



HANDLING CONFLICTS, DISPUTES AND COMPLAINTS

Early attention to and resolution of conflicts, disputes and complaints provides an opportunity to keep members engaged and motivated about their service, as well as an opportunity for Rotary and Rotaract Clubs to learn, and to strengthen relationships and reputation. The opposite is true when conflict is poorly managed.

Best practice is to have simple, fair, confidential and transparent dispute resolution procedures in place that accord with Rotary International's Manual of Procedure. Effective leaders take disputes seriously and address issues quickly and effectively, so they don't escalate.¹

There are five elements of best practice to have in place.

Principles

Clear principles aligned with the values and objects of Rotary guide understanding and implementation of conflict management and dispute resolution. The principles are based on contemporary theory and practice in a national context (meaning they may have to adapt to local laws and culture).

Management System

The system itself should support early and effective resolution. In Rotary Pacific, the system consists of:

- Leadership; the Regional Council, the Corporate and Administration Unit, Rotary Community Leaders, Club leaders and, as appropriate, District Governors, the Zone 8 Director and other RI leaders.
- Guidance laid out in clear policies and procedures.
- Specialists giving guidance and hands-on assistance.
- Qualifications and training² for all, building competence and resilience.

Regulations and Law

Understanding and remaining abreast of changes in regulations and law. Being able to quickly discern which path to follow. Some aspects to be considered:

- Appropriateness: at what level should this be handled and by whom, reporting to who?

¹ Adapted from the Fair Work Ombudsman <https://www.fairwork.gov.au/tools-and-resources/best-practice-guides/effective-dispute-resolution> accessed on 22 July 2024

² Qualifications and training requirements will depend on your role. All Rotary members should start with the Learning Center.

- **Criminality:** sexual assault and sexual harassment are referred to authorities with minimal fact finding
- **Youth and vulnerable persons:** Rotary International, Districts, and Clubs have specific immediate actions and procedures to be followed when youth and vulnerable persons are involved.
- **Claims of bullying and harassment,** either formal or informal, are two examples of matters that may require formal fact-finding and decision-making. Although it is preferable to resolve such claims at the level of the incident, Clubs are advised to seek expert guidance on the handling of such claims.

Skills

Skills come from training, practice and further learning. The stronger the skill-base, the stronger the resilience through conflict-competence. Members with responsibilities for conflict management, and the specialists they rely on, will need varying levels of formal training and experience.

All Rotary members are encouraged to build conflict-competence, and the following RI Learning Center courses are recommended as a baseline.

- Essentials of Understanding Conflict
- Preventing and Addressing Harassment
- Diversity, Equity and Inclusion
- Microaggressions

Process

The process and pathways for conflict management and dispute resolution should be:

- Well documented, with responsible appointments and contacts listed.
- Up to date
- Easy to understand and follow
- Transparent and accessible
- Confidential
- Timely

A good process is underpinned by members understanding their responsibilities and acting on them.

The following is an overview of a best practice conflict management and dispute resolution system for Rotary Pacific.

Conflict Management and Dispute Resolution

Unresolved conflict is a major source of dissatisfaction in volunteer organisations and Rotary and Rotaract are no exception. Some people try to avoid conflict at all costs and others tend to blame someone or something else for causing it. These responses generally do not resolve conflict and may make the situation worse.

Conflict is a normal part of life and is even recognised as being useful for idea generation and creativity when it is harnessed in a respectful and open team. There are many issues that could cause conflicts to arise within Rotary and Rotaract, which, if not resolved, can be highly destructive. Rotary and Rotaract leaders can take steps to minimise potential situations of conflict before they arise or to resolve conflict constructively. You might see conflict arise as a “personality clash” or accusations of bullying, perhaps someone not pulling their weight (or throwing their weight around), or people just not feeling valued. Five of the most common factors that lead to conflict situations within organisations are:

Misunderstandings

Conflict can arise from misunderstandings about:

- The nature, aims and objectives of a program, project or event
- Differing expectations about how things should be done
- Work (volunteer) conditions and recognition
- The different responsibilities of members in a club or team
- Differences in values, beliefs, needs, or priorities

Poor communication

Communication relies on clear and complete messages being sent as well as being received. There are many ways to improve information flow and communication.

