

20.1 Resolving Disputes Internally

What can I do if there are disagreements or disputes?

Being involved in a Club can have its fair share of challenges, and when working with others, there is the possibility that conflict may arise. For example, disagreements regarding the long-term direction of the Club, financial management, or disagreements between members. While Arc can assist in certain circumstances, Clubs should first attempt to address matters internally.

This is a basic guide to resolving common disputes which covers:

- (1) Establishing a dispute resolution system
- (2) Defining types of disagreements
- (3) Responsible person/s
- (4) Ways to resolve conflict
- (5) How Arc can help
- (6) Example conflict scenarios

Establishing a dispute resolution system

An important action that your Club can take to deal with disagreements is to establish a dispute resolution system which outlines a set procedure to follow in the event a dispute arises. The specific policy established depends on several factors:

- Number of Club Executives and Subcommittee members;
- Type of events and activities run; and
- Club's constitution. The procedure must be within the scope of the Club's constitution; for example, the grievance officer could not be given the power to terminate an individual's Club membership.

If you choose to establish a dispute resolution procedure you may want to have your policy in written form to ensure Club members have access to and are aware of the procedure in place.

The dispute resolution procedure may follow the following steps:

1. Mediation between disagreeing parties; if that fails:
2. Arbitration between disagreeing parties; if that fails:
3. Executive decision; if that fails:
4. Approach Arc for support.

Defining types of disputes

It is helpful to set basic guidelines for disputes that would involve a responsible person as opposed to when disagreeing parties should resolve it between themselves. Some examples of disputes that you may wish to bring to the responsible person include grievances that:

- Have the potential to damage long-term working relationships;
- Will significantly impact the Club's members if they are not resolved. For example, if an event is cancelled;
- Relate to someone not performing their core duties. For example, if an Executive is missing meetings or not completing assigned tasks;
- Could be classified as bullying or harassment. For example, intimidation or threats.

You may also wish to specify types of disagreements that should *not* be brought to the responsible person, such as minor disagreements or inconsequential failures to perform a task.

Responsible person/s

When Club members are collaborating, or at Club events, it is important to assign responsibility for resolving grievances to an individual or a small group of individuals.

To make this effective, it is essential that the relevant Club members know who the responsible person is for each situation. Information can be provided during Club training, at the first Executive/portfolio meetings, included in event marketing, or their contact details listed on your Club's Facebook page, website, or your Club's profile on the Arc online platform.

The responsible person/s may also differ from situation to situation. For example:

- Within the Executive team, the President may be chosen to oversee any grievances that arise, unless the President is involved, in which case the Secretary may oversee conflicts;
- Individual Vice-Presidents may oversee grievances within their portfolio, or if a member of their portfolio has a disagreement with a member of another portfolio;
- The Event Organiser may oversee grievances at that event (or nominate someone else to do so if they are not attending);
- The Secretary (or other Executive) may be the first point of contact if a general Club member has a grievance against any other member of the Club.

It is beneficial to have a chain of responsible persons. For example, if the responsible person is directly involved in the grievance or is unable to resolve the conflict with the resources provided, the next person in the chain becomes the responsible person. For an event, the chain progression may be the Event Organiser then Secretary then President.

Specifying a responsible person

There are several factors to consider when deciding who should be responsible for dealing with disagreements or conflicts. 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 disagreements. 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 and can address it promptly if necessary. This may involve nominating specific persons to be responsible at specific events. For example, appointing the Treasurer to be the responsible person for disagreements within the Marketing Subcommittee would not be ideal but appointing the Marketing Director may be.
- **Impartiality:** the responsible person should be able to remain, as much as possible, an objective perspective. This does not mean that anyone with an interest in the matter cannot be the responsible person but that they should be able to fairly evaluate and understand all sides of a disagreement without bias. For example, the Vice-President of a portfolio may be actively involved with that portfolio but could still be responsible for dispute resolution.
- **Empathy and respect:** the responsible person should be capable of respecting individuals involved in the disagreement and 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).

Keep in mind that these factors are not requirements, just ideal characteristics, and an individual can still be a responsible person in specific situations without possessing all the above qualities.

