



Dispute Management Procedures and Information Guidance Sheets

1. Procedures for Managing Complaints or Disputes

When a group of people share views on what they should be doing and how it should be done, disagreements and differences of opinion can and do happen.

Each person has a unique way of viewing the world, so conflict isn't necessarily a bad thing. In fact, differences of opinion often foster open communication and change. But what do we do when those differences of opinion negatively impact on those around you or your own ability to enjoy your Rotary experience?

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

Here's what you can do:

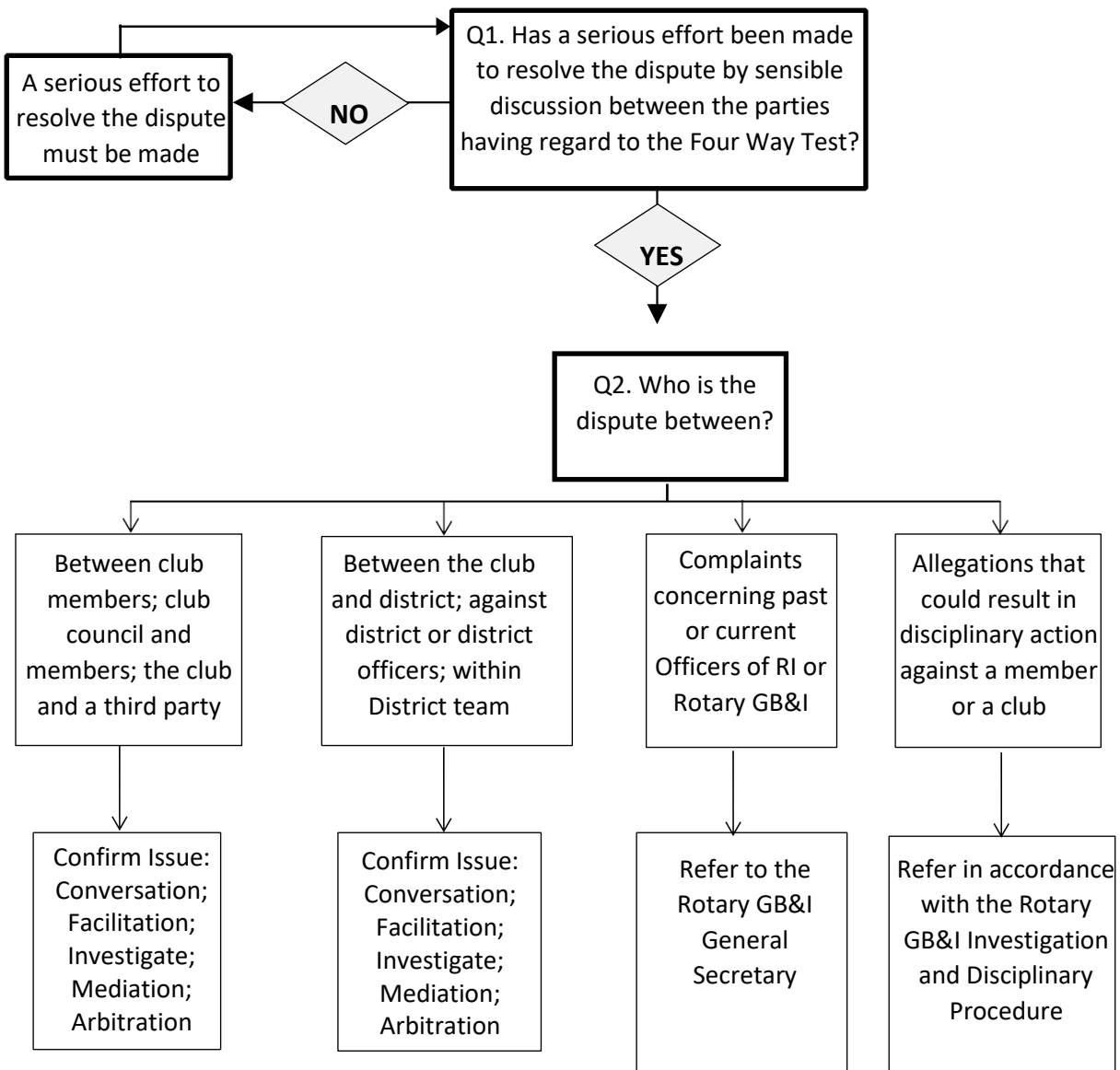
- ***Speak face to face.***
Tone of voice, facial expression and other nonverbal cues are lost in email. Talk in person first then follow up with an email or letter.
- ***Meet in a neutral place.***
Try a meeting room at a local hotel, a public park or the coffee shop down the street. Talking in a different 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 difference of opinion calmly and openly and when appropriate, share how you both feel about it. Sharing your feelings isn't just a touchy-feely exercise, it can disarm any defensive and hostile walls that are a barrier to good communication.
- ***Find common ground and go from there.***
There has to be something that the two of you agree on, so once you find what it is, focus on the positivity in your agreement.
- ***Realise that there is a great potential to learn from each other's mistakes.***
Consider this experience a learning one that will serve you well down the road.