Lack of planning

Lack of planning often means an organisation moves from one crisis to the next. This sense of disorganisation and lack of direction can be stressful and can create many problems including misunderstandings. The time spent in planning will be recouped many times over in the more efficient use of member’s time, and in real and long-term benefits to clients.

Poor leader/volunteer selection

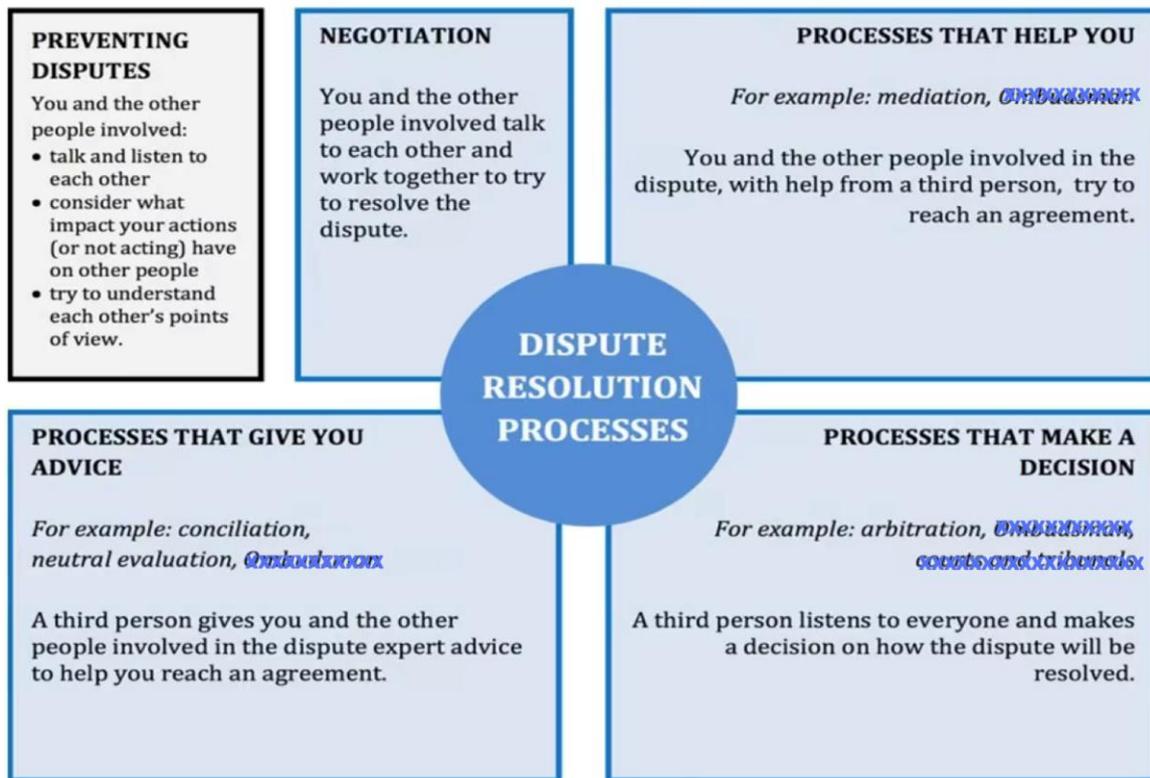
Inappropriate selection of people for tasks in a volunteer organisation can result in ill-feeling and conflict and it can be made worse when someone must be removed from a task.

Frustration, stress and burnout

When people become frustrated or stressed, they are more irritable and more likely to create conflicts than at other times. It is important to recognise the signs of stress in volunteer’s work situations to prevent burnout. Try to help people identify the causes of volunteer-related stress, and take steps to change these factors or, better still, try to anticipate possible causes of stress before they arise.

