

ROTARY INTERNATIONAL DISTRICT 9810
VICTORIA, AUSTRALIA

Policy:	Conflict Resolution
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Refer Document Control section for more information.

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1. Introduction

- 1.1. Rotary International District 9810 is committed to providing a safe and harmonious club environment which enhances the achievement of Rotary International goals. In this environment, all members and participants in Rotary associated activities have the right to be treated fairly and with respect. Accordingly, harassment of any form in Rotary will not be tolerated. The Policy applies to all Clubs in the District and associated Rotary-controlled programs, projects and entities, including Rotaract Clubs.
- 1.2. This involves ensuring that Club Presidents and members:
 - 1.2.1. Understand what constitutes sexual harassment and bullying in Rotary and that they act promptly to discourage any such behaviour of which they become aware.
 - 1.2.2. Make sure all members, partners and participants in Rotary associated activities who report to them are aware of what constitutes sexual harassment and bullying.
 - 1.2.3. Fully understand their responsibilities in relation to a claim of sexual harassment or bullying by a member or participant in Rotary associated activities.
 - 1.2.4. Know the process and whom to contact for further assistance or guidance regarding any form of harassment or conflict.
- 1.3. Disciplinary action may be taken against any individual engaging in such conduct. This attitude has been formulated taking into account Rotary International's:
 - 1.3.1. Legal responsibilities;
 - 1.3.2. Interest in maintaining a productive Rotary environment;
 - 1.3.3. Commitment to the principles of equal opportunity;
 - 1.3.4. Rotary International's image;
 - 1.3.5. Rotary International's *Four Way Test*.

2. Definitions

2.1. Sexual Harassment

Sexual Harassment is any unwanted or unwelcome behaviour of a sexual nature which makes a person feel offended, humiliated or intimidated. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of

offensive material or other behaviour which creates a sexually hostile environment. The act, while not intended to, may still result in offence, humiliation or intimidation. An act may constitute sexual harassment even if it was not intended to offend, humiliate or intimidate. Sexual harassment can be a single isolated event.

2.2. Bullying

Bullying occurs when an individual or group of individuals repeatedly behaves unreasonably towards a member or a group of members,

AND

the behaviour creates a risk to health, safety and well-being.

2.3. Conflict

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values, or goals.

2.4. District Conflict Resolution Team

The District Conflict Resolution Team consists of a minimum of 6 trained conflict resolvers, including the District Governor. Members of this Team are trained to conduct conflict resolution meetings with club members. The District Governor will appoint the Team members to each conflict as they arise. These decisions will be based on specific skills and to avoid conflicts of interest.

2.5. Conflict Resolver

A conflict resolver is a Rotary member who has successfully completed training by a Nationally Accredited Mediator to be able to conduct 'conflict resolution meetings'.

2.6. Conflict Resolution Meeting

A conflict resolution meeting is designed to enable all parties to work together towards realistic outcomes allowing the conflict to be settled. The meeting will be chaired by two (2) trained impartial conflict resolvers selected from the District Conflict Resolution Team and will follow the process set out in their training.

2.7. National Mediator Accreditation System (NMAS) Accredited Mediator

A mediator's role is to help people to resolve disputes by facilitating a structured mediation process. The objectives of the process is to prevent

any power imbalance or other issues from blocking communication about the issues in dispute and reaching a resolution that is acceptable to all parties. A mediator may clarify and highlight issues to assist the parties in understanding the other's point of view. A mediator will ensure that all parties have the opportunity to explain themselves in their own words and be heard. Although a mediator may point out potential strengths and weaknesses, the final decisions and outcomes always lie with the participants in the conflict.

2.8. Conflict Resolution

Conflict Resolution is any process that is designed to resolve a conflict between individuals or the organisations they represent.