Disputes will normally be related to a complaint of process or behaviour/relationship. A complaint against process can escalate quickly to become a complaint of behaviour/relationship therefore both need to be resolved as quickly as possible to avoid disrupting the good workings of the club.

Where possible the Club Council should resolve its own affairs using the guidance above, using the support of an independent Assistant Governor. **The way forward may include:**

1. Discussion (with an independent facilitator)
2. Investigation (to establish facts)
3. Mediation (to reach agreed resolution)
4. Arbitration (provides external resolution decision)

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



In Rotary, the Four-Way Test is a great way to help ensure conflicts and differences are managed in a productive way. 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?

2. Dispute Categories

It is expected that disputes between the club and members or former members of that club will be resolved by the club, at club level, in the spirit of fairness and transparency. It is expected that only in exceptional circumstances will any dispute need to be escalated beyond the Club.

Private disputes involving members or ex members of clubs should not be a matter in which Rotary clubs and districts ought to be involved. Other avenues are available for such disputes including civil litigation. They do not form part of the categories detailed below, unless a specific link can be shown.

Within Rotary, disputes are categorised by the parties involved and three such categories are provided for as shown below with the stages to assist resolution:

A. Disputes between club members; club council and members; the club and a third party:

Conversation and discussion to ascertain if the issue is a matter of process or personality (see Managing Complaints and Disputes)

1. For matters of Process:
 - a. Investigation procedure required (see Investigating a Complaint)
2. For matters of Personality:
 - a. Facilitated Conversation (see Managing Complaints and Disputes)
 - b. Mediation - see Guidelines to Mediation (section 6), use a competent* Mediator
 - c. Arbitration - see Guidelines to Arbitration (section 8), use a competent Arbitrator

B. Disputes between the club and district; complaints against district or district officers (excluding the DG or PDG); dispute within District team:

Conversation and discussion to ascertain if the issue is a matter of process or personality (see Managing Complaints and Disputes)

1. For matters of Process:
 - a. Investigation procedure required (see Investigating a Complaint)
2. For matters of Personality:
 - a. Facilitated Conversation (see Managing Complaints and Disputes)
 - b. Mediation - see Guidelines to Mediation (section 6), use an experienced* Mediator
 - c. Arbitration - see Guidelines to Arbitration (section 8), use an experienced Arbitrator

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

1. Referral to the Rotary GB&I General Secretary – reference section 10**

* **By example:** holding a legal background, senior HR position, counsellor, mediator or experience in solving private disputes

** **Disciplinary Action:** may be taken in some cases; the procedure for such action is fully documented – see Investigation with Disciplinary (section 9).

3. Facilitation

Ask someone who is neutral and whom you trust to be present at a meeting or discussion to guide or steer the discussion, avoiding too much emotional overload and enabling all parties to express their concerns to the best advantage.

Sometimes it helps that a third party can inject objectivity into what might be a very introverted discussion. Create the space for discussion and try to build in trust, respect and mutual understanding into the meeting or discussion.

A facilitator helps to create a structure or basis of discussion but is not involved in outcome.

4. Mediation and Arbitration (within Rotary)

Disputes between Rotarians and within the Rotarian family are governed by the Rotary GB&I Constitution and By-laws. By being a member, a Rotarian is deemed to consent to the processes and procedures provided for.

It is recognised that each Club is a legal and autonomous entity with the right and duty to conduct its affairs within the current Rotary Constitution and Bylaws. Articles 15 & 19 provide for resolution of disputes (other than to a decision of the Club Council) through mediation and/or arbitration. Any dispute regarding internal club administration, such as timings, structure, custom and practice etc. are matters for the club alone and are not subject to the mediation and arbitration processes provided for in Article 15.

It should be noted that if the complainant wishes for arbitration then that request will bring arbitration into being regardless of the consent of the other Rotarian party. However, given the terms of Article 15, it is desirable in the first instance to proceed to mediation as the preferred first step; arbitration can then follow if needed.

Any dispute that proceeds to mediation must do so with a suitably qualified person to conduct that mediation. Should however that attempt at mediation fail to resolve the dispute then it will, on the request of either party, proceed to arbitration; the resulting arbitration decision is final and binding on all parties and shall not be subject to appeal.

Where the dispute is with a non-Rotarian then arbitration can only go ahead with consent of that third party and should seek as far as possible to reflect good civil practice.