Don’t wait for conflict to build up in your Rotary or Rotaract entity. Make it a ground rule to deal with conflict immediately, as it is much easier to find solutions to a conflict when it first develops. Approach conflict as a joint problem to be solved at the lowest possible level, not as something to be “won”.

The following diagram is a representation of different approaches available for resolving conflict. The Ombudsman, courts and tribunals are not available for disputes within Rotary.



Source: <https://www.nsw.gov.au/community-services/volunteering/resources-for-volunteering-nsw/volunteering-conflict-resolution-toolkit/volunteering-conflict-processes-to-manage-conflict>

Preventing disputes and negotiation are the preferred first steps as it keeps the issue at the level where it is owned by the parties. If that is not achievable, then getting advice and coaching on how to deal with the conflict from a person with a background and skills in conflict and dispute resolution can help the parties move forward. Mediation is a more skilled and process-driven option, and arbitration is where an arbitrator decides on how the dispute will be resolved. The Rotary International conflict management process aligns with these recommended levels of resolution.

The following process applies to disputes;

- in a Club between members, or the members and the club officers, or board, or former members and the club, or
- between the current or former member(s) of a club and a district, RI, or an RI officer, and
- when adopted by the Zone 8 Regional Council, between the current or former member(s) of a club and the Regional Council or a Regional Council Director or Portfolio Committee member including Corporate and Administration.

In this latter case the RI bylaws Section 24 are taken to apply to the Zone 8 Regional Council.

In all cases the Rotary International governing documents, the Manual of Procedure, and the Code of Policy should be referred to for latest updates.

Guiding Principles for Managing Conflict and Dispute Resolution in Rotary Pacific

Step1. Conflict Management Coaching

Club president seeks guidance from a specialist in conflict management for coaching on how to manage a dispute between members in the club. The aim is to resolve conflict within the club respectfully and without external intervention.

Step 2. Conflict not resolved – appointment of mediator

Appointment

A mediator is appointed by agreement, or if no agreement, by appointment by the District Governor or the District Governor's representative³. This may also be covered by District and/or Club incorporation documents. The mediator must be a Rotarian, and it is recommended that the mediator is accredited under national mediation standards.

Role of Mediator

- Mediator must use best endeavours to bring parties to agreement
- To facilitate fair, unbiased and informal process
- To facilitate discussion to settle matter on terms agreed by parties themselves
- To be neutral
- To maintain confidentiality

Mediation Conference

Process Model for Mediation:

- Introduction and explanation of process
- Parties' statements
- Joint settlement discussions
- Private sessions if required
- Final joint session
- Agreement drafted and copied to each party
- Where no agreement reached, a summary of issues and pathways forward

Step 3. Conflict not resolved – appoint 1 or 3 arbitrators

Appointment - Conciliation-Arbitration Model

- Wise choice of arbitrator, preferably with legal experience
- If three, Umpire to be respected by all parties
- Arbitrators and Umpire to be independent and impartial
- Usually, if one arbitrator, party agrees on choice, if no agreement, appointment by DG or DG representative⁴.
- If three, each party chooses one and the umpire is appointed by the DG or DG representative.⁵

Process

- Early exchange of information
- Encouraging and facilitating agreement at all stages
- Ensuring parties are aware of nature of proceedings

³ Unless and until this responsibility transfers to the Regional Council

⁴ As for 2.

⁵ As for 2.

