20.1 Resolving Disputes Internally

Okay, but how do I resolve disputes internally?

Being involved in a Club can come with its fair share of challenges. Whether you're on the Executive after years of involvement, or if you've only been to one event, there's always a possibility that conflict may arise. This could be with regards to the long-term direction of the Club, how Club funds should be spent, which activities and events should be run, or simply a one-off disagreement between members.

This is a basic guide to resolving common disputes within Clubs. Being able to resolve disputes and conflict is an important skill for all Club members to develop. Whilst Arc can assist in certain circumstances, we do expect Clubs to first attempt to address matters internally within the Club first.

1. Establishing a dispute resolution system

The simplest, but most important, action that your Club can take is to set up an internal dispute resolution system. By having a clearly accessible procedure that individuals can follow if a dispute arises, conflict is less likely to escalate and disputes are less likely to take on a personal character.

While the specific structure that you establish can depend on several factors (the size of your Club’s Executive team, the number of Directors or Subcommittee members, the type of events and activities you run, and the Club's constitution), there are some steps that any Club can take.

You may choose to combine some of these elements into a formal grievance or dispute resolution policy for your Club. Having your policy in a written form and accessible to all members can ensure that all Club members are aware of it. If you do choose to create a grievance policy, however, you must ensure that it is within the scope of the Club’s constitution (for example, you could not give a grievance officer the power to terminate someone’s membership of the Club).

Specifying a responsible person

At any gathering of Club members, or when Club members are working together (whether it is a one-off event or activity or a recurring event such as Executive meetings), it is important to assign responsibility for resolving grievances to an individual or a small group of individuals. Some examples of this are:
• At Executive meetings and within the Executive team, you may choose that the President will oversee any grievances that arise, unless the President is involved, in which case the Secretary will oversee grievances;

• Individual Vice-Presidents will oversee grievances within their portfolio/department, or should a member of a portfolio have a conflict with a member of another portfolio, they should bring it up with their Vice-President at first instance;

• The person who organised an event shall oversee grievances or conflict at that event (or, should they not be in attendance, nominate someone else to do so);

• The Secretary (or another member of the Executive team) shall be the first point of contact if a general Club member has a grievance against any other member of the Club.

In order to make this effective, it is essential that the relevant Club members know who the responsible person is for each situation. This can be done at training days or at your first Executive or portfolio meetings; information can be included in event marketing; or the responsible person’s contact details could be listed on your Club’s Facebook page, Orgsync page, or website. It is beneficial to have a chain of responsible persons, in the circumstance that the identified responsible person is directly involved with a grievance, the next person on the chain becomes the responsible person. A chain progression may be Event Organiser =>Secretary => President.

Defining types of grievances

It is helpful if Club members know when they should take grievances to the responsible person as opposed to resolving them between themselves. If all disagreements, no matter how minor, are brought to the responsible person, it will be difficult for the Club to function. However, if no disagreements at all are brought to them at all, their purpose will not be achieved. Setting some basic criteria will assist in determining when a matter should be brought to the responsible person, particularly at an organisational level (within the Executive or within portfolios). Here are some examples that you may choose to adopt:

• If the disagreement has the potential to damage the long-term working relationship between the individuals involved;

• If the disagreement will significantly impact the Club’s members if not resolved (an event will not take place or a major opportunity for members will be missed);
• If the disagreement relates to someone not performing their core duties (missing a significant number of Executive meetings, consistently not performing assigned tasks);
• If the disagreement could be classified as bullying or harassment (one person is being intimidating, threatening, or aggressive towards another).

You may also want to specify types of disagreements that should not be brought to the responsible person, such as minor disagreements in the course of Club activities, or an inconsequential failure to perform a task.

**What actions can be taken in response to a disagreement?**

Having some basic steps that can be taken in response to disagreements will make the process of resolving them more predictable and more accessible, and will also ensure a degree of consistency in resolving them. Depending on the scope of the dispute, as well as the level at which it arises and who the responsible person is, there are several different ways in which you may choose to respond:

• **Executive decision** - when the dispute falls within the scope of one portfolio in the Executive team, it may be possible for that Executive member to make a decision on the disagreement that resolves the central issue at hand. If a disagreement spans multiple Executive portfolios, the Executive team could make the decision as a whole. While this is likely to resolve the specific matter, and may be useful for situations where a group of people have a disagreement, there may still be resentment between the individuals that will need to be addressed.