The District Governor and/or District Secretary will be able to provide advice to Rotarians within their District to ensure fairness and equity in managing difficulties that may arise between members, clubs and those holding District roles. This advice is subject to the expectation that the club will deal with its own affairs as far as is possible.

It is intended by these procedures that the process of dispute resolution is transparent, fair to all, and gives every opportunity for the dispute to be fairly determined.

5. Investigating a Complaint

There are five steps to handling a complaint investigation:

1. Define and acknowledge the complaint
2. Plan the investigation
3. Come to a reasoned and justifiable view about the complaint
4. Consider appropriate remedies
5. Make and communicate decisions

Define and Acknowledge

First and foremost, the complaint needs to be clearly defined. Request that the complainant provides specific details about their complaint and who the complaint concerns. Acknowledge the complaint quickly and give assurance that the complaint is receiving attention. This acknowledgement can be an important tool in managing expectations.

The acknowledgement should outline the complaint process and provide details of the contact person. As far as possible, state how long it is likely to take to resolve the complaint and when the complainant will next be contacted. Written acknowledgement can be beneficial but is not always necessary.

It is good practice to ask how they would like to see the complaint resolved— what outcome are they seeking. Often what the complainant is seeking will be straightforward—for example, an apology. In other cases, the complainant might have an altruistic purpose, such as a desire to raise awareness of the problem or to ensure that other people will not find themselves in the same situation. Some problems might not be easy to resolve—for example, a matter requiring major policy change or disciplinary action. In these instances, it is important the complainant knows that their concern is being taken seriously and that work on it is progressing.

Planning

Complaints that are straightforward can often be resolved when first identified. If this is not the case and the complaint require investigation, a short-written plan should be prepared.

The plan should:

- define what is to be investigated
- list the steps involved in investigating the complaint and state whether further information is required, either from the complainant or from another person or organisation
- provide an estimate of the time it will take to resolve the complaint
- identify the remedy the complainant is seeking, whether the complainant's expectations are realistic or need to be managed, and other possible remedies
- note any special considerations that apply to the complaint

A written plan will focus attention on what is to be investigated. This will ensure that important matters are not overlooked, and that the investigation does not wander off course. A plan also allows a District Officer to review the course of the investigation. This is especially important if the investigation cannot be completed by the Rotarian to whom the complaint was initially assigned.

Planning and conducting an investigation is dynamic and an 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 adjust as circumstances change and new information becomes available.

Investigation

The purpose of an investigation is twofold: to resolve the complaint by reaching a fair and independent view on the issues raised by a complainant; and to provide 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 contentions in support of a complaint should be weighed objectively.

2. *Confidentiality*

A complaint should be investigated in private, and care should be taken when disclosing to others any identifying details of a complaint.

3. *Transparency*

A complainant should be told about the steps in the complaint process and be given an opportunity to comment on 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 capable of supporting 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 obliged to substantiate each fact or element in their complaint, although it is reasonable for the investigator to ask them to assist the investigation by providing documents they have or explaining things they know
- An investigator can use reliable information obtained from any source
- To accord natural justice, a complainant should be given an opportunity to comment on contrary information or claims from another source before a decision is made to dismiss the complaint

Communicate Decisions and Remedies

It is not always possible to resolve each disputed matter. The evidence available to the investigator might be scant, inconclusive or evenly balanced, and this should be explained to the complainant. Thought should also be given to resolving the complaint differently, by exploring the 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 told the particulars of the investigation, including any findings or decision reached. Even when other aspects of the complaint are still being investigated the complainant will usually welcome an interim explanation of what has been finalised. Whether the explanation should be given orally or in writing, or in both ways, will depend on the circumstances. An oral explanation will usually be more efficient and will be expected if that is the method of communication preferred by the complainant or adopted in earlier dealings.

On the other hand, a written explanation is often more suitable if the complaint deals with a serious, complex or disputed matter. It might be appropriate to speak with the complainant to let them know that a more detailed written explanation will be forwarded to them. The explanation should be

