 6 on the requested remedy of finding that Doug violated the RNA's Code of Ethics.
- September 4: Grievants appealed to SE Uplift
- September 8: SE Uplift Board appointed a committee to review and make a recommendation.
- October 5: This committee presents its findings to the SE Uplift Board.

Recommendation

Remedy sought by the grievants is that SE Uplift finds that the Respondent violated the RNA Code of Ethics No. 3: "RNA Board members shall treat one another with dignity and respect and shall treat each other fairly and equally. Abusive behavior will not be tolerated or used to intimidate other RNA Board members." The committee recommends the SE Uplift Board uphold the appeal that the grievance is valid.

Reasoning

The Committee believes that the Respondent did not honor RNA Code of Ethics No. 4 by representing the Board's views without their approval on publicly accessible, online forums:

According to the Code of Ethics No. 4, which the Respondent signed, board members may relay factual information about how the board voted, but may not refer to the views of the board without permission from the board. This Committee interpreted the comments made by the Respondent (that the board was "less than bike friendly") as representing the views of the board without board permission - in violation of Code of Ethics No. 4. Further, the committee noted that the following statement made regarding the four board members up for election "supporting bike travel has not been one of their priorities" as also not supported by fact and not necessarily reflective of the individual board member's views or voting records.

In the act of not honoring the Code of Ethics item #4, and in misstating individual board member's positions relative to a topically hot-button issue, the Respondent's action led to former, current and new board members expressing that they felt they, both individually and as a board, had been misrepresented in a public forum. The Committee read multiple statements by board members that convinced them that by representing the group in this way, the Respondent was not treating the Grievants or Board fairly or respectfully, and that his actions, whether intentional or not, lead to feelings of distrust, manipulation and intimidation - thus violating Code of Ethics No. 3.

Suggested Remedies

This Committee makes the following recommendations for RNA:

1. We recommend the RNA de-couple the Code of Ethics from its Bylaws and remove the requirement that it be signed or affirmed. The committee found the language, and perhaps the intent, of the Code of Ethics to be broadly subjective - which is not recommended for bylaws, which are a part of state law. Further, from the practical side, the committee was not convinced that using the grievance process to address internal disagreements, which is allowed by virtue of the Code of Ethics being included in the bylaws, was the most productive way to address the problems of RNA group

dynamics that led to the disagreement. Clearly, it did not prevent the actions that are at the heart of the grievance from being undertaken. The committee hopes that participation in the grievance process will bring resolution to the organization and the individuals still expressing hurt and distrust, but suggests a more positive, proactive approach to improving group culture might be something the RNA board could benefit from exploring.

2. To further expand on recommendation #1, we recommend the group develop and practice a standing group agreement regarding how members address the inevitable inter-board disagreements - whether on board policy, or practice, or other issues that may arise. The committee recommends this agreement include a process whereby individuals may address breaches of the agreement in the board setting, with standards developed to insure a civil and respectful review (from all sides) of the disagreement.

3. We also recommend the following edits to the Code of Ethics:

a. Remove all items except for RNA Code of Ethics No. 3. Adopt it as a policy of the Board. Bring more clarity to the language - so that a reasonable person could feel confident they understand what is, specifically, meant by the policy. The committee found the current, broad and vague language of No. 3 to be one of the most problematical issues in the grievance. The committee recognizes that any number of individuals could interpret that language in any number of ways. This is a serious issue for a "rule" that is included in the bylaws, and is one of the reasons the committee recommends removing this policy from the bylaws.

b. Move items from the Code of Ethics not related to ethics to separate policy documents or to the bylaws. As examples, a statement regarding following the ONI Standards should be included directly within the bylaws, while rules about managing funds should be in a financial policy.

c. The conflict of interest rule be amended, and then included in the bylaws. The requirement regarding personal interests either struck, or edited to make it less subjective, and more reasonably understood and complied with.

In Summary

The committee recognizes the RNA board has no requirement to follow our recommendations, however we hope they will be of use to the RNA as it moves forward in its efforts to repair divisions and improve group functions. The committee hopes the RNA will use this grievance process as a learning opportunity for all involved. The committee recognizes the deep divisions of opinion on this issue, and the broad subjectivity of the guiding code of ethics. The committee has made its best effort to understand and respond to the intent of the code of ethics, but recognizes there are other interpretations and concerns around same that also have value, and should be recognized and respected in the ongoing effort of the RNA to move forward from this controversy. The committee hopes our recommendations will be useful in addressing these issues, and the divisions on the RNA, going forward. Finally, the committee makes no judgement regarding personal intent by any of the parties involved, as that is beyond the scope of the grievance process