

DISPUTE SETTLEMENT

POLICY

2025

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**Foreword**

In our commitment to fostering a harmonious and collaborative environment within our District, I am pleased to introduce the Dispute Resolution Policy formulated by the District Governance and Ethics Committee.

The Policy comes after we trained and accredited the first cohort of Rotary mediators in May 2025. This Policy, together with the list of mediators, is a testament to our commitment to constructively resolving conflicts and disagreements, ensuring that every voice is heard and every concern is addressed with respect and understanding.

The Dispute Resolution Policy outlines clear and accessible procedures for conflict resolution, emphasizing open communication, active listening, and mutual respect. By prioritizing dialogue and collaboration, we aim to create an environment where every member feels empowered to participate in constructive discussions, ultimately leading to fair and equitable solutions.

I encourage every Rotarian and Rotractor to familiarize themselves with the Policy and to uphold its principles actively. By doing so, we can collectively foster a culture of respect and understanding, ensuring that the community remains a safe and welcoming space for everyone.

I appreciate your commitment to fostering a peaceful and collaborative community.

I would also like to thank the District Governance and Ethics Committee, led by SC Francis Gimara, and the ALP Dispute Settlement Hub for benchmarking and developing the draft that led to the creation of this Policy.

Together, let us strive to resolve conflicts with dignity and compassion.

Warm regards.

**Anne Nkutu**

Governor

District 9213

**June 2025**



**Dispute Settlement Policy 2025**

1. **Purpose**

This Policy aims to promote a fair, transparent, and efficient process for resolving and settling disputes within Rotary District 9213, fostering harmony and constructive relationships among members, clubs, and stakeholders.

1. **Scope**

This policy applies to all disputes involving members, clubs, committees, or activities within Rotary District 9213.

1. **Principles**

This Policy is guided by the Rotary Four-Way Test, which is considered a great way to help ensure conflicts and differences are managed and settled productively. Of the things we think, say, or do:

1. Is it the **Truth**?
2. Is it **Fair** to all concerned?
3. Will it build **Goodwill** and **Better Friendships**?
4. Will it be **Beneficial** to all concerned?

The following principles further guide this Policy:

1. **Respect and Integrity**: All parties shall conduct themselves with respect and integrity.
2. **Fairness:** Disputes shall be settled impartially.
3. **Confidentiality**: Proceedings shall be kept confidential to protect privacy.
4. **Timeliness**: Disputes should be addressed promptly to prevent escalation.
5. **Dispute Settlement Process**

This Policy is guided by the following process and procedures for settling disputes.

## *Step 1: Informal Settlement or Resolution*

1. Parties are encouraged to address the issue directly through open dialogue and negotiation.
2. If informal resolution is successful, a record of the agreement should be documented.

## *Step 2: Mediation*

1. If informal discussions fail, parties may request mediation.
2. The Parties shall select a neutral mediator from the pool of certified mediators in District 9123.
3. Mediation aims to reach a mutually acceptable resolution.

## *Step 3: Formal Complaint*

1. If mediation does not settle the dispute, a formal written complaint may be submitted to the District Governance and Ethics Committee (DGEC).
2. The complaint should detail the nature of the dispute, identify the parties involved, and provide supporting evidence.

## *Step 4: Investigation and Review*

1. The DGEC reviews the complaint and may conduct interviews or collect additional information.
2. The Committee shall strive to reach a fair determination within 30 days.

## *Step 5: Resolution and Follow-up*

1. The DGEC issues a written decision that may include recommendations or sanctions.
2. Parties have the right to appeal the decision within 15 days.
3. **District Governance and Ethics Committee (DGEC)**
4. The DGEC shall comprise selected members committed to impartiality, including representatives from Rotary clubs and district leadership.
5. The Committee shall be responsible for overseeing investigations, mediations, and resolutions.
6. **Categories of Disputes**

Disputes are expected to arise, and they should be resolved with fairness and transparency. Only in exceptional circumstances should any dispute be escalated beyond a Rotary Club.