- Ensuring procedural fairness
- Limited opportunity for oral evidence, allow only to clarify written submissions
- Arbitrators to use best endeavours to settle before determining matter
- No private discussions with any party or representative

2 **Role of Arbitrators**

- Review any agreements/negotiations
- Establish agreed facts and issues
- Encourage parties to review strengths and weaknesses
- Identify barriers and explore solutions
- Identify best and worst-case scenarios
- Facilitate realistic and durable settlement
- Determine matter if unable to resolve
- If arbitrators cannot agree, Umpire to make determination

EXTRACTS FROM RI GOVERNANCE DOCUMENTS AS OF DECEMBER 2024
A GUIDE ONLY -
ALWAYS CONSULT THE LATEST VERSIONS FOR UPDATE

Standard Rotary Club Constitution

Article 17 Arbitration and Mediation

Section 1 — Disputes. Any dispute between any current or former member(s) and this club, any club officer, or the board, except a decision of the board, shall, upon a request to the secretary by any disputant, be resolved by either mediation or arbitration.

Section 2 — Date for Mediation or Arbitration. Within 21 days after receipt of the request, the board shall, in consultation with the disputants, set a date for the mediation or arbitration.

Section 3 — Mediation. The procedure for mediation shall be

- (a) recognized by an appropriate authority with national or state jurisdiction.
- (b) or 12 (b) recommended by a competent professional body whose recognized expertise covers alternative dispute resolution.
- (c) or (c) recommended in documented guidelines determined by the RI board or TRF Trustees.

Only Rotarians may be mediators. The club may ask the governor or the governor's representative to appoint a mediator with appropriate mediation skills and experience.

- (a) Mediation Outcomes. The outcomes or decisions agreed to by the disputants after mediation shall be recorded and copies given to each party, the mediator or mediators, and the board. A summary statement acceptable to the parties shall be prepared for the information of the club. Any disputant, through the president or secretary, may call for further mediation if a party has retracted significantly from the mediated position.
- (b) Unsuccessful Mediation. If mediation is requested but is unsuccessful, any disputant may request arbitration, as provided in section 1 of this article.

Section 4 — Arbitration. In the event of a request for arbitration, each disputant shall appoint a Rotarian as an arbitrator and the arbitrators shall appoint a Rotarian as an umpire.

Section 5 — Decision of Arbitrators or Umpire. The decision reached by the arbitrators or, if they disagree, by the umpire shall be final and binding on all parties and not be subject to appeal.

Standard Rotaract Club Constitution

Article 14 — Arbitration and Mediation

Section 1 — Disputes. Any dispute between any current or former member(s) and this club, any club officer, or the board, except a decision of the board, shall, upon a request to the secretary by any disputant, be resolved by either mediation or arbitration.

Section 2 — Date for Mediation or Arbitration. Within 21 days after receipt of the request, the board shall, in consultation with the disputants, set a date for the mediation or arbitration.

Section 3 — Mediation. The procedure for mediation shall be

- (a) recognized by an appropriate authority with national or state jurisdiction;
- (b) or recommended by a competent professional body whose recognized expertise covers alternative dispute resolution; or
- (c) recommended in documented guidelines determined by the RI board or TRF Trustees. Only Rotary members may be mediators. The club may ask the governor or the governor's representative to appoint a mediator with appropriate mediation skills and experience.
- (d) *Mediation Outcomes.* The outcomes or decisions agreed to by the disputants after mediation shall be recorded and copies given to each party, the mediator or mediators, and the board. A summary statement acceptable to the parties shall be prepared for the information of the club. Any disputant, through the president or secretary, may call for further mediation if a party has retracted significantly from the mediated position.
- (e) *Unsuccessful Mediation.* If mediation is requested but is unsuccessful, any disputant may request arbitration, as provided in section 1 of this article.

Section 4 — Arbitration. In the event of a request for arbitration, each disputant shall appoint a Rotary member as an arbitrator and the arbitrators shall appoint a Rotary member as an umpire.

Section 5 — Decision of Arbitrators or Umpire. The decision reached by the arbitrators or, if they disagree, by the umpire shall be final and binding on all parties and not be subject to appeal.