• **Mediation** - in a situation where it is important that the working relationship between two or more individuals is preserved (such as between two Executive members or within a portfolio that will be doing a large quantity of work together), mediation may be an appropriate action to take. This involves bringing the people having the dispute together in the presence of a neutral third party (usually the responsible person) who can listen to both sides of the disagreement and facilitate a discussion. The mediator's role is to ensure that the people with the disagreement are able to put their views forward in a respectful and fair manner, without the conflict escalating further. They should have a good knowledge of the dispute and the context in which it occurred. In a mediation, it is ultimately up to the people having the dispute to agree on a solution - the mediator is simply there to guide them towards an agreement.
### Arbitration
- This is similar to mediation, in that the people having the disagreement are brought together by a third party who attempts to resolve the dispute. The key difference is that the parties to the disagreement agree to be bound by the decision of the third party. In this situation, the person responsible for making this decision should be able to take an unbiased view of the conflict, and should be trusted by both parties (and the Club, more broadly) to come to a fair and reasonable agreement.

### Changing working arrangements
- Where it is unlikely that two or more people are going to be able to work together within the Club, or where there has been bullying or harassment, it may be necessary to ensure that the individuals involved do not work together again. This can be done in the short term (for one event or activity) or in the long term (over the year or for the duration of their involvement in the Club). This method is useful when a disagreement is affecting the Club as a whole, when it is significantly impacting a person's experience within the Club, and when it may also impede the Club in the long term (such as if two Executive members cannot work together). As such, it should not be the first option considered.

### Constitutional remedies
- In a situation where it is not possible to resolve the disagreement, or where a disagreement is likely to be highly detrimental to the Club as a whole, it may be necessary to rely on the Club's constitution. The model Club constitution outlines the process by which a Club member may be removed from the Club, the process by which an Executive position can be declared vacant, and the process by which a committee member (such as a Director, Coordinator, or Subcommittee member) can be removed from their role. While such remedies may resolve the disagreement, they may have negative consequences - it can harm the reputation of the Club, it can alienate existing and potential members, it can reduce interest in Executive and committee roles in the future, and it may cause other conflicts to escalate if people are taking sides. A decision to pursue a solution using these provisions of your Club's constitution should not be made lightly.

### The role of a responsible person

If you choose to nominate a particular person to be responsible for managing disagreements or conflict within the Club, their role and its associated responsibilities should be clearly defined. They may hold this position in addition to existing responsibilities, or your Club may have a grievance officer whose sole responsibility is to manage conflicts within the Club. This section goes into
additional detail regarding what a responsible person should do in the event of a disagreement or dispute.

It is important that all Club members know who the appropriate person to approach is in the event that they do have a disagreement or conflict.

**Specifying a responsible person**

There are several factors to consider when deciding who shall be responsible for dealing with any particular disagreement or conflict. These relate to both the position and authority of the individual within the Club, as well as their personal qualities.

- **Authority** - the responsible person should have the appropriate level of authority within the Club to take steps to resolve the disagreements or conflict. For example, the President is generally the most appropriate person to deal with disagreements within or involving the Executive team.

- **Presence** - the responsible person should be in a position where they can understand the disagreement or conflict, and can address it promptly if necessary. For example, appointing the Treasurer of the Club to be the responsible person for disagreements within the Club's marketing subcommittee would not be ideal. This may involve nominating a specific person to be responsible for disagreements or conflicts at specific events (such as large social events, particularly where external security is not provided).

- **Impartiality** - the responsible person should be able to remain, as much as possible, impartial. This does not mean that anyone with an interest in the matter should be not be the responsible person - for example, a Vice-President of a portfolio may be actively involved with the portfolio, but could still be responsible for disputes within the portfolio. However, they should be able to fairly evaluate and understand both sides of a disagreement without favouritism or bias.

- **Empathy and respect** - the responsible person should be capable of respecting individuals involved in the disagreement. They should also be capable of empathising with those involved, even if they do not agree with them. This is particularly important for conflicts that have a personal element (as opposed to, for example, issues regarding performance of duties).
It may not be possible to find an individual who meets all of these criteria for every situation within the Club. However, bear in mind that they are not requirements, just ideal characteristics, and that an individual can still be a responsible person in a specific situation without possessing all these qualities.

**The duties of the responsible person**

The duties of the responsible person will vary immensely depending on the circumstances, as well as whether the Club has adopted a specific grievance policy or set of procedures. For example, the role of an individual who is responsible for preventing conflict at a small social event will be substantially different from that of an individual who is responsible for disagreements within a particular portfolio or team for the entire year. The list presented here is not exhaustive, nor does it apply to every situation.