Disputes are typically related to complaints about process, behavior, or relationships. A complaint about the process can quickly escalate into a complaint about behavior or relationships; thus, both must be resolved as swiftly as possible to prevent disruption to the Club's effective operations.

Within Rotary, disputes are categorised by the parties involved, and the categories are as provided below, with the stages to assist in their settlement.

1. Disputes between club members, the club board and members, and the club and a third party.

The settlement will determine whether the issue relates to process or personality.

1. For matters of process:

* Investigation procedure is required.

1. For matters of personality

* Facilitated discussions
* Mediation
* Arbitration

1. Disputes between the club and district, complaints against the District or district officers (excluding the DG or PDG), disputes within the District team.

The settlement shall also determine whether the issue is a matter of process or personality.

1. For matters of process:

* Investigation procedure required

1. For matters of personality

* Facilitated conversation
* Mediation
* Arbitration

1. Complaints concerning past or current Officers of RI or Rotary GB&I

The settlement shall call for a referral to the Rotary District Executive Secretary (DES).

The flowchart below provides a reference to the correct procedure to follow when a dispute arises.

**YES**

Q1. Has a serious effort been made to settle the dispute by sensible discussion between the parties having regard to the Four Way Test?

**NO**

A serious effort to settle the dispute must be made



Q2. Who is the dispute between?

Allegations that could result in disciplinary action against a member or a club

Between the club and district; against district or district officers; within District team

Confirm Issue: Conversation; Facilitation; Investigate; Mediation; Arbitration

Between club members; club board and members; the club and a third party

Refer to the Rotary DES Secretary

Complaints concerning past or current Officers of RI or Rotary country office

Refer in accordance with the Rotary constitution to Rotary DES for investigation and disciplinary Procedure

Confirm Issue: Conversation; Facilitation; Investigate; Mediation; Arbitration

1. **Conflict Resolution Mechanisms**

## Informal Settlement or Resolution: Facilitation

The Policy underscores the fact that it is key to manage differences of opinion at an early stage. By following some simple steps and procedures, escalation of the problem can be prevented avoiding the risk of that difference of opinion turning into a more serious complaint or dispute.

The informal facilitation to settle or settle dispute shall call for:

* + *Speak face to face.*

Tone of voice, facial expression and other nonverbal cues are lost in email. Talk in person first then follow up with an email or letter.

* + *Meet in a neutral place.*

Try a meeting room at a local hotel, a public park or the coffee shop down the street. Talking in a different atmosphere encourages candidness and honesty.

* + *Consider the other person's point of view.*

Remain open even if you feel attacked and use "I" statements to avoid playing the blame game.

* + *Clarify the problem.*

Confusion is a breeding ground for miscommunication, so take time on the front end to work through the details of the misunderstanding.

* + *Discuss the facts.*

Explore the differences of opinion calmly and openly. When appropriate, share how you both feel about the situation. Sharing your feelings isn't just a touchy-feely exercise; it can disarm any defensive or hostile barriers that hinder effective communication.

* + *Find common ground and go from there.*

There must be something the two of you can agree on, so once you identify it, concentrate on the positive aspects of your agreement.

* + *Recognize that there is great potential to learn from one another's mistakes*. Consider this experience a valuable learning opportunity that will serve you well in the future.

## Mediation

The Policy positions mediation as a **pivotal** process step in the settlement of disputes.

## Definition

Mediation is a flexible and confidential process in which a neutral party actively helps the involved individuals work towards a negotiated agreement regarding a dispute or difference, with the parties ultimately in control of the decision to settle the terms of resolution.

This is a flexible process within the context. The mediator must not take sides or appear to be pushing toward a particular outcome. The mediator may strive to overcome deadlock and promote broader thinking. Discussions are confidential and are not binding until they are documented in an agreement.

Mediation does not begin with a preconceived outcome, except to discover a way forward from the present situation that is most likely to achieve reconciliation, a solution, or an acceptable accommodation of the problem. It should be conducted in an atmosphere of non-judgmental informality and in a manner that reduces nervousness, anger, or fear.

