

2-1-2006

Mediation in voluntary organisations

Jennifer Scott

Recommended Citation

Scott, Jennifer (2006) "Mediation in voluntary organisations," *ADR Bulletin*: Vol. 8: No. 6, Article 4.
Available at: <http://epublications.bond.edu.au/adr/vol8/iss6/4>

This Article is brought to you by epublications@bond. It has been accepted for inclusion in ADR Bulletin by an authorized administrator of epublications@bond. For more information, please contact [Bond University's Repository Coordinator](#).



Dealing with conflict among volunteers

Mediation in voluntary organisations¹

Jennifer Scott

Volunteers are the conscience of a nation. We are challenged in Australia to recognise that volunteering underpins the action of civil society. Without a vibrant civil society, we have no democracy [Margaret Bell AM, Regional Director, Civicus in Australia & Asia Pacific].

The following statistics provide an insight into the extent of voluntary organisations in Australia:

- In Australia nearly 4.4 million people over the age of 18 years are volunteers, representing 32-per cent of the adult population.
- There is an almost equal representation between female and male volunteers in Australia.
- In 2000 volunteers contributed 704.1 million hours of volunteer work to the Australian community.
- Particular volunteer growth has occurred in the 18–24 age group, from 17-per cent in 1995 to 27-per cent in 2000.
- The 55–64 age group showed volunteer growth from 24-per cent in 1995 to 32-per cent in 2001.
- Volunteer organisations in Australia have an estimated dollar value of \$42 billion per annum.²

There are many examples of unresolved conflicts and poorly-managed disputes in voluntary organisations such as political parties, service organisations, church groups, youth groups, and environmental and community groups. Is the following scenario familiar?

Your club meets regularly on a Wednesday night at the local Bowling Club. The food is unpalatable, the chef is rude. Your club attendance gradually declines. As the president, you decide you need to make a decision quickly. You call a board meeting, agree to change venues and notify club members. You believe you have solved the problem. Instead

you have rebellion! You have failed to consult the members. You have failed to consider the relationship with the Bowling Club, you have failed to realise the Christmas party was to be held at that venue. The result is chaos. The club members take sides and split into the pro-move and anti-move camps; some members threaten to leave, others simply cease attending meetings. The club is in conflict.

Another familiar scenario:

You belong to a local church where the leaders of the church are fighting over changes to the administration. The debate carries on for months. Friendships are strained. Finally there is a threat: either accept the changes or leave the church. One of the leaders eventually leaves, resulting in a split in the congregation. The result is great bitterness, with some parishioners being so disillusioned that they cease attending church all together.

Disputes are time-consuming, and get in the way of the good work of a voluntary organisation. Voluntary organisations are strongly values-based, and may experience intense conflicts about directions and policies. Like other sectors, the voluntary sector is looking for ways of settling disputes which avoid these heavy costs. Although there may be no immediate financial risk, the drain on support and on people's time may be expensive and the public image of the organisation may be damaged. This can adversely affect membership and fund-raising potential; it can damage the reputation of an organisation and, potentially, the voluntary sector as a whole.

Disputes can be overwhelmingly expensive too – a discrimination case can cost an organisation many thousands of



dollars both in hard costs (legal fees, and so on) and soft costs (time, emotional effort, and so on). This is why it is vital that disputes are managed (and resolved if possible) appropriately and as quickly and effectively as possible. Disputes can prove costly in terms of:

- time delays
- uncertainty of outcome
- loss of reputation
- damaging publicity
- charges of breach of trust
- relationships and morale
- stress
- hampering the work of an organisation
- loss of membership
- legal fees, if litigation is involved.

The benefit of a conflict management system is that it seeks to avoid many of these adverse outcomes by creating a consensus-oriented, confidential (if required) procedure. Mediation is one of a number of processes that offers a way of moving towards a resolution of issues, while enabling working relationships to continue.

Few voluntary organisations undertake an analysis of the kinds of disputes within their organisation to determine whether the processes and structures currently used are effective in achieving the organisation's goals in resolving (or at least managing) conflict. The aim of this article is to assess the current dispute resolution processes of Rotary International (RI) at all levels of the organisation and, if required, suggest a more comprehensive dispute resolution system for Rotary which promotes its central aims and ideals.

In relation to the design of a dispute resolution system the article has adopted the process introduced by Ury, Brett and Goldberg³ which provides four stages:

1. Diagnosis
2. Design
3. Implementation, and
4. Exit and evaluation.

The article first provides a background to Rotary, setting out the aims and ideals of the organisation. The current dispute resolution system will be assessed based on Rotary's Manual of Procedure, Club Constitutions and other Rotary

documents (the Rules). The article will then consider dispute management mechanisms that are likely to meet the needs and culture of Rotary. Based on this, the article recommends a dispute resolution system that can be considered for adoption by Rotary International.

It is acknowledged that not all disputes can be resolved; often the role of the system is one of prevention and management rather than resolution. However, as most literature refers to 'resolution' rather than 'management', this article will adopt this term to encompass both processes.

Rotary and its organisation

Rotary is an organisation of business

Few voluntary organisations undertake an analysis of the kinds of disputes within their organisation to determine whether the processes and structures currently used are effective in achieving the organisation's goals in resolving (or at least managing) conflict.

and professional leaders united worldwide who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. There are approximately 1.2 million Rotarians worldwide, belonging to more than 30,000 clubs in over 160 countries.⁴

The main object of Rotary is service in the community,⁵ in the workplace and throughout the world. Rotarians develop, participate in and contribute to service projects that address many of today's most critical issues such as world peace, poverty, hunger, health, the environment and illiteracy.