RI Bylaws Article 24 Arbitration and Mediation

24.010. Mandatory Mediation or Arbitration.

24.020. Mediation.

24.030. Arbitration

24.040. Costs of Mediation or Arbitration

24.010. Mandatory Mediation or Arbitration.

Any dispute between the current or former member(s) of a club and a district, RI, or an RI officer, on any account whatsoever that cannot be settled amicably, except a board decision, shall, upon a disputant's request to the general secretary, be resolved by mediation or, if mediation fails, by arbitration. A request must be made in writing within 60 days after the occurrence of the dispute. Within 90 days after receiving the request, the board shall set the time, place, and manner of the mediation.

24.020. Mediation. The board shall set the procedure for mediation, including appointing as mediator a neutral and detached Rotarian with appropriate skills and experience. Either party may request as mediator a Rotarian who is not a member of any disputant's club. The decision of the mediator shall be in writing and distributed to the parties and the general secretary. A party who disagrees with the outcomes may request further mediation.

24.030. Arbitration. If mediation has failed, any disputant may request arbitration. The board shall set the time, place, and manner of the arbitration. Each party shall appoint a Rotarian as an arbitrator. Multiple parties with similar positions, as determined by the board, shall agree on one arbitrator. The arbitrators shall appoint as an umpire a neutral and detached Rotarian with appropriate skills and experience. The decision by the arbitrators or, if they disagree, by the umpire, shall be final and binding on all parties and not subject to appeal.

24.040. Costs of Mediation or Arbitration. Costs of mediation or arbitration shall be paid equally by the disputants, unless otherwise decided by the mediator, arbitrators, or umpire.

Harassment

Rotary International Code of Policies

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26.120. Harassment-Free Environment at Meetings, Events, or Activities

Rotary is committed to maintaining an environment that is free of harassment. Harassment is broadly defined as any conduct, verbal or physical, that threatens, denigrates, insults or offends a person or group based on the following characteristics: age, ethnicity, race, color, disability, religion, socioeconomic status, culture, sex, sexual orientations, or gender identity.

All members and individuals attending or participating in Rotary meetings, events or activities should expect an environment free of harassment and shall help maintain an environment that promotes safety, courtesy, dignity, and respect to all. Adults who work with youth are subject to policies outlined in Rotary Code of Policies section 2.120. District leaders, including governors, assistant governors, and committee chairs are encouraged to work with their clubs to create a harassment-free environment. District leaders should also work with their clubs to establish a code of conduct and policies for how to address and prevent harassment within their clubs, among their membership, and with other participants in Rotary.

All allegations of criminal activity should be referred to appropriate local law enforcement authorities. The Rotary or Rotaract club board, district, or zone leadership shall promptly address allegations of harassment and shall not retaliate against those making the allegation.

For Rotary or Rotaract clubs, allegations of harassment at Rotary events or activities shall be reviewed by the Rotary or Rotaract club board and responded to within a reasonable timeframe, typically one month. If the alleged offender is a member of the Rotary or

Rotaract club board, the individual is expected to remove oneself from the discussion. The review and/or investigation shall be dependent on the circumstances including the severity and pervasiveness of the behavior. Concerns that allegations of harassment were not adequately addressed by the Rotary or Rotaract club, may be referred with appropriate documentation to the district governor.

For districts, allegations of harassment at Rotary events or activities shall be reviewed by the governor, or a committee appointed by the governor for this purpose, and responded to within a reasonable time-frame, typically one month. If the district governor is the alleged offender, the immediate past district governor (or most recent past governor), directly or by appointment of a committee for this purpose, shall review and respond to the allegation. The general secretary shall be informed within two weeks of any allegations of harassment by district governors, governors-elect, and governors-nominee. The review and/or investigation shall be dependent on the circumstances including the severity and pervasiveness of the Rotary International Code of Policies October 2024 154 behavior. Concerns that allegations of harassment were not adequately addressed by the district, may be referred with appropriate documentation to the RI Director whose zone includes the district.

