



**Field to Market®**

## DISPUTE RESOLUTION PROCESS

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Field to Market®

# CLAIMS DISPUTE RESOLUTION PROCESS

## Introduction

Field to Market is committed to taking claims disputes seriously and acting to make changes that will help achieve its mission and properly serve its membership. This document describes the types of claims disputes that will be considered, the claims dispute resolution process for resolving those disputes, and communications regarding claims disputes. The process included here should be seen as best practice guidelines that apply to the extent that they are in accordance with Field to Market's bylaws and all other applicable laws and statutes.

The organizational representatives who file a claims dispute and those individuals and organizational representatives who are the object of the claims dispute or are responding on behalf of the organization that is the object of the claims dispute will hereafter be referred to collectively as the "disputing parties".

## I. Objectives and Scope

The process included here will be used if Field to Market needs to address claims disputes raised against its members, licensees, staff, and contractors. The claims dispute resolution process exists to resolve only the following kinds of issues:

- A. Disputes about a claim or other communication made by a Field to Market member or non-member that refers to: Membership in Field to Market, or that references participation in or a substantial connection to a Field to Market Continuous Improvement Project; claims that describe measurements made using Field to Market's metrics; claims that describe progress against stated objectives and goals within a Continuous Improvement Project, claims that describe practices implemented by a Continuous Improvement Project; claims that describe investments in a Continuous Improvement Project, or, claims that reference outcomes or impacts using Field to Market's metrics.
- B. Disputes about a claim assessment or a claim assessment process conducted by a third-party assessor.
- C. Disputes against the actions or decisions of an individual Field to Market staff member or contractor regarding the use of Field to Market products, standard, or protocols to make claims.

## II. The Process for Filing a Claims Dispute

In the language below, "Disputant" refers to the organization or individual filing a dispute with Field to Market; "Respondent" refers to the organization or individual that is the object of the dispute; and "Disputing Parties"

refers to both of the above collectively.

- A. Disputing parties are encouraged to engage and to attempt to resolve disputes prior to filing the claims dispute with Field to Market. Should negotiations between disputing parties fail to reach an agreement, a record of the attempted resolution process should accompany the filed dispute.
- B. Disputes must be filed in writing to be considered by Field to Market. All disputes and any supporting information must be submitted either via email to [claims@fieldtomarket.org](mailto:claims@fieldtomarket.org) or mailed via first class post to:
  - Field to Market
  - Attn: Claims Dispute Resolution
  - 777 N Capitol Ave NE
  - Suite 802
  - Washington, DC 20002
- C. The initial burden of proof and background for the claims dispute rests with the party raising the dispute, who will be required to provide all of the following information before the dispute will be taken under consideration by Field to Market:
  - i. Information about the party raising the dispute, that includes:
    - 1. Representative organization, contact person, and title/position.
    - 2. Information that demonstrates legitimacy of the party to raise a dispute which could include, but is not limited to, demonstrating a deep understanding of Field to Market's requirements, and how these may have been violated, or being involved in a Continuous Improvement Project.
    - 3. Contact information, including email, phone number, and mailing address.
  - ii. Name of the individual or organization that is of concern in their dispute.
  - iii. Details of the nature of the dispute and about which of the Field to Market standard or protocols is being broken (see Section I, Parts A-C for scope of valid claims disputes).
  - iv. Documentation and other supporting information to directly substantiate the dispute, including a concise narrative with clear links to supporting information that justifies the dispute.
  - v. Written information that previous steps were undertaken to seek resolution directly with the organization concerned in their dispute prior to initiating the Field to Market claims disputes process.
  - vi. Recommendations from the party raising the dispute that provide clear, concise, and specific actions and activities to correct problems raised in their dispute.

### **III. Processing Procedure for a Claims Dispute**

The process below will be initiated upon receipt of a dispute filing by Field to Market staff and upon the determination of Field to Market that an individual or organization may have failed to comply with Field to Market bylaws, standard, protocols and/or guidelines.

- A. Upon receipt of the claims dispute file as described in Section II above, Field to Market will make an initial assessment of the filed dispute and determine whether the dispute is within scope (see Section I, Parts A-C). Matters that will not be considered in this claims resolution process include:
  - i. Allegations of a member's actions that occurred prior to that member joining Field to Market and that bear no relevance to the member's current Field to Market related activities
  - ii. Allegations that are related to a party's activities that are separate from the party's engagement with Field to Market.

The Allegations that are described and included above may be considered non-compliant with Field to Market statutes and processes but are not intended to be part of this specific claims resolution process.