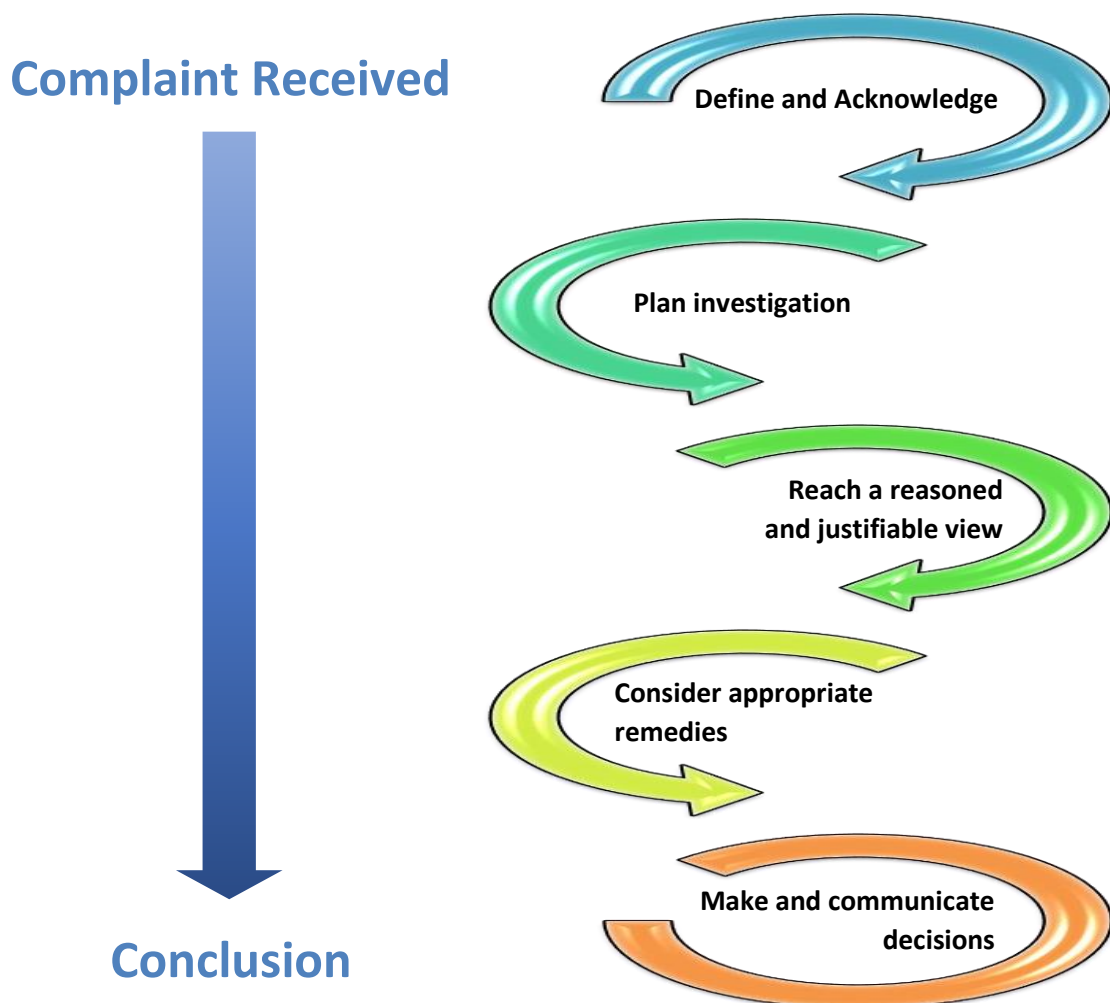
presented in a style the complainant can understand and should deal with each concern or grievance raised in the complaint.

Many complainants mistakenly believe that all aspects of their complaint were not fully examined or finally dealt with. One reason for this misunderstanding is that for privacy reasons investigators can be reticent about disclosing how a complaint against a member was dealt with. This is an important consideration, but it should not be a barrier to transparency and accountability.

Thought should be given to whether a remedy can be provided to the complainant. Among the potential remedies are a better or fuller explanation, an apology, changing or reconsidering a decision, expediting disciplinary action. If some action is to be taken to redress a fault or a wrong suffered by the complainant, this should be described.

On the other hand, if a claim made by the complainant has not been accepted by the investigating officer, this should be noted and explained. An explanation should similarly be given if it has been decided not to investigate or to cease investigation of an issue raised by the complainant.

The options available to the complainant, to seek internal review of any adverse finding or to pursue the complaint in another place, are outlined in the Rotary GB&I Dispute Procedure.



6. Guidelines on Mediation

An enactment adopted at the 2004 RI Council on Legislation provided for mediation as a means of resolving disputes within a Rotary club. Article 19 of the Rotary GB&I Standard Club Constitution defines the constitutional procedures to be utilised for mediation. The following guidelines are offered to parties who elect to use mediation to resolve their dispute.

Prior to commencing Mediation each party should notify its Insurers in writing of the matter(s) in dispute and of the intention to commence Mediation. If the Insurers so notified are not the Rotary GB&I Insurers, they should also be notified in writing.

Mediation is a process in which a neutral third party intervenes in a dispute, not to decide on a course of action which is binding (this is arbitration), but who will, through a sequence of steps, guide the Rotary club, Rotarian(s) or former Rotarian(s) in dispute to a solution or a way forward which is identified, chosen and agreed by themselves. Impartiality is paramount.

The process allows the parties to:

- define their own problem(s).
- identify and express their feelings and needs.
- hear the feelings and needs of the other person.
- visualise their ideal solutions.
- create options.
- negotiate and agree a course of action.
- write and sign an agreement.
- evaluate progress and repeat if necessary.