2.9. Vicarious Trauma

The effect of hearing about and dealing with traumatic events of others, also known as vicarious trauma, is more often referred to in counselling or emergency services professions. The accumulative build-up from listening and helping others deal with their difficult situations can develop into seriously stressful situations, which needs to be monitored to ensure people talk through anything that might concern them, or plays on their mind. No-one can conduct their role at their best if they are stressed over other people's problems.

3. Sexual Harassment

3.1. Examples

- 3.1.1. Uninvited touching;
- 3.1.2. Uninvited kisses or embraces;
- 3.1.3. Crude jokes or comments;
- 3.1.4. Making promises or threats in return for sexual favours;
- 3.1.5. Repeated invitations to go out after prior refusal;
- 3.1.6. Sexual gestures;
- 3.1.7. Sex-based insults, taunts, teasing or name-calling;
- 3.1.8. Staring or leering at a person or at parts of their body;
- 3.1.9. Request for sex;
- 3.1.10. Persistent questions or insinuations about a person's private life;
- 3.1.11. Offensive phone calls, texts, letters or emails;
- 3.1.12. Inappropriate use of social media.

3.2. What Sexual Harassment is Not

Sexual harassment is not behaviour which is based on mutual attraction, friendship and respect - if the interaction is consensual, welcome and reciprocated.

3.3. Sexual Harassment is against the Law

Sexual harassment is an offence under State and Federal legislation. The Equal Opportunity Act 1995 (Vic) prohibits a member of a club sexually harassing another member, someone seeking to become a member or an employee of the club. The Sex Discrimination Act 1984 (Cth) prohibits a member of the committee of management of a club from sexually harassing a member of the club or a person seeking to become a member. Acts of sexual harassment may result in legal action taken against the offender and the club.

4. Bullying

4.1. Bullying is against the Law

Bullying - Brodie's Law. Victoria's anti-bullying legislation, known as Brodie's Law, commenced in June 2011 and made serious bullying a crime punishable by up to 10 years in jail. Brodie's Law was introduced after the tragic suicide of a young woman, Brodie Panlock, who was subjected to relentless bullying in her workplace. Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the Crimes Act 1958 to include behaviour that involves serious bullying. The offence of stalking, and therefore conduct that amounts to serious bullying, carries a maximum penalty of 10 years imprisonment.

4.2. Who is at Risk?

No Rotary Club is immune from sexual harassment, bullying or conflict, although its occurrence may be more likely in certain areas and situations. For instance:

- Certain groups may be more vulnerable to harassment than others e. g., Exchange students, Group Study Exchange Team members or women members.
- It is common for the harasser to be in a position of authority over the harassed person.
- The harassment may be an isolated incident or a series of incidents.

4.3. The Effects

Sexual harassment, bullying and conflict has implications for all Rotarians and participants in Rotary associated activities. It creates an unfair club environment which may affect:

- club morale
- club performance
- attendance
- retention of members

For the individual being harassed, it is threatening and offensive. People can feel annoyed, embarrassed, intimidated, humiliated and distressed.

5. The Conflict Resolution Process

5.1. It is critical that all harassment, bullying and conflict concerns reported are dealt with promptly and appropriately. The following provides the steps involved in the resolution process. No party can be forced to participate in this process, but in doing so may be subject to disciplinary actions as laid out by District 9810 and Rotary International. The process to be followed depends on the situation and includes the following options.

5.1.1. **Private Resolution** - the parties speak directly to discuss the complainants concerns and resolve their issues. This should only be encouraged when the person who has raised their concerns is comfortable in doing so.

5.1.2. **Club President Intervention** - Parties resolve conflict with assistance from the club president or their delegate, who may refer to the District Conflict Resolution Team for advice and if agreed, document key elements of the dispute via a confidential 'Dispute Incident Reporting Form'. Irrespective of whether such advice is sought or documentation prepared, outcomes must be approved by the District Conflict Resolution Team.