- B. If the filed claims dispute is determined by Field to Market to be out of scope (see Section I, Parts A-C), it will be dismissed as not being covered by this process, and the party filing the claim dispute will be notified of this determination in writing.

- C. If the dispute is within scope but lacks required information (see Section II, Part C, Points 1-6) the party filing the claims dispute will be given a copy of this document and notified in writing of the reason for the claim dispute being considered incomplete.
- D. If the dispute is within the scope and includes all required information, Field to Market will notify the party that filed the claims dispute in writing that their dispute is within scope, and that their claims dispute file is complete.
- E. Upon notifying the disputant that they have provided sufficient information to process the dispute, Field to Market will request from the respondent in writing a response that addresses the allegations. After 20 business days of the date of their receipt of this notification, the available information with respect to the claims dispute will be finalized, and no further evidence will be considered.
- F. Within 15 days of the finalization of the information, the dispute resolution process will begin with the subcommittee assisted negotiation.

#### **IV. Subcommittee Mediation**

In subcommittee mediation, an appointed sector-diverse subcommittee of Field to Market representatives will assist the disputant parties in generating and negotiating concrete, actionable solutions to the issues in dispute.

- A. The mediation process will commence after the finalization of information that comprises and lends evidence to the claims dispute.
  - i. No document(s) and/or information that was not included with the original claims dispute filing process will be brought forward in negotiation, unless that document(s) and/or information was not available to be provided at the time of the claims dispute filing procedure.
  - ii. In accordance with the above, a party seeking to rely on additional document(s) and/or information not in the original claims dispute filing process will provide an explanation why the document(s) and/or information was not available previously. The subcommittee will decide whether to allow the additional document(s) and/or information to be included in negotiation.
- B. In subcommittee mediation, an appointed and sector-diverse subcommittee of Field to Market representatives will assist both parties in generating and negotiating concrete, actionable solutions to the issues in dispute.
  - i. The subcommittee will be comprised of the Chair of the Field to Market Board of Directors and three other Field to Market member representatives.
  - ii. These three members of the subcommittee will be appointed by the Executive Committee of Field to Market and will each represent a different voting sector.
  - iii. To avoid conflict of interest, any member that is not independent from the project or the appealing party will not be selected to serve on the subcommittee and will abstain from any discussions/decisions about the appeal with subcommittee members.
  - iv. The subcommittee members will be given copies of the original claims dispute filing and any additional information provided by the disputing parties during the initial claims dispute filing process.
- C. The subcommittee members will assist the parties to negotiate options for resolution of the dispute, observing principles of impartiality, truthfulness, and fairness, in both the negotiation process and the formulation of the outcome. Outcomes may take the following forms, to be signed by both parties.
  - i. Memorandum of Understanding – a document containing concrete, actionable actions to be undertaken by the parties to resolve the issues in dispute to the satisfaction of each.
  - ii. Memorandum of Understanding with Outstanding Issues – as above, with specific unresolved issues called out
  - iii. Finding of No Agreement – contains a record of the attempted negotiation and a list of the issues that remain unresolved

- iv. Finding of No Conflict – makes note that the negotiation resulted in neither outstanding issues nor remedial actions to resolve issues originally in dispute

#### **V. Claims Dispute Arbitration**

Arbitration will be employed to resolve outstanding issues that have been defined by the assisted negotiation process and are supported by the evidence originally brought forward by each of the parties. It is a formal process whereby a certified arbitrator hears both sides of a dispute and issues a legally binding decision. Field to Market will contract arbitrators certified by the American Arbitration Association or a similar professional body to perform this process. The exact requirements of the process will be stipulated by the arbitrator.

#### **VI. Documentation and Transparency**

Field to Market aims to uphold the principles of truthfulness and transparency which is central to its systems.

- B. Field to Market will communicate the final decision back to the party requesting appeal within one week as well as the Project Administrator. While the subcommittee decision will not be made public, the project may wish to do its own communication about its status. If the result of the subcommittee findings determines malfeasance or that inaccurate information was supplied by the project, the appropriate measures to address non-conformity will be taken such as suspension or termination of the related Continuous Improvement Project.
- C. Field to Market will maintain a log of all claims disputes filed with Field to Market. Any original documentation submitted by the disputing parties will be returned to the parties as soon as reasonably practicable and copies of the filing will be stored at the office of Field to Market for a period of three years beginning on the date on which the claims dispute was initially determined to be valid. After this period all Field to Market copies of the claims dispute file may be destroyed.