Mediation is **NOT**:

- Finding out who is right and wrong.
- Apportioning blame.
- Deciding what ought to have been done.

Mediation does not start with a preconceived outcome, other than to discover the way forward from the present situation that is most likely to bring about reconciliation, solution, or an acceptable accommodation of the problem. It should be conducted in an atmosphere of non-judgemental informality and in a manner to reduce nervousness, anger, or fear.

Who may be present:

- Parties
- Their legal representatives (optional)
- Mediator

Note: While parties to mediation are entitled to be accompanied by legal representatives, it is suggested that, in order to keep the proceedings as informal as possible, parties should be encouraged to meet with the mediator without such representation if at all possible.

7. District Mediators

Role

It is to be hoped that Districts may identify two or three individuals, Rotarians or otherwise, who may be able to help mediate disputes between Rotarians, individuals, and clubs. Such mediation is to be conducted within the framework as set out in the RIBI guidelines. It is important that disputes are resolved as quickly as possible, with the parties owning the process and reaching an agreement, if possible, to go forward. The skill and experience of a good mediator can facilitate that process.

There is no requirement that a mediator has legal knowledge or experience but rather is someone who has the necessary skills and experience in “the University of Life.”

Definition

Mediation is a flexible process conducted confidentially in which a neutral person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle the terms of resolution.

It is a flexible process within the context. The Mediator must not take sides or seem to be pushing towards a particular outcome. The mediator may seek to overcome deadlock and encourage forward or wider thinking. It is a fine process whereby the Mediator uses skill and experience to influence process but leaving the ultimate decision for the parties to resolve. Discussions are in confidence and are not binding until reduced to writing in an agreement. Such allows the parties scope to explore, discuss and negotiate.

The Cornerstones of Mediation

Confidentiality

Nothing raised during mediation should be used or repeated elsewhere unless specific consent is given that it may.

Ownership by the Parties

It is for the parties to come to the ultimate agreement or not. It is not for the mediator to direct or advise. Facilitation not direction is the key.

Neutrality and Impartiality

The Mediator comes uncluttered with emotional and factual baggage.

Avoiding assumptions

The mediator will have read the papers in advance but must enter the mediation with an open mind. The answer which the mediator may consider to be obvious may not be the one which is arrived at by the parties.

Respect

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 judgement.

Empathy

This is important to allow understanding of where each party is coming from, having capacity to understand the situation from another person's point of view requiring careful observation, concentration, and imaginative effort on the part of the mediator.

Genuineness

Open, honest, authentic, communication encouraging the parties to do likewise having natural spontaneity to build rapport.

The Role of a Mediator

- An information gatherer
- Coach – ask useful questions-motivate behavioural change-control emotions.
- Facilitator – getting parties to work co-operatively to mutual solution.
- Enabler – assisting the parties to re-evaluate and see new perspectives.
- Catalyst- a clear head and creative mind to problem solving.
- Negotiator- using strategies to make progress towards settlement
- Reality tester- helping each party to see the risks in no settlement.
- Prompter – to keep the momentum going.

The Competencies for an effective mediator

Relationship

- Alert, well prepared, active listener, attentive to comfort and needs, sensitive to dynamics using open questions and good communication skills, harnessing positive tension and defusing damaging tension.
- Adaptable to different individual and corporate cultures
- Having awareness of the importance of non-verbal communication and body language
- Recognising and responding to emotion and building conversation.
- Use humour effectively.
- Use open questions and avoid being unduly directional in approach.

Process

Empathy, Impartiality, Patience, Communication, Negotiation. Confidentiality and Neutrality

- Maintaining a safe and fair working structure.
- Act calmly with authority, giving all an equal opportunity to participate. Take responsibility for practicalities and pacing. Good time management and encouraging productive conversations. Remember that the parties own the process.
- Help parties focus on interests, needs, priorities and options. Help parties see the situation from a broader perspective, including the other party's point of view.
- Finding common ground and creative problem solving. Identifying by summary or paraphrase the progress made and the work still to be covered. Help parties to test that a proposed solution is workable.
- Identify the topics and probe the issues to discover what matters to the parties. Create opportunities for dialogue and discussion. Formulating wording and possible terms of agreement. Nothing is binding or to be disclosed unless specifically agreed to be so.

The Stages of Mediation

Preparation

The mediator needs to contact the parties to arrange a suitable, comfortable place and time for the mediation. It is important that everyone feels that they have all the evidence and information necessary to conduct the conversation.

The mediator should obtain all the relevant documentation and evidence; identify the relevant issues and if need be seek to obtain further clarification, whether before the mediation or during it.

Keep an open mind. It is for the parties to find a solution not you.

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.

