

# **Kawana Waters Swimming Club**

## **Dispute Resolution Policy**

**Adopted: Annual General Meeting, 21 June 2014**

### **Introduction**

Swimming Queensland is committed to reaching a speedy and just resolution of any disputes or grievances that may arise and that may disrupt the harmonious functioning of the organisation.

### **Purpose**

This policy: is designed to outline a process for the orderly resolution of disputes or grievances that may arise between members of Kawana Waters Swimming Club Inc. The Kawana Waters Swimming Club Constitution governs how the club must handle complaints and disputes before they become formal complaints. This policy operates under the Constitution - procedures for formal disputes under the Kawana Constitution apply.

### **Objectives**

- To establish an effective, equitable and voluntary process for the resolution of disputes that involves or relate to Club
- to maintain a high level of service to the members and by ensuring that any disputes are resolved as quickly as possible
- to define procedures that enable disputing parties to identify and resolve issues of contention on a mutually acceptable basis
- to ensure consistency and fairness in the manner in which the Club and President deal with and resolve disputes
- to encourage communication between members of the Club and the Club Management Committee.

## Authorisation

All members of Kawana will follow the procedures set out below. This policy refers to disputes:

- Between committee members of the Club Management and/or the Administrator
- Between members of the club
- Between a member of Kawana and a member of the club Management Committee and/or the Administrator
- Between a volunteer and any member of the club.
- By a member or club regarding a committee process
- By a member or club regarding a resolution of the committee

## Responsibilities

1. It is the responsibility of affiliated Club Executive bodies, the President of the Club Management Committee to ensure that:
  - a. They identify, address and prevent, as far as possible, potential problems before they become **formal grievances under the Constitution**.
  - b. They are aware of, and are committed to the principles of communicating and information sharing with their members and volunteers
  - c. Any grievance is handled in the most appropriate manner at the earliest opportunity, ensuring confidentiality
  - d. All members and volunteers are treated fairly and without fear of intimidation or repercussions as a result of their actions
2. It is the responsibility of Members to ensure that:
  - a. They attempt to resolve any issues through their immediate supervisor or Executive body and through internal processes at the earliest opportunity

## Procedures

1. The disputes must be articulated in writing and sent to the President. The President must acknowledge receipt of this document in writing within two days.
2. The President will bring the issue to the next ordinary Committee Management meeting or call an extraordinary meeting. An extraordinary meeting shall be called if the next ordinary meeting is more than 4 weeks away.

3. When raised at the Club Meeting, all people involved in the dispute will be given the right to be heard.
4. The matter should be heard with all Committee Mg Board members present, unless they have advised in writing that they are aware there is a dispute resolution meeting being held and they are unable to attend.
5. The President will call for a motion from the Club Management Committee - e.g. to seek further legal advice, to refer the matter for further investigation, to dismiss the complaint. The motion will be voted on by all members present at the meeting.
6. A Club decision may be reviewed where:
  - a. New information has come to light that was not available when the original decision was made.
  - b. The Club has become aware of an error in previous information that was used to make the decision.
  - c. A Club member did not feel able to present his/her case.

## **Mediation**

1. This is a voluntary process in which the party/parties to a dispute, with the assistance of a neutral third party (the 'mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.
2. The mediator has no advisory or determinative role in the content or resolution of the dispute. However, the mediator may advise on or determine the process of mediation whereby resolution is attempted.
3. The role of the mediator is to assist the parties to identify their interests, understand alternative views and arrive at a mutually acceptable solution. The mediator generally meets separately with each party, taking information in confidence. Mediation may involve more than one mediator.
4. The mediator or mediators may be members of the club or anyone deemed appropriately neutral in the disputed issue, as agreed between the parties. If agreement cannot be reached, a mediator shall be appointed by the Club.
5. Despite the emphasis upon self-resolution of conflict, there is no presumption that mediation will result in agreement. If agreement is not reached, the parties may seek resolution in accordance with the act, otherwise at law.

## **Principles**

1. Dispute resolution procedures should be initiated as early as possible. This will help avoid parties becoming locked into inflexible positions of conflict.
2. Parties should be able to meet each other on a face-to-face basis or via teleconference. Meetings should allow parties to explain details, express points of view, confine issues and resolve differences in an atmosphere conducive to conciliation.
3. The parties should be encouraged to resolve differences by direct negotiation amongst themselves
4. Any agreement arising from mediation should be documented in a Mediation Agreement signed by all the parties. A Mediation Agreement is not legally binding, but is made in good faith.

## **Liability**

1. Kawana Waters nor the mediation provider shall be liable to any party for any act or omission arising from the holding of a mediation session under this Policy.

## **Related Documents**

Code of Ethics, Swimming Behaviour Guidelines