The following may be present at mediation

1. Parties
2. Their legal representatives are optional. However, when they arrive, they only play an advisory role to the parties and do not take the lead in the mediation as they do in litigation.
3. Mediator

While the parties involved in mediation have the right to be accompanied by legal representatives, it is recommended that, to maintain an informal atmosphere, parties be encouraged to meet with the mediator without such representation, if possible.

## District-accredited mediators

The Policy emphasizes that mediation in District 9213 shall be conducted by mediators trained and certified by the District. The list of these mediators is available at the District office.

## Cornerstones of mediation

* + *Confidentiality*

Nothing raised during mediation should be used or repeated elsewhere without specific consent.

* + *Ownership by the Parties & Respect*

It is for the parties to come to an ultimate agreement or not. It is not the mediator’s role to direct or advise. Facilitation, not direction, is the key.

Respect helps to build trust and to create an environment of openness and discussion. This is a process of encouragement and support rather than of criticism or judgment

* + *Neutrality and Impartiality*

The Mediator comes uncluttered with emotional and factual baggage.

* + *Empathy*

This is crucial for understanding each party's perspective, enabling the mediator to see the situation through another person’s eyes. This requires careful observation, concentration, and imaginative effort.

## Stages of mediation

The STAR approach to mediation shall be used as a guide to facilitate mediation in the District.

1. *Convening*

* The mediator needs to contact the parties to arrange a suitable, comfortable place and time for the mediation. It is essential that everyone feels they have all the necessary evidence and information to conduct the conversation.
* The mediator should obtain all relevant documentation and evidence, identify the key issues, and, if necessary, seek further clarification, whether before or during the mediation.
* A mediator is to keep an open mind. It is for parties to find a solution, not the mediator.
* In the Rotary setting, informality is a key factor and important for building trust between the parties and the mediator. The presence of legal representatives will be rare in this context, but there may be occasions where one party or the other feels the need for some support. That should not be prevented, but should not be encouraged.

1. *Opening*

The mediator should:

* Read the documents.
* Discuss the arrangements for the day with the parties and check that all have the authority to participate.
* Set the tone for the mediation and set out the ground rules.
* Nothing is binding unless agreed upon, and all discussions are protected by confidentiality.
* Set out the agenda as to the relevant issues and matters to be discussed and decided upon
* Encourage both parties to make an opening statement so that each is aware of the other's position.
* Importance of mutual respect.
* Welcome, preliminary comments.

1. *Communicating*

* Developing rapport and active listening skills.
* After the opening, meet with each party separately to gain their response to the position of the other.
* Allow each party to express their emotions and concerns; invite each party to stand in the other’s shoes.
* Try to gain an understanding of each party’s needs as well as interests.
* Encourage the exchange of information and begin encouraging the parties to acknowledge the issues and share ideas on a practical resolution. Joint meetings can be held throughout or a mixture of private meetings with each party and joint meetings.
* Encourage communication and the sharing of information and proposals. Look to the future rather than to the past.
* Confidentiality is vital in such private meetings, as it is essential not to disclose information to the other party without their prior consent.
* Allow space for reflection. Avoid deadlock. Look to the positive. Sometimes, encourage one or both parties to take a reality check regarding the risks and the downside if no agreement is reached.

1. *Negotiating*

* Avoid rushing to a solution too quickly.
* Review the progress, widen the perspective, and explore the hypothetical options before beginning to narrow them down.
* Possible examination of some issues and bargaining on others.
* Identify the elements of a possible settlement, but avoid giving opinions
* Create value and opportunity, assisting the party or parties to frame an offer or possible solution in a positive way that is likely to be received favourably by the other party.
* Assist each party in revisiting their risk analysis, enabling them to view offers in a different light and consider options more positively. Beware of “bottom lines” as these can change.
* Assist the parties in framing offers or agreements positively. In case of a deadlock, serve as a sounding board and conduct reality testing regarding a party’s position or proposal to help get matters moving again.
* Conclusion

1. *Closing—final settlement terms and drafting of the agreement*

* The mediator should ensure that the outcome is practical and workable. If a settlement is not reached, identify any next steps that may be taken.
* All matters discussed will not be disclosed to anyone without an agreement. Even then, it will be up to the parties to decide what can be disclosed to others, apart from the wording of the agreement.
* Confidentiality is always the key principle to be applied. Apart from the agreement, everything said in the room stays in the room.