The Opening

- Read the documents.
- Discuss the arrangements for the day with the parties and check all have authority to participate.
- Set the tone for the mediation and set out the ground rules.
- Nothing is binding unless agreed upon and that all that is said is 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 knows the position of the other.
- Importance of mutual respect. Welcome preliminary comments.

Exploration

- 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 of the parties to express their emotions and concerns perhaps invite each of the parties to stand in the shoes of the other.
- 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 to share ideas as to a practical resolution of the same. It may be that 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 important in such private meetings, not to reveal information to the other party unless by specific agreement.
- Allow space for reflection. Avoid deadlock. Look to the positive. Sometimes encourage one or both of the parties to take a reality check as to risks and the downside if no agreement is arrived at.

Bargaining/Agreement

- Avoid moving too quickly to a solution.
- Review the progress and widen perspective and exploring the hypothetical before beginning to narrow the options.
- 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 frame an offer or possible solution in a positive way, likely to be received favourably by the other party.
- Assist each party to revisit their risk analysis enabling parties to look at offers in a different way to view options positively. Beware of “bottom lines” as these can change.
- Assist the party or parties to frame offers or agreements in a positive way. In case of a deadlock be a sounding board and conduct some reality testing as to a party’s position or proposal so to get matters moving again
- Conclusion

Final settlement terms and drafting agreement

Make sure that it results in a practical and workable solution. Where settlement is not reached identify the next steps to be taken, if any. All matters discussed shall not be disclosed to anyone in the absence of an agreement. Even then it shall be for the parties to agree as to what can be disclosed to others other than 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. Notes to be destroyed [subject to certain statutory exceptions].

8. Guidelines on Arbitration

Arbitration is a formal process used to settle disputes and avoid expensive legal proceedings which might otherwise occur. Prior to commencing Arbitration each party should notify its Insurers in writing of the matter(s) in dispute and of the intention to commence Arbitration. If the Insurers so notified are not the Rotary GB&I Insurers, they should also be notified in writing.

Article 19 of the Standard Club Constitution states “Should any dispute, other than as to a decision of the council, arise between any current or former member(s), and this club, any club officer or the council, on any account whatsoever which cannot be settled under the procedure already provided for such purpose, the dispute shall, upon a request to the secretary by any of the disputants, either be resolved by mediation or settled by arbitration.” Consider Article 15 as well.

The nature of disputes can be very wide, and the Article is intended to cover disputes about Rotary matters between member(s) or former member(s) of a club and the club itself, the club council or an officer of the club. It is not intended to cover private disputes between members.

It should be noted that the former right of Arbitration in relation to any decision of club council (other than to terminate membership) has been removed and such council decisions are now only subject to an appeal to the club (Article 15, Section 6).

A Suggested timetable is as follows:

1. Any member wanting arbitration should submit to the president of the club a written request for arbitration which should set out clearly and concisely the matters in dispute. If it is made under Article 15 Section 6, it must be with the club secretary within the limit specified therein.
2. If the president accepts the request as valid and within the Constitution, it is the responsibility of the president to set a date no more than 15 days later for the appointment by each side of an arbitrator. If either party fails to appoint an arbitrator on or before the date fixed by the president, the appointment for that party should be made by the president.

An arbitrator must be a Rotarian, does not have to be a member of the club in question and should be able to present the case competently.

3. Once the two arbitrators have been appointed and before they meet to discuss the dispute or write any letters, they must appoint, by agreement, a neutral umpire - and this should be done as quickly as possible. (It is suggested that if the arbitrators fail to agree on the appointment of an umpire within 21 days either arbitrator should be entitled to ask the current District Governor or in particularly serious cases the General Secretary of Rotary GB&I to make such appointment). The umpire must also be a Rotarian and should be a member of another Rotary club.
4. Each of the Arbitrators should meet with the party whom they represent to identify the issues in dispute and the evidence relating to the same. It is open to either arbitrator to further investigate the issues and to seek additional evidence in clarification of the same.
5. Each Arbitrator should produce a report with their conclusions and discuss the same with the appropriate party for comments.

6. The Arbitrators should exchange reports and meet to discuss the same with a view to agreement and a practical resolution of the issues. The outcome of mutual discussion and agreement should be disclosed to the parties and shall form the basis of the final decision, which shall be binding on all parties.

If the Arbitrators cannot agree

The Umpire should arrange a meeting with the Arbitrators to ascertain what issues are agreed and which remain in dispute. It will be for the Umpire to decide what further evidence should be presented in the matter in order to resolve the issues.

A hearing should be arranged by the Umpire at which the Arbitrators and the parties should be present. It is important that such a hearing should adhere to the principles of natural Justice; to act fairly and to give everyone the opportunity to fairly present the case and to deal with any new evidence as presented. It is for the Umpire to determine, within such principles, what amplification or clarification of the issues is required.