For zones, allegations of harassment at Rotary meetings, events or activities shall be reviewed by the RI Director, or a committee appointed by the RI Director for this purpose, and responded to within a reasonable time-frame, typically one month. If the RI Director is the alleged offender, either another current or past RI director as appointed by the RI president shall review and respond to the allegation.

The RI president shall be informed within two weeks of any allegations of harassment by RI directors, directors-elect, and directors-nominee. Concerns that allegations of harassment were not adequately addressed by the zone, may be referred with appropriate documentation to the RI president.

Any person involved in Rotary against whom any allegation of sexual abuse or sexual harassment is made must be removed from all contact with youth until the matter is resolved.

A non-Rotary volunteer who admits to, is convicted of, or is otherwise known or found to have engaged in sexual abuse or sexual harassment must be prohibited from working with youth in a Rotary context.

A Rotary or Rotaract club must terminate the membership of any individual who admits to, is convicted of, or is otherwise known or found to have engaged in sexual abuse or sexual harassment or severe and/or pervasive harassment.

A Rotary or Rotaract club may not grant membership to a person who admits to, is convicted of, or is otherwise known or found to have engaged in sexual abuse or sexual harassment, or severe and/or pervasive harassment. Upon obtaining information that a club has knowingly failed to terminate the membership of such an individual, the RI Board may terminate the club for failure to function.

Rotary and Rotaract club, district, and zone leaders must promptly report sexual abuse, sexual harassment, and severe and/or pervasive harassment and any resulting membership terminations to the general secretary. Failure to adequately address findings of harassment will be reported to the RI Board for appropriate action, which may include club termination or other sanctions.

As it pertains to Rotary Alumni Associations, Rotary Action Groups, and Rotary Fellowships, the Alumni Association, Rotary Action Group, and Rotary Fellowship leadership shall promptly address allegations of harassment and shall not retaliate against those making the allegation. Allegations of harassment at an Alumni Association, Action Group, or Fellowship event or activity shall be reviewed by the Alumni Association, Action Group, or Fellowship, or a committee appointed by the chair of the Alumni Association, Action Group, or Fellowship for this purpose, and responded to within a reasonable time-frame, typically one month. If the chair or other leaders of the Alumni Association, Action Group, or Fellowship is/are the alleged offender, the immediate past chair (or most recent chair), directly or by appointment of a committee for this purpose, shall review and respond to the allegation. If the alleged offender is a member of the board of the Alumni Association, Action Group, or Fellowship, the individual is expected to remove oneself from the discussion. The review and/or investigation shall be dependent on the circumstances including the severity and pervasiveness of the behavior. Concerns that allegations of harassment were not adequately addressed by the Alumni Association, Action Group, or Fellowship may be referred with appropriate documentation to the RI president.

Rotary Alumni Associations, Rotary Action Groups, and Rotary Fellowships must report allegations of harassment to the alleged offender's club president and district governor. If a Rotary Alumni Association, Rotary Action Group, or a Rotary Fellowship fails to adequately address findings of harassment, the RI president shall notify the RI Board for appropriate action. Such action may include termination or other appropriate sanctions.

Discipline

The updated Rotarian Code of Conduct; the last aspect has been included since Jan 2019.

As a Rotarian, I will:

- Act with integrity and high ethical standards in my personal and professional life
- Deal fairly with others and treat them and their occupations with respect
- Use my professional skills through Rotary to: mentor young people, help those with special needs, and improve people's quality of life in my community and in the world
- Avoid behaviour that reflects adversely on Rotary or other Rotarians.
- Help maintain a harassment-free environment in Rotary meetings, events, and activities, report any suspected harassment, and help ensure non-retaliation to those individuals that report harassment (January 2019 Mtg., Bd. Dec. 119).

Source: COL 89-148; Amended by May 2011 Mtg., Bd. Dec. 204; September 2011 Mtg., Bd. Dec. 87; October 2013 Mtg., Bd. Dec. 31; January 2014 Mtg., Bd. Dec. 88; October 2014 Mtg., Bd. Dec. 60; January 2019 Mtg., Bd. Dec. 119

Termination of a Member

Standard Rotary Club Constitution updated after 2019 COL. (Rotaract Club Constitution similar in wording)

Article 13 Duration of Membership

Section 5 — Termination — Other Causes.