- **Being a first point of contact** - the responsible person should generally be the first person, external to the disagreement or conflict, who is contacted. This is important to prevent disagreements from escalating, as well to prevent misinformation being spread. To achieve this, their contact details should always be available to anyone who might need to contact them.

- **Understanding both sides of a disagreement** - the responsible person should make an effort to hear both sides of a dispute or disagreement. This may involve reaching out to people, as it cannot be assumed that both sides of a dispute will contact the responsible person. It may also involve seeking information from third parties where relevant, or obtaining copies of emails, Facebook messages, or other communications.

- **Collect information in writing** - the responsible person should, where possible, communicate with the parties to a dispute in writing, and keep notes on any conversations that they have. It is important to be able to refer back to written records if a person, or multiple people, disagree with what was said or done in the course of resolving a disagreement.

- **Keeping information confidential** - the responsible person may receive personal or private information in the process of resolving a disagreement. They should, as much as possible, keep that information confidential. Sometimes it will be necessary to share information with others (for example, in a conflict between two subcommittee members from different
subcommittees, the Executive may need to know details of the conflict to determine if a subcommittee member should be removed from their role).

- **Determining what steps to take to resolve the disagreement** - the responsible person should be able to determine, based on their knowledge of the disagreement, the appropriate steps to resolve it. These could be taken from the list of actions mentioned in Clubs Handbook Section 20, or they could be unique to the context of the particular dispute.

3. How Arc can help

Depending on the nature of the disagreement or conflict, there are ways in which Arc can assist with resolving disagreements within Clubs. However, these should not be a substitute for having processes in place within your Club that allow disagreements to be managed and resolved.

- **Supervising General Meetings** - Arc can send a representative to an AGM or an EGM if it is anticipated that there will be a conflict or disagreement at the meeting. This is particularly important if a member, or members, of the Club are contesting the legitimacy of the meeting or the election of Executive positions. The Arc representative may be able to act as a Returning Officer in some circumstances.

- **Facilitating a mediation** - Arc can facilitate a mediation or arbitration if your Club is unable to find an appropriate person from within the Club to do so. This could be the case if a disagreement has arisen within the Executive team and nobody within the Executive is able to take an impartial position.

- **Providing advice on your Club’s constitution** - Arc can provide advice on whether certain actions are in line with the Club’s constitution, as well as whether or not certain planned actions would be in line with the constitution. This could be important if your Club was planning on relying on a specific part of the constitution to resolve a disagreement, or if your Club was planning constitutional amendments to add a grievance officer or a specific grievance policy.

- **Providing advice to the responsible person** - Arc can give specific advice on a particular disagreement or conflict in a situation where the person responsible for resolving the dispute is unsure of the best course of action. Bear in mind, however, that Arc may not necessarily have access to all the relevant background information, and that without this information, may be limited to providing general advice that might not fit your scenario.
4. Examples of how disagreements could be resolved

**Scenario 1:** Jeremy is an Activities Director in the Nicolas Cage Appreciation Society. He works underneath Lorraine, the Vice-President (Activities). Jeremy is responsible for supervising two members of the Activities Subcommittee. The Nicolas Cage Appreciation Society does not have a formal grievance policy, but it was explained at their training day that Executive members are responsible for managing disputes in their portfolios.

Tanya, who is one of the Subcommittee members that Jeremy is responsible for, never completes her tasks by the deadlines Jeremy sets. As a result, events that Jeremy is responsible for have been poorly organised. On two occasions, Nicolas Cage movie screenings have been postponed or cancelled due to issues with venue bookings. Jeremy is becoming increasingly frustrated.

The most relevant aspects of this situation are:

- Tanya is not performing her duties;
- This is impacting the Club’s events, and therefore the experience of its members;
- Tanya is in a Subcommittee role which is likely not a major role within the Club;
- The Executive member in charge of the portfolio (Lorraine) is the responsible person.

In this situation, Jeremy should first make an effort to deal with the issue himself. It is important to remember that not every disagreement or conflict should immediately be escalated, and that Club members should aim to manage their own disputes where possible. In order to do this, he could:

- Arrange a meeting with Tanya to discuss her performance and the consequences of this. She may not understand the importance of the tasks assigned to her, and may not have realised that events have been cancelled because she did not complete her duties.
- Reduce the number of tasks assigned to Tanya until it becomes clear that she is capable of completing them.
- Change his management style to provide more specific and direct instructions.