Thereafter the Umpire shall produce in writing a fully reasoned decision.

The decision of the Umpire once given is final and binding on all parties to the dispute, and therefore a note of any evidence and the decision should be kept by the umpire for a reasonable time. Brief details of the dispute and the decision should be recorded by the club council as part of the records of the club.

Who may be present:

- Parties
- Their legal representatives (optional)
- Arbitrators
- Umpire
- Scribe

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

9. Investigation with Disciplinary

A dispute, which in substance amounts to a complaint as to conduct giving rise to the potential of disciplinary proceedings, shall be considered in the following terms:

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 an independent Rotarian appointed by the District Governor using the following process:

- i. Those making the complaint should be requested to provide within a reasonable time statements detailing the nature of the complaint(s).
- ii. Thereafter the party who is the subject of the complaint should be notified as to the detail of the complaint and invited to make a written response within 28 days.
- iii. Thereafter the matter will be further investigated, particular regard being had to the need for full disclosure and fairness. The parties to the complaint have a right to be heard under such arrangements as agreed between the parties and the person appointed.

Stage 2 – Investigation Findings

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

Stage 3 – Appeal

Any appeal against such a decision shall be by way of a written request for Mediation (if appropriate) or Arbitration, such Arbitration being conducted in accordance with the Rotary GB&I Dispute Procedure. The written request for appeal shall be made no later than 21 days from the date of notification of the decision to the party or club.

Stage 4 – Disciplinary Action

- If a complaint against an individual Rotarian be upheld, then, subject to the nature of the complaint, the actions as provided for in Article 19 of the Standard Club Constitution may be taken.
- If the complaint be upheld against a club that it has acted contrary to the principles of Rotary or has permitted one or more of its members to do so or has failed to take proper disciplinary action against one its members, then in normal circumstances the matter shall be referred to the General Secretary and the General Council with a view to requesting RI to remove the Charter of that Club. In all other respects the club and its members shall abide by the appropriate decision or face the removal of its charter.
- If a complaint be upheld against a district officer or member of a district committee, that individual shall comply with the terms of the decision. Removal from district office and/or termination of club membership may be the consequence of such a decision or of a refusal to abide by a decision.

10. Rotary GB&I Dispute Procedure

This procedure is for use by the General Secretary of Rotary International in Great Britain and Ireland (Rotary GB&I). It is intended by this procedure that the process of dispute resolution concerning current or past RI Officers, or persons in Rotary GB&I elected or appointed to roles, is transparent, fair to all, and gives every opportunity for the dispute to be fairly determined.

1. Definitions

- a. “the Association” means Rotary International in Great Britain and Ireland
- b. “the General Secretary” means the General Secretary of the Association
- c. “the Council of Past Presidents” means the Council of Past Presidents of the Association as defined in By-law 1 Clause 11(a) of the Association’s By-laws

2. Complaints against Current or Past officer of RI or Rotary GB&I

Complaints against current or past Officers of RI shall be submitted to the General Secretary of Rotary GB&I, who shall request those making such a complaint to submit a written statement setting out full details of the complaint within 28 days. The following process will apply:

- a. The officer who is the subject of the complaint should be notified as to the full details thereof and invited to make a written reply within 28 days.
- b. The General Secretary shall, in consultation with the Governing Council, determine what procedure should be adopted for best dealing with that complaint. Such may involve sending the matter back to the District to deal with or retaining the matter for further investigation, mediation or arbitration, as provided for under this procedure.
- c. In certain circumstances the General Secretary and the Governing Council may need to refer the matter to the President and Executive Committee of RI for a decision as to jurisdiction. This may be of importance where one or more of the parties to the complaint have directed that complaint to RI.
- d. If a complaint be upheld against an officer of RI, the terms of the decision should be complied with, subject to any rights of appeal which may remain available to the individual. The President and Executive Committee of RI should be notified as to the nature and reason for the decision.

3. Complaints against those holding elected or appointed roles in Rotary GB&I

This relates solely to complaints against the execution of that particular role or an individual’s conduct whilst carrying out that role.

The process as described in 2 above will apply.

If a complaint be upheld against a member holding a Rotary GB&I role that individual shall comply with the terms of the decision. Removal from that office may be the consequence of such a choice of a refusal to abide by that decision.

4. Dispute Resolution

- a. Disputes between Rotarians should where possible be settled by sensible and reasonable discussion between the parties bearing in mind The Four-Way Test.
- b. Disputes that cannot be settled in this way should be resolved by Mediation. Mediation is to be conducted in accordance with the procedures set out in the Rotary GB&I Information Sheet “Guidelines on Mediation”.

