

CFUW MEDIATION WORKING GROUP



Report to CFUW Members

Submitted by

Rebecca Bromwich

June 11, 2020

AGENDA

Mediation Working Group Report to CFUW Members

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Chairperson: Grace Hollett, National President

Presentation by: Mediator Rebecca Bromwich

1. Welcome
2. Introductions
3. Background to the Report
4. The Mandate
5. Mediation Definition
6. The Mediation Process
7. Unanimous Conclusions
8. Principles Informing Recommendations
9. Proposed Solutions (Without Unanimous Support) for Consideration
10. Majority Recommendations 1-4 and Rationale
11. Questions via the Chat Line
12. Mediator's Thank You and Concluding Remarks
13. Comments by Chair of CFUW MOU Implementation Committee -Joy Hurst

Dr. Rebecca Bromwich

- Trained as a lawyer and legal academic as well as a mediator.
- Career in law, academia, and conflict resolution.
- Member Alternative Dispute Resolution Institute of Ontario
- Certificate Program on Negotiation Master Class at Harvard University.
- Senior Research Fellow, Restorative Justice for All, International Institute, London, UK.

Working Group Members

- Sheila Service
- Kathy Wosnick
- Linore Fines
- Cheryl MacInnes
- Marianne Singh-Waraich
- Louise Beaulieu-Steiner
- Pat Patton
- Carol Mooney
- Susan A. Stauffer
- Nancy Mayberry
- Buakje Miedema
- Margaret Therrien

Mediator

- Dr. Rebecca Bromwich, PhD, LLM, LLB, BA(hon), CCIP

- Administrative Assistant:
Brittany Sagriff

BACKGROUND

- In 2018 when the CFUW began the negotiating process with GWI, one of the primary goals was to manage CFUW's outstanding dues obligation to GWI. In addition to this very important objective, the process facilitated the building of processes to ensure that there is open and ongoing collaboration between CFUW and GWI. These are new initiatives which will naturally take time to develop fully but advance a "hands on" working relationship that meeting every three years in a GWI General Assembly does not accomplish.

BACKGROUND

- The initiatives agreed upon were also intended to ensure that CFUW's participation in GWI was meaningful within the context of CFUW priorities. With both organizations celebrating centenary milestones it was an ideal time to reset and modernize the way in which CFUW and GWI work together. All organizations must grow and evolve over time.

BACKGROUND

- What the resulting July 2019 memorandum of understanding (MOU) between CFUW and GWI did not do, was resolve the positions within CFUW about continued membership in GWI. Unfortunately, the motions that have come to the floor of CFUW's Annual General Meetings have left many CFUW members frustrated and dissatisfied with the outcome.
- This is far too an important issue to leave unresolved with parties on either side of the debate feeling unheard or outstanding issues left unaddressed.

The Mandate

- To work with the Mediator, Rebecca Bromwich, to seek a solution or options to resolve the positions within CFUW about continued membership in GWI.

Members of the working group will serve under the auspices of the CFUW board of directors. They will comply with CFUW confidentiality agreements, the CFUW code of ethics and CFUW respectful treatment policies. The mediator will be the approved communicator for the working group. All statements will originate from the mediator.

Goals:

- Improved relations among CFUW members.
- To make recommendations for solutions or options to resolve the internal conflicts within CFUW surrounding CFUW membership in GWI.

Mediation - Definition

- Mediation is a procedure in which the parties voluntarily and confidentially discuss their disputes with the assistance of a trained impartial third person(s) who assists them in reaching a settlement.
- The Mediator does not impose a settlement. Neither does the mediation adjudicate past facts, nor hear testimony.
- The role of the mediator is to help people come up with their own constructive solutions through constructive conversation about how to move forward.

THE MEDIATION PROCESS

- Throughout the mediation process, the 12 members and Rebecca met individually, as well as 6 times in group meetings using Zoom.
 - **May 12th** at 3:00PM – 4:00PM (Eastern Time)

The Mediation Working Group listened to two presenters, one pro-GWI and the other con-GWI, explain their side of the issue. The members had the opportunity to ask the presenters questions in a Q&A at the end.
 - **May 25th** at 10:30AM – 12:30PM (Eastern Time)

This was the first discussion meeting the Members had. This gave them the opportunity to discuss their own personal views, examine all of the information they received from the presenters and other sources. Before the next meeting, they were asked to write-up ideas for possible recommendations.
 - **May 25th** at 7:00PM – 9:00PM (Eastern Time)

Their second discussion session was to continue where they left off and discussed the recommendations all of the members submitted. The recommendations were compiled into two lists, and the Members were to vote on each recommendation prior to the next meeting.

THE MEDIATION PROCESS contd.

- **May 29th** at 3:00PM – 4:00PM (Eastern Time)

This meeting was to sort through and discuss the recommendations the Members voted on previously. A unanimous agreement on the need for improvements in communication between CFUW National, GWI and the CFUW Club members was made. But for other recommendations the discussion continued.
- **May 31st** at 7:00PM – 9:00PM(Eastern Time)

Intended to be the final meeting, to discuss and come to an agreement on any of the other ideas brought forward by the members. Despite a high majority favouring the removal of Article 4 in the CFUW constitution, there was not a unanimous vote on it or any other possible recommendation.
- **June 9, 2020** 4:00 – 5:00 PM ET

Final meeting to synthesize recommendations into manageable series of top three.