1. (a) *Good Cause.* The board may terminate the membership of any member who ceases to have the qualifications for club membership or for any good cause by a vote of at least two-thirds of the board members present and voting, at a meeting called for that purpose. The guiding principles for this meeting shall be article 8, section 1; The Four-Way Test; and the high ethical standards of a Rotarian.

2. (b) *Notice.* Before the board acts under subsection (a) of this section, the member shall be given at least 10 days' written notice and an opportunity to respond in writing to the board. Notice shall be delivered in person or by registered letter to the member's last known address. The member has the right to appear before the board to state his or her case.

Section 6 — Right to Appeal, Mediate, or Arbitrate Termination.

1. (a) *Notice.* Within seven days after the board's decision to terminate or suspend membership, the secretary shall notify the member in writing. Within 14 days after the notice, the member may give written notice to the secretary of an appeal to the club or a request for mediation or arbitration. The procedure for mediation or arbitration is provided in article 17.

2. (b) *Appeal.* In the event of an appeal, the board shall set a date for the hearing at a regular club meeting held within 21 days after receipt of the notice of appeal. At least five days' written notice of the meeting and its special business shall be given to every member. Only members shall be present when the appeal is heard. The action of the club is final and binding on all parties and shall not be subject to arbitration.

Section 7 — Board Action Final. Board action shall be final if no appeal to this club is taken and no arbitration is requested.

Rotary International Code of Policies

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26.100. Mediation and Arbitration Guidelines

The Board interprets RI Bylaws section 24.010. to require that a request for mediation or arbitration of a dispute must be received by the general secretary no later than 60 days after the date of the occurrence of the dispute.

The Board interprets RI Bylaws article 24 to apply only to disputes that do not involve actions taken by RI, a district or an RI officer pursuant to authority granted under the RI constitutional documents, the *Rotary Code of Policies*, or the *Rotary Foundation Code of Policies*.

26.100.1. Mediation or Arbitration Requests

Any request for mediation or arbitration pursuant to Article 24 of the RI Bylaws

must be received by the general secretary no later than 60 days after the date of the occurrence of the dispute. Only disputes that do not involve the actions taken by RI, a district, or an RI officer pursuant to authority granted under the RI constitutional documents, the *Rotary Code of Policies* or *The Rotary Foundation Code of Policies* shall be eligible for mediation or arbitration. After receiving a mediation request from one party, the general secretary shall inform the other party in question of the request and notify the parties of the proper procedure to be followed.

26.100.2. Methods of Resolution

Should one party refuse to agree to mediation, the dispute may be settled by arbitration pursuant to section 24.030. of the RI Bylaws. Should all parties agree to mediation, they may request the general secretary to appoint a mediator pursuant to section 24.020. of the RI Bylaws.

26.100.3. Summary and Analysis of Complaint

Each party shall prepare and convey to the mediator and/or arbitrators a summary and analysis of the dispute, with copies of all documents submitted. Any document submitted by the parties to the dispute shall be made available to all parties

26.100.4. Mediator and/or Arbitrators' Report to Board

Based on its review of the available information, the mediator or arbitrators shall report to the Board the findings of fact, decision and reasons therefor

26.100.5. Arbitration

Should mediation be unsuccessful or if mediation is refused by one or more of the parties, the dispute may be settled by arbitration. Each party shall appoint an arbitrator and the arbitrators shall appoint an umpire. The arbitrators and umpire must be Rotarians.

26.100.6. Delegation of Authority

The board delegates authority to the general secretary to act on its behalf regarding the setting of dates for mediation and/or arbitration and on any matter pertaining to the procedure for mediation and arbitration that is not otherwise addressed in Article 24 of the RI Bylaws