- c. It is expected that club or District disputes be resolved at the appropriate local level without the need for the Association to become involved. Disputes unresolved at club level shall be referred to the relevant District Governor.
- d. Any party to a significant dispute involving position holders as identified in 2.a above or that cannot be resolved under 4.c above may, by letter in writing addressed to the other party or parties, request that the Association be involved in the matter, in which case the following procedures shall apply:
 - 1. That party may refer the matter to the General Secretary. Such reference, which shall be in writing, shall be made within 60 days after the failure of such attempted local dispute resolution, and shall include the following:
 - i statement that the parties have attempted to resolve the dispute but have failed to reach an acceptable conclusion;
 - ii detailed statement of the issues in dispute and a statement of his/her position on the issues; such statement shall be final save for any new facts which may emerge after the date of such statement;
 - iii written request to refer the dispute to Rotary GB&I Mediation.
- e. The General Secretary shall decide whether it is appropriate for the Association to become involved in the matter through mediation or arbitration, taking such advice as shall be deemed appropriate.

5. Mediation

- a. Within 28 days of receipt of such request for mediation and having determined it appropriate so to do, the General Secretary shall send a copy of the relevant documents to the other party or parties to the dispute requesting their consent to the appointment by the Association of a Mediator and requesting a statement of his/her/their position and a reply in writing to the statement as submitted. Each such party shall respond in writing within 28 days after the receipt of such written request.
- b. Providing that all parties agree to having a Mediator appointed by the Association, the documents shall be sent to the General Secretary.
- c. All costs associated with the mediation process will be borne equally by the parties.
- d. The General Secretary shall nominate a person who is on the approved list of Mediators held by the Association to conduct the Mediation and set a timetable.
- e. The Mediator so appointed will contact the parties and will seek to complete the Mediation process within 90 days from the date of the written agreement by all the parties to go to Mediation.
- f. The Mediator shall submit to the General Secretary a report, indicating one of the following outcomes of the Mediation:
 - i agreement between the parties on the issues in dispute which shall be confirmed in writing and signed by all parties;
 - ii partial agreement on some of the issues in dispute which shall be confirmed in writing and signed by all parties;
 - iii that no agreement has been reached on all or some of the issues in dispute.
- g. In the event of the third outcome, or in the event of the failure of the parties to go to Mediation, the General Secretary shall refer the matter to Arbitration.

6. Arbitration

- a. A dispute shall be referred to Arbitration in any of the following circumstances:
 - i At the decision of the General Secretary as in 5.g above;
 - ii At the written request of one of the parties to a mediation which failed to result in an acceptable conclusion in whole or in material part;
 - iii At the written request of one of the parties to the dispute where the written request for Mediation was refused;
- b. The written request for Arbitration should be made within 60 days after the Association has communicated with the parties in accordance with paragraph 5.g above, or within 28 days from the date of the Mediator's report referred to in paragraph 5.f above, whichever be the later.
- c. Such Arbitration shall be conducted in accordance with the Arbitration Act 1996
- d. All costs associated with the arbitration process will be borne equally by all parties.

7. Arbitration Findings

- a. If arbitration is requested, the decision by the arbitrators or, if they disagree, by the umpire shall be final and binding on all parties and shall not be subject to appeal.

8. Confidentiality

- a. All matters submitted for determination under any of these procedures shall be confidential and, save for the results reached at any stage, shall not be published to any third party without the express agreement of the parties thereto.
- b. The results shall be notified to the parties, to the General Secretary and to such other person(s) as shall be agreed by the parties.

11. Disputes between Rotarians and Third Parties

Please note that this policy and its procedures are designed to be used within the Rotary context. Membership of Rotary indicates consent by its members to its agreed practices, policies and procedures. Such does not, however, apply to disputes between Rotarians or Rotary and non-Rotarian third parties, whether individuals or organisations.

It may be that, in certain circumstances, a third party who is in dispute with a Rotarian, Club or District may be agreeable that the dispute is dealt with under the Dispute Management Procedure. If so that consent should be confirmed in writing. Such a consent should not, however, be assumed.

A third party is entitled to exercise any legal rights or entitlements as may be provided by statute to resolve a dispute. Such may include resort to the Courts, Institutional Mediation or Arbitration. That will involve, in common sense, professional representation or organisational process at considerable cost.

Should the Third Party succeed in the claim there would be a very real risk of costs and damages being awarded against the individual Rotarian, Club or District.

Health and Safety, Contract, Equality and Diversity, Negligence, Data Breaches and Defamation are some of the sensitive areas in the interface between Rotary and the wider public. Any potential Disputes with Third Parties should be handled with care and should be notified to the appropriate District officer in the first instance. In certain cases, the General Secretary may need to be consulted for legal or insurance advice to be taken.

Remember disputes with Third parties may be costly not only in financial terms but also damage the reputation of Rotary itself.