This approval process checks that the resolution is:

- a. Reasonable to all parties
- b. Reality checked
- c. Within legal and Rotary statutes
- d. Complies with the District's insurance obligations via notification to the District Insurance Officer

- 5.1.3. **Conflict Resolution Meeting** - The club president or their delegate refer the matter to the District Conflict Resolution Team where parties resolve the conflict with assistance from 2 impartial District trained conflict resolvers including intake (initial) interviews with each party involved, followed by a conflict resolution meeting. Outcomes must be approved by the District Conflict Resolution Team.
- 5.1.4. **Professional Mediator** - Parties resolve conflict with an independent NMAS accredited mediator. Mediation is a confidential process and information shared in mediation can usually not be used as evidence in any court process that may follow if the mediation is not successful in resolving all issues in dispute.
- 5.1.5. **District Arbitration** - Parties resolve conflict with a suitably accredited District-appointed Arbitrator, with another member of the District Conflict Resolution Team who was not at the conflict resolution meeting. The District Governor will consult with Rotary International to ensure correct Rotary International procedures are adhered to.
- 5.1.6. **Litigation** - Parties are engaged in litigation to resolve their conflict with advice from the District Governor and Rotary International.
- 5.1.7. **Reporting** - The Conflict Resolution Team must prepare a confidential report for the District Board and the District Insurance Officer, no less frequently than quarterly, setting out the general nature and status of all disputes that have been referred to the Team.
- 5.2. It is Rotary International District 9810's policy that the Club President, District Governor and members of the District Conflict Resolution Team will:
- provide support
 - treat the complaint seriously
 - take the appropriate steps to deal with the complaint
- Note: Individuals will not be victimised in any way for making an enquiry or a complaint of sexual harassment bullying or reporting conflict.

Victimisation will not be tolerated and if it occurs disciplinary action will be taken immediately.

6. Why Sexual Harassment, bullying and other conflict goes unreported.

The absence of complaint does not necessarily indicate that harassment is not occurring. Harassment is often unreported because those affected:

- do not know who they can approach to make the complaint;
- feel uncomfortable, scared or embarrassed;
- feel ashamed;
- are afraid that their word will not be accepted against that of the alleged harasser; or
- fear they will be victimised.

7. Role of Club Presidents

7.1. Club Presidents should:

7.1.1. Ensure that all members and participants in Rotary associated activities are made aware of what constitutes proper standards of personal conduct in Rotary International.

7.1.2. Communicate to all members, Rotary International District 9810's attitude towards sexual harassment, bullying and conflict along with the channels through which a formal complaint can be made.

7.1.3. Take action to prevent behaviour which may be offensive or intimidating.

7.1.4. Handle complaints seriously, promptly and confidentially whilst being sensitive to the needs of the parties concerned.

7.2. Club Presidents may not always be the first point of contact. However, when a complaint is made, the role of a Club President is to listen to the complaint in the first instance and provide support to the Complainant. At this time a "Dispute Incident Reporting Form" must be completed and submitted in-confidence to the District Conflict Resolution Team if the dispute is unresolved.

7.3. When dealing with the Complainant the Club President should:

- 7.3.1. Listen seriously and sympathetically to the complaint without prejudging either party or dismissing the matter as too trivial.
- 7.3.2. Establish what outcome the Complainant wants while providing options available to resolve the complaint.
- 7.3.3. Make every attempt to resolve the matter informally. This may involve the Club President accompanying the Complainant to see the alleged harasser. In this capacity, the Club President may ascertain if the parties are willing to enter into mediation through a conflict resolution meeting and the District Conflict Resolution Team.
- 7.3.4. Review the situation on a periodical basis to ensure that the harassment has ceased.
- 7.3.5. Unless it is legally responsible to do so, information should not be passed onto other authorities without the Complainant's consent.
- 7.3.6. Maintain confidentiality at all times.