Unanimous Conclusions

The Mediation Committee was able to unanimously agree that:

1. The CFUW is in need of better, more healing, constructive communication;
2. There has been a problem with past confusion about information regarding GWI; and
3. There is a great deal of value in the CFUW continuing on as a unified, strong, cohesive organization, into the future. Everyone involved wants the CFUW to continue on as a single organization.
4. Collaborative, facilitated conversations, like the one undertaken by this Committee, are useful and should form part of the practice of CFUW going forward.

Principles – that informed Working Group Recommendations

Supported by a majority (9/12)

Principles:

- The recommendation will be designed to hold our organization together and honour regional strengths and differences while recognizing the challenges faced in each region.
- The recommendation will meet the needs of members through a solution that is fair to all members including Clubs and individual members in Canada while taking into account the impact of our decision on women in the National Federations and Associations of GWI that look to us for support.
- The recommendation will be forward looking rather than a review of the past and will be designed to generate thoughtful dialogue among CFUW members.

Principles –contd.

- The recommendation will ensure that any decision to withdraw membership in GWI, or any other options for international support, is made after respectful and democratic processes of decision-making among all Clubs and members of CFUW.
- The recommendation must acknowledge and demonstrate that CFUW is a grassroots, democratic representative organization and each Club is itself a grassroots, democratic representative organization, that is, members of Clubs elect representatives to deliberate at Annual General Meetings and make decisions as a representative of the wishes of the Club members.

Proposed Solutions

- The Mediation Committee made several specific proposals for solutions that had significant support, but 16/16 were not unanimous.

For Your Consideration...

Given that the CFUW's governance structure is democratic and not consensus-based, it may be helpful for the Board to consider the proposals put forward without unanimous support in determining its path forward.

Majority Recommendations

Final Recommendations and Rationale

- supported by 10 out of 12 members of the Group,
- Ranked in order of priority

The CFUW-GWI Mediation Working Group (MWG) proposes the following recommendations with the objective of “creating a win-win solution that respects the divergent views within CFUW regarding GWI and its relationship with CFUW”.

Recommendations

Recommendation One:

CFUW should update their Articles and Bylaws to remove all references to external organizations over whom CFUW does not have complete managerial authority and governance; specifically Article 4.

Rationale:

1.1 CFUW is an independent, national, bi-lingual organization and its constitution should reflect it's mission and vision.

1.2 Embedding GWI in the CFUW Constitution is a 100 year-old practice that is not recommended today by experts in charity law, Canadian legal practices, and mediation.

1.3 Righting the Articles and Bylaws is timely given that amendments are underway to align with the Canada Not-for-Profit Act.

Note: It may be appropriate to reference the long-time relationship with GWI in a preamble to the Articles and Bylaws.

Recommendations – contd

Recommendation Two:

CFUW should honor the Memorandum of Understanding (MOU) with GWI.

Rationale:

- 2.1 This MOU was established between CFUW and GWI, with strong support from both organizations, and outlines specific deliverables on both parts.

Recommendations – contd

Recommendation Three: CFUW should strike an ad-hoc committee to Investigate international organizations, including GWI, whose work aligns with CFUW's objective of supporting women and girls globally in their rights, freedoms, and access to education with the objective of making a recommendation to CFUW in 2022 regarding future alliances for furthering these objectives.

Rationale

Rationale:

3.1 This investigation will highlight to all members the commitment that CFUW has regarding international advocacy for the rights and freedoms of women and girls globally and access to education. The results of the MOU will strongly inform and influence the GWI component in this investigation

3.2 This investigation will showcase CFUW's international vision, compare and contrast GWI with other organizations, and add clarity to the question of GWI's viability and efficacy relative to other international organizations.

Recommendations- contd

Recommendation Four:

CFUW should develop a communication strategy to improve relationships within CFUW.

Rationale:

4.1 Communication gaps within and between CFUW and GWI were a recurring theme in the Mediation Group's deliberations.

Specifically:

GWI:

- Address confusion among CFUW members about what the MOU is set up to accomplish
- how GWI and CFUW are fulfilling the MOU; and answer specific questions with regard to GWI

Within CFUW:

- provide information about what is being accomplished.
- Build on webinars and Town Halls with the intent of highlighting what various clubs are accomplishing, consider twinning clubs with similar focus/advocacy,
- enhance the CFUW Website so that members and non-members have access to viewing the accomplishments, activities, papers, presentations and reports that are underway.

Rationale

- 4.2 Communication with the specific intent of healing strained relationships within CFUW regarding GWI
- 4.3 an international vision is required, such as, “CFUW is a strong national organization that works effectively with other organizations to further its vision internationally for the education, rights and freedoms of women and girls.”
- 4.4 Monthly communications should highlight initiatives, accomplishments and next steps. It would be appropriate to consult with members in the development of these communications to ensure that they are explaining the situation from a member’s perspective.

Questions and Answers

- Questions are entered via Chat

Mediator's Thank you to Working Group

Mediator Conclusion

“I don't think leadership demands 'yes' or 'no' answers; I think leadership is providing the forum for making the right decision, which doesn't demand unanimity”.

Arthur Ochs Sulzberger, Jr. (Publisher, New York Times)

- . Comments by Chair of CFUW MOU Implementation Committee -Joy Hurst