## Arbitration

Arbitration is a formal process used to settle disputes and avoid expensive legal proceedings that might otherwise occur.

Who may be present:

* Parties
* Their legal representatives (this is optional)
* Arbitrators
* Umpire
* Scribe

While the parties to arbitration are entitled to be accompanied by legal representatives, It is suggested that, to keep the proceedings as informal as possible, the parties, at least in the first instance, agree to meet with the arbitrators/umpire without such representation.

1. **Investigation of a Complaint**

The Policy outlines the process and steps for addressing a complaint investigation as follows.

## Define and acknowledge a complaint.

As a starting point, the complaint needs to be clearly defined. The complainant should be asked to provide specific details about their complaint and who it concerns. The complaint should be acknowledged promptly, with assurance that it is receiving attention. Acknowledgment is an essential tool for managing expectations.

The acknowledgement should outline the complaint process and provide details of the contact person. To the extent possible, it should state how long it is likely to take to settle the complaint and when the complainant can expect to be contacted next. A written acknowledgement can be beneficial, but it is not always necessary.

It is good practice to ask how the parties would like the complaint to be resolved—in terms of the outcome they are seeking. Often, what the complainant seeks is straightforward—for example, an apology. In other cases, the complainant may have an altruistic purpose, such as a desire to raise awareness of the issue or to ensure that others do not find themselves in the same situation. Some problems may not be easy to resolve—for instance, a matter requiring major policy changes or disciplinary action. In these situations, it is important for the complainant to know that their concern is being taken seriously and that progress is being made on it.

## Plan the investigation

Straightforward complaints can often be resolved when identified early. If not, and the complaint requires investigation, a brief written plan should be created.

The plan should:

* define what is to be explored.
* List the steps involved in investigating the complaint and indicate whether further information is needed, either from the complainant or from another person or organization.
* provide an estimate for how long it will take to settle the complaint.
* Identify the remedy that the complainant is seeking, assess whether the complainant’s expectations are realistic or require management, and consider other possible remedies.
* Note any special considerations that apply to the complaint.

A written plan will direct attention to what is to be investigated. This will ensure that important issues are not overlooked and that the investigation remains on track. A plan also enables a District Officer to assess the progress of the investigation. This is particularly important if the investigation cannot be completed by the Rotarian to whom the complaint was originally assigned.

Planning and conducting an investigation is a dynamic and ongoing process. It is not always possible to know at the outset how an investigation will develop, and more complex investigations can take a long time. It is important to revisit the investigation plan regularly and make adjustments as circumstances change and new information becomes available.

## Investigation

The purpose of an investigation is twofold: to resolve the complaint by attaining a fair and independent perspective on the issues raised by a complainant, and to offer an appropriate remedy.

The three principles of fair investigation are:

1. *Impartiality*

Each complaint should be approached with an open mind, and the facts and arguments supporting a complaint should be weighed objectively.

1. *Confidentiality*

A complaint should be investigated confidentially, and caution should be exercised when revealing any identifying details of a complaint to others.

1. *Transparency*

A complainant should be informed about the steps in the complaint process and given an opportunity to respond to adverse information before a complaint is dismissed.

The following are among the requirements that are relevant to complaint investigation:

* A finding on a disputed factual matter must be based on evidence that is relevant and logically able to support the finding—not on guesswork, preconceptions, suspicion, or questionable assumptions.
* A written record should be kept of evidence that is provided orally.
* A complainant is not required to substantiate every fact or element in their complaint; however, it is reasonable for the investigator to request their assistance in the investigation by providing any documents they possess or explaining relevant information they know.
* An investigator can use reliable information obtained from any source.
* To ensure natural justice, a complainant should have the opportunity to respond to conflicting information or claims from another source before a decision is made to dismiss the complaint.