Rotary culture

In Anthony Craine's article, 'Voices for Peace',⁶ he suggests why, in terms of the legacy of goodwill, conflict is rare in a Rotary Club and between Rotarians. Craine writes:

Rotary has always sought to push through the social and cultural barriers by emphasizing co-operation among its members. Divisions based on race,

religion, and national boundaries have proved no match for Rotary fellowship. The resulting ties between members have been the basis for an untold number of educational and humanitarian projects that strive for peace or address underlying causes of conflict, such as poverty and hunger.

Today, Rotary actively encourages peaceful relations worldwide. Nearly all the work done by Rotary International (RI) and the Rotary Foundation seeks to galvanize disparate groups of people, reducing the likelihood of conflict between them.⁷

In April 2002 Rotary announced a new graduate scholarship program aimed at reducing world conflict – the

Rotary World Peace scholarship.⁸ The news release stated that 'there is a major shortage in trained mediators, who are an essential element of any peace process. Rotary has undertaken a major long-term initiative aimed at filling that void'. Rotary has teamed up with eight universities around the world to support students seeking a two-year Master's degree at one of the Rotary Centres for International Studies.

With the introduction of this initiative and an understanding of the culture of the organisation fresh in the minds⁹ of its members, the author sought to consider Rotary's internal conflict management and dispute resolution processes.

Rotary's ethics are best summarised by the '4-Way Test' which sets out a number of considerations for '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?

The 4-Way Test promotes the concepts of open and truthful discussion, procedural fairness, and collaborative problem-solving when disputes do arise. The structure of the organisation also promotes these ideals. However the rules and regulations of Rotary do not always allow a path at all levels to support these ideals.

Rotary structure

The Club

Rotary's structure is based on 'bottom up' approach as espoused by past RI President Bichai Rattakul. It means that the international organisation is simply an association of Rotary clubs that develop autonomous service programs in their communities. There is no national or other grouping of clubs which intervenes in the administration or functioning of the clubs as members of RI. Every club is expected to comply with the provisions of the constitutional documents which provide for the organisational structure and functioning of the club.¹⁰ The standard Rotary club constitution specifies that the board of directors is the governing body of the club.¹¹

The District

Clubs are grouped into 530 Rotary districts, each supervised by a district governor who is an officer of RI and represents the RI board of directors in the district.¹² The governor's role includes:

- promoting cordial relations among clubs;
- assisting weak and struggling clubs;
- performing such other duties as are inherent as the officer of RI in the district.¹³

Assistant governors, appointed by the governor, are responsible for providing support to the clubs to which they have been assigned, including:

- assisting the incoming presidents;
- keeping the governor posted on the progress of clubs and suggest ways to enhance Rotary development;
- addressing general problems.

Past district governors act as advisers and assist the governor at district assemblies and conferences. They also help with activities involving contacts outside the district such as Youth

Exchange, World Community Service and other areas of international contact and co-operation.

International

The role of Rotary International is to support its member clubs in fulfilling the objects of Rotary by:

- fostering unity among member clubs;
- strengthening and expanding Rotary around the world;
- communicating worldwide the work of Rotary;
- providing a system of international administration.¹⁴

A fundamental principle underlying the administration of RI is the substantial autonomy of the member Rotary clubs.¹⁵ Constitutional and procedural restrictions are kept to the minimum necessary to preserve the fundamental and unique features of Rotary. Within that provision there is maximum flexibility in interpretation and implementation of RI policy, especially at the local level.

The administration of clubs is under the general supervision of the RI Board. In the districts in Great Britain and Ireland (RIBI), the performance of duties by the governor is consistent with traditional practices in that area under the direction of the general council of RIBI and consistent with the constitution and bylaws of RIBI.

The RI Board is composed of 19 members: the president as chairman of the RI Board, the president-elect, and 17 other directors nominated by the clubs in zones as specified in the bylaws, and elected by the convention.¹⁶ Each director, although nominated by the clubs in a certain zone, is elected at the convention by all the clubs, thereby placing on each director the responsibility of representing all clubs in the administration of Rotary. The RI Board directs and controls the affairs of RI by:

- establishing policy for the organisation;
- evaluating implementation of policy by the general secretary;
- exercising such other powers conferred upon the RI Board by the constitution, RI by-laws, and the Illinois *General Not-for-Profit Corporation Act* (1986).¹⁷ The requirement to comply with Illinois (US) legislation is due to



the fact the international headquarters of RI are based in this state. There are seven other international offices around the world.

All RI Board decisions, unless specified otherwise, take effect immediately upon the adjournment of the meeting at which they are made.¹⁸ The action of the RI Board is subject to an appeal to a convention.¹⁹

The RI president is the chief executive of the organisation. The general secretary is the chief administrative officer of RI under the direction and control of the RI Board. The general secretary is responsible to the president and the RI Board for the implementation of its policies and for management and administration, including the financial operation of RI.

Current dispute resolution system

At all levels of the organisation there exists a loose informal dispute resolution process, whereby the club president, assistant governor or governor tends to provide advice and/or conciliation. There are no formal guidelines as to how such a process is conducted.

The only formal dispute resolution process recognised by Rotary rules and policies is determination by way of a Board decision (at either the club or