If this is not effective in resolving the issue, Jeremy could raise the issue with Lorraine. As the responsible person, there are several things that Lorraine could do to manage the disagreement:

- Refer to emails and messages between Jeremy and Tanya to understand the entire situation;
- Talk to Jeremy and Tanya individually to understand each of their perspectives on the issue;
• Arrange a mediation between Jeremy and Tanya to ensure that they both understand each other’s point of view;
• Reallocate responsibilities in the portfolio.

While Lorraine could raise the issue with the Executive team and have Tanya removed from her role, this may not be necessary given that it is not a major role within the Club. This could have a negative impact on the Subcommittee as a whole and may be a disproportionate response.

Scenario 2: Kristie is the President of the Banana Enthusiasts Club (BEC), one of the largest societies on campus. Brandon is the Treasurer, and is responsible for a budget of over $80,000. As part of his role, he is required to allocate funds to a variety of large events, including the annual Big Banana Road Trip, various Banana Parties, and two Banana Industry Networking nights.

The Executive was elected in November 2016. Kristie expected a first draft of the budget by the end of the year. It is now February 2017 and Brandon has still not completed a budget. The rest of the Executive is becoming frustrated, as they cannot plan their events without knowing how much they have to spend. However, Brandon insists that it is not his fault, as he has not received any information from the Executive regarding what events they want to run throughout the year.

Kristie and Brandon had a heated argument at the last Executive meeting, with Brandon accusing Kristie of not providing him with the information he needed to create the budget. Kristie insisted it was Brandon's responsibility to consult the Executive on this matter, not hers.

The most relevant aspects of this situation are:

• The disagreement has the potential to seriously impact the Club's capacity to run its events throughout the year;
• It is not clear who is at fault and who is not performing their duties;
• The disagreement affects the whole Executive team, meaning that it may be difficult to find a neutral person to help with resolving the disagreement;
• Given that the members involved are on the Executive, the only way they could be removed from their role is at a General Meeting of the Club.

In this situation, it is essential that the disagreement be resolved in order for the Club to continue to function effectively.
Either Brandon, Kristie, or another member of the Executive could take steps towards resolving the dispute. If there is a person who is responsible for dealing with disagreements within the Executive, the disagreement should be brought to them. Assuming that a responsible person has been nominated, and that they are capable of remaining impartial, there are several steps they could take towards resolving the disagreement:

- **Collect all the relevant information** - the responsible person should seek to understand the disagreement from both Brandon and Kristie's point of view. This would involve talking to both of them individually, collecting copies of emails or messages between them, becoming familiar with each of their responsibilities under the Club's constitution, and asking other Executive members for their perspectives on the disagreement.

- **Consult with Arc regarding Executive responsibilities** - the responsible person may need to seek clarification about the Club's constitution and who is responsible for completing certain tasks. This will allow them to create more informed solutions to the disagreement.

- **Arrange a mediation between Brandon and Kristie** - the responsible person could organise a mediation between Brandon and Kristie. In the process, they could ask Kristie and Brandon to each explain their points of view with an opportunity to better understand each other's perspective. The mediator could refer them to their prior communications, their constitutional responsibilities, and outline the impact that their dispute is having on the rest of the Club. The goal of the mediation would likely be to ensure that all budgetary responsibilities are allocated in a way that Brandon and Kristie are comfortable with.

- **Arrange an arbitration between Brandon and Kristie** - this would be similar to a mediation, however, Brandon and Kristie would have to agree in advance to be bound by the decision of the third party. This requires the arbitrator to be impartial, fair, and to have a high level of background information about the disagreement. An arbitration may be more suitable if it is very important that the required work gets done, regardless of whose responsibility it is.

**Hold an EGM to replace Brandon and elect a new Treasurer** - this may be necessary if the disagreement is otherwise unable to be resolved. It would be necessary to follow the correct procedures outlined in the Club's constitution. In doing so, it is important to keep the Executive informed and ensure that conflict does not escalate or spread as a result of this.
Related Documents

Clubs Handbook Section 9 – Holding a General Meeting of Your Club
Clubs Handbook Section 10 – Guidelines for Elections
Clubs Handbook Section 11 – Being a successful Club Executive

Help!

Visit Us
Drop in and talk to us the Clubs Space is located on Level 2, Basser College, just off the Basser steps past the Quadrangle.

Call Us
Call us at 9385 9840 during office hours

Email Us
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