## Make and communicate decisions

It is not always possible to settle every disputed matter. The evidence available to the investigator may be scarce, inconclusive, or evenly balanced, and this should be communicated to the complainant. Additionally, consideration should be given to resolving the complaint in alternative ways, by exploring options for reaching a settlement or understanding between the complainant and those being complained about.

When the investigation of a complaint is completed, the complainant should be informed of the specifics of the investigation, including any findings or decisions made. Even if other aspects of the complaint are still under investigation, the complainant will typically appreciate an interim explanation of what has been concluded. Whether the explanation should be provided orally, in writing, or in both forms will depend on the circumstances. An oral explanation is usually more efficient and would be expected if that is the preferred method of communication by the complainant or was used in earlier interactions.

However, a written explanation is often more appropriate when the complaint involves a serious, complex, or disputed matter. It may be beneficial to speak with the complainant to inform them that a more detailed written explanation will be sent to them. The explanation should be communicated in a way that the complainant can understand and should address each concern or grievance raised in the complaint.

Consideration should be given to whether a remedy can be provided to the complainant. Among the potential remedies are a better or more comprehensive explanation, an apology, changing or reconsidering a decision, and expediting disciplinary action. If action is to be taken to address a fault or wrong suffered by the complainant, this should be clearly described.

On the other hand, if the investigating officer does not accept the claim made by the complainant, this should be noted and explained. An explanation should also be provided if it is decided not to investigate or to cease the investigation of an issue raised by the complainant.

1. **Investigation with Disciplinary**

A dispute that essentially amounts to a complaint regarding conduct that could lead to disciplinary proceedings shall be handled (and resolved) as follows.

1. *Stage 1 – Dispute (complaint) investigation*

In the case of specific complaints against clubs, district officers (excluding District Governors or past officers of RI) or district committee members, such shall be investigated by the DGEC or an independent Rotarian appointed by the District Governor using the following process:

1. Individuals filing the complaint should be asked to submit, within a reasonable timeframe, statements that detail the nature of the complaint(s).
2. Thereafter, the party who is the subject of the complaint should be notified of the details of the complaint and invited to submit a written response within 28 days.
3. Thereafter, the matter will be further investigated, with particular regard to the need for full disclosure and fairness. The parties to the complaint have the right to be heard under arrangements agreed upon between the parties and the person appointed.
4. *Stage 2 – Investigation findings*

The person duly appointed to investigate shall communicate the findings and decisions to the parties and the District Governor, with the expectation that all parties involved in the decision will abide by them.

1. *Stage 3 – Appeal*

Any appeal against such a decision must be made through a written request for mediation (if appropriate) or arbitration. The written request for appeal must be submitted no later than 21 days from the date the decision is notified to the party or club.

1. *Stage 4 – Disciplinary Action*
2. If a complaint against an individual Rotarian is upheld, then, depending on the nature of the complaint, the actions outlined in the Club Constitution may be taken.
3. If the complaint is upheld against a club for acting contrary to the principles of Rotary, or for allowing one or more of its members to do so, or for failing to take proper disciplinary action against one of its members, then under normal circumstances the matter shall be referred to the General Secretary and the DGEC with the intention of requesting RI to remove that club's Charter. In all other respects, the club and its members shall abide by the appropriate decision or risk the removal of its charter.
4. If a complaint is upheld against a district officer or member of a district committee, that individual must comply with the terms of the decision. Removal from district office and/or termination of club membership may be a consequence of such a decision or of a refusal to abide by it.
5. **Confidentiality and Non-Retaliation**
6. All dispute-related information shall be kept confidential.
7. No party shall be subject to retaliation for participating in the resolution process.
8. **Implementation and Review**
9. This policy will be reviewed annually by the DGEC and the District Leadership Team.
10. Any amendments shall be communicated promptly to all members and clubs.

*By adopting this Dispute Resolution Policy, Rotary District 9213 aims to uphold Rotary’s principles of integrity, fellowship, and service.*

**June 2025**