Clubs should have a nominated Grievance Officer as an executive. Clubs should refer to the Grievance Officer Position Guide on the Club Forms & Files page for more information. The Grievance Officer should be familiar with the Club's Grievance Resolution Policy & Procedures document.

Role of a responsible person

If you choose to nominate an individual to be responsible for managing disputes within the Club, it is important that their role and associated responsibilities are clearly defined. Their duties will vary depending on the circumstances, and whether the Club has adopted a specific dispute resolution procedure. The following duties are not exhaustive, nor apply to every situation:

- **Being a first point of contact:** the responsible person should generally be the first person, external to the disagreement, who is contacted. This is important to prevent conflict from escalating and to avoid the spread of misinformation.
- **Understanding both sides of a disagreement:** the responsible person should try to understand both sides of a dispute. This may involve reaching out to individuals, as it cannot be assumed that both sides of a dispute will contact the responsible person and may 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 involved parties in writing, and keep a record of any conversations they may have as it is important to be able to refer to written records if individuals disagree with the actions or outcome of the resolution process.
- **Keeping information confidential:** the responsible person may receive personal or private information in the resolution process. They should, where possible, keep that information confidential. Sometimes it may be necessary to share information with others (for example, in a conflict between Subcommittee members, the Executive may need to know the details of the conflict to determine what action to take).
- **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.

Ways to resolve conflict

Knowing what steps can be taken in response to disagreements will make the resolution process more predictable and accessible and will 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, you may choose to respond in one of the following ways:

1. Executive decision

When disputes fall within the scope of a single portfolio, the Executive-in-charge may be able to make a decision regarding the disagreement. If the dispute encompasses several portfolios, then the Executive team may make the decision together.

While this is likely to resolve the specific incident and may be useful for situations where groups of individuals have a disagreement, there may still be underlying issues that need to be resolved.

2. Mediation and Arbitration

In situations where it is important to preserve the working relationship between the disagreeing parties (such as between Executive members), mediation may be appropriate. This involves bringing the disagreeing parties together in the presence of a neutral third party (usually the responsible person) who listens to both sides of the disagreement and facilitates discussion. The mediator's role is to ensure the disagreeing parties can convey their views in a respectful and fair manner without escalating the dispute. They should have a good knowledge of the dispute and the context in which it occurred. In mediation, it is ultimately up to the individuals involved to agree on a solution.

Similarly, arbitration involves a neutral third party working with the disagreeing parties. However, the disagreeing parties agree to follow the decision of the third party. It is important then that the arbitrator is able to remain unbiased and is trusted by the parties involved (and the Club more broadly) to come to a fair and reasonable agreement.

3. Changing working arrangements

When it is unlikely that the disagreeing parties will be able to resolve their dispute, or when there has been bullying or harassment, it may be necessary that they 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 with the Club).

This method is useful when the disagreement is affecting the functioning of the Club or if it is significantly impacting on a person's experience within the Club. As such, it should not be the first option considered.

4. Constitutional remedies

When it is not possible to resolve the conflict, or if the conflict is likely highly detrimental to the Club itself, it may be necessary to rely on the Club's constitution. The Club constitution may outline the process by which Club members can be removed from the Club, how Executive positions can be declared vacant, and how committee members can be removed from their role.

While this may resolve the direct consequences of the dispute, there may be several indirect consequences – it may harm the reputation of the Club, or alienate existing and future members, may reduce interest in the Executive or committee roles in the future, or even cause conflicts to escalate further. A decision to pursue a solution using your Club's constitutional provisions should not be made lightly.

How Arc can help

Depending on the nature of the disagreement or conflict there are several ways that Arc can assist with dispute resolution. However, these should not be a substitute for having dispute resolution processes in place within your Club.

- **Supervising General Meetings:** An Arc representative can be made available if it is anticipated that there will be conflict at the meeting. This is particularly important if Club member/s are contesting the legitimacy of the meeting or the election of the Executive positions. The Arc representative may be able to act as a Returning Officer in some circumstances.
- **Mediation or arbitration:** Arc can facilitate a meeting between disagreeing parties if your Club is unable to find an appropriate person within the Club to do so. This could be the case if the 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 remedies would align with the Club's constitution. This could be important if your Club was relying on a specific section 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 disputes in situations where the responsible person is unsure of the best course of action. Keep in mind that Arc may not necessarily have access to all of the relevant background information and may be limited to providing general advice that might not fit your scenario.

Example conflict scenarios

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

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

The relevant aspects of this situation are:

- Mary is not performing her duties;
- This is impacting Club events, and therefore Club member experience;
- Mary is in a subcommittee role which is unlikely to be a major role within the Club;
- The responsible person is the Executive member in charge of the portfolio (Jane).

In this scenario, John should first try to deal with the issue himself. It is important to remember that not every dispute should be escalated, and that Club members should aim to manage their own disputes where possible. To do this, he could:

- Arrange a meeting with Mary to discuss her performance and the consequences of this. She may not understand the importance of the tasks assigned to her or that events were cancelled due to her missing deadlines.
- Reduce the number of tasks assigned to Mary until 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, John could approach Jane. As the responsible person,

Jane could do the following to manage the dispute:

- Understand the entire situation by referring to emails and messages between John and Mary, and talk to them individually to understand their perspectives;
- Arrange a mediation meeting between them to ensure they understood each other's perspective;
- Reallocate responsibilities in the portfolio.

While Jane could raise the issue with the Executive team and have Mary removed from her role, this may not be necessary given that it is not a major role within the Club and the removal could have a negative impact on the Subcommittee itself.

Scenario 2: *Barbara is the President of the Banana Enthusiasts Club, one of the largest societies on campus. James 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 several large events, including the annual Big Banana Road Trip, various Banana Parties, and two Banana Industry Networking nights.*

The Executive team was elected in late 2017. Barbara expected a first draft of the budget by the end of 2017. It is now February 2018 and James has still not completed the budget. The rest of the Executive is becoming frustrated as they cannot organize their events without knowing what funds have been allocated. James insists that it is not his fault because he has not received any information from the Executive regarding the events they want to run this year.

Barbara and James had a heated argument at the last Executive meeting, with James accusing Barbara of not providing him with the information he needed to create the budget. Barbara insisted it was his responsibility to consult the Executive team, not hers.

The relevant aspects of this situation are:

- The dispute has the potential to seriously impact the Club's capacity to run events;
- It is not clear who is at fault and not performing their duties;
- The disagreement affects the whole Executive team, making it difficult to find a neutral person to help resolve the dispute;
- Given that the members are Executives, the only way to remove them from their role is at a General Meeting.

In this scenario, it is essential that the disagreement is resolved for the Club to function effectively. Either James, Barbara, or another member of the Executive could take steps towards resolving the dispute. If there is a person responsible for dealing with disputes within the Executive, the issue should be brought to them. Assuming that a responsible person has been nominated and is capable of remaining impartial, they could:

- **Collect all the relevant information to understand both perspectives** by talking to James and Barbara, collecting communication between them, becoming familiar with their responsibilities outlined in the Club's constitution, and asking other Executive members for their perspectives on the dispute.
- **Consult Arc regarding Executive responsibilities** and seek clarification about the Club's constitution and who is responsible for completing certain tasks.
- **Arrange a mediation between James and Barbara** to give them the opportunity to understand the other's perspective. The mediator could refer to their prior communications, constitutional responsibilities and outline the impact their dispute is having on the Club. The goal would be to ensure that all budgetary responsibilities are allocated in a way that both parties are comfortable with.

- **Arrange an arbitration between James and Barbara** where they agree in advance to be bound by the decision of the third party. This may be more suitable if it is important that the task is completed, regardless of whose responsibility it is.

If the disagreement cannot be resolved, it may be necessary to **replace James and elect a new Treasurer**. It is important to follow the procedures outlined in the Club’s constitution, keep the Executive informed, and ensure that the conflict does not escalate or spread as a result of this action.

Need Help?			
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02 9065 0930 <i>(during office hours)</i>	clubs@arc.unsw.edu.au	Level 2, Basser College <i>(just off the Basser steps past the Quadrangle)</i>	During Term: 10am - 4pm Outside Term: By appointment only
Files and Forms: www.arc.unsw.edu.au/clubforms		Clubs Handbook: www.arc.unsw.edu.au/clubs/clubshandbook	