8. Role of the District Governor

- 8.1. The responsibility for the resolution of all complaints rests with the District Governor. Where the District Governor needs assistance with handling any complaint, he or she may arrange with the College of Governors for assistance to be provided.
- 8.2. The District Governor will be involved in all matters of conflict raised to the District Conflict Resolution Team as a member.
- 8.3. If a matter is unable to be resolved by a 'conflict resolution meeting' or mediation, the District Governor will appoint an arbitrator for the matter.
- 8.4. As the arbitrator, the District-appointed person will evaluate and decide the outcome of the matter in accordance with relevant standards and protocols of arbitration.

9. Administrative Measures

9.1. Administrative measures which may be imposed on a party to the conflict where appropriate:

9.1.1. Warning and counselling, including agreed behavioural changes and agreed consequences if not complied with.

9.1.2. Closer supervision on Rotary activities.

9.1.3. Termination of Club Membership, in accordance with the Club's constitution.

9.2. Administrative measures will be gauged on the severity of the offence in consultation with the District Governor.

10. Legal Implications

10.1. A member or participant in Rotary associated activities should not be deterred from making a complaint about sexual harassment, bullying or conflict because of concerns about defamation laws. If the person making a complaint acts in good faith and only discusses the complaint with appropriate people within Rotary International (Club President, District Governor) they will not be liable for defamation.

10.2. The issue of privacy is paramount when investigating and resolving any complaint. Rumours should not be allowed to spread.

10.3. Information on any allegation is only available to those people whose job it is to deal with the complaints. Accordingly, any written records will be kept to a minimum and remain secure for no more than seven years in a locked filing cabinet, to ensure confidentiality.

11. Seeking Help

11.1. It is up to the member or participant in Rotary associated activities seeking assistance or advice to determine who they talk to. If the member or associate feels uncomfortable making an initial approach to their Club President or District Governor and no other appropriate person is known, a list of current contacts can be obtained from the District Legal Officer, whose details may be found in the current hand book. No one should feel

intimidated if they have a problem and need help in locating a suitable person they can talk to. ADR Co has a national register of NMAS accredited mediators that can be sourced as required.

12. Document Control

Date	Author	Version	Nature of Change
May 2002	Murray Baird	1	Initial District Sexual Harassment Policy
9 Feb 2016	Malcolm Guy	2	Amended to include bullying and conflict resolution.
11 Feb 2016	Tony Monley	3	Formatted to Policy Template
27 Mar 2016	Malcolm Guy	4	Amendments to definitions, the conflict resolution process, roles of the club president and district governor and seeking help.
29 Mar 2016	Tony Monley	5	Cl 5.1.5. DG as Arbitrator replaced with "District-appointed Arbitrator".
05 Apr 2016	Tony Monley	6	Updated for feedback from Workshop held 02-Apr-16.
16 Apr 2016	Tony Monley	7	Updated for feedback from Workshop held 16-Apr-16.

13. Appendices

13.1. Rotary Incident Reporting Form

Rotary District 9810 Dispute Incident Reporting Form

All information gathered through this form is for Rotary to better understand the situation in facilitating a resolution to the dispute. No information gathered here will be disclosed unless permission is given. The exception is where harm or safety issues are involved, or reporting to the relevant authorities is mandatory, or where the Rotary Club or District may have a contingent liability.

1. Club Information

- a. Club: _____
- b. President: _____
- c. Person/people reporting the incident: _____

*Describe the nature of the dispute **briefly**, giving only essential information.*

More details of the dispute will be gathered as required.

2. What is the dispute?

- a. Date the dispute was first reported to the club president?
- b. What initiated the conflict?
- c. What are the key factors (e.g. events or incidents)?
- d. What is the position of the conflict now?
- e. Have similar events happened before?
- f. What are the parties working relationship like now?

4. Who is in conflict?

	First Party	Second Party	Third Party
Name			
Phone			
Email			

- a. Is there any concern regarding harm or safety?
- b. Is there a need to disclose any health issues regarding either party?

5. What's happened since?

- a. What discussions or events have occurred since the dispute started? (A timeline may be useful here.)
- b. Is there any legal advice or court action pending?
- c. Have there been other adverse events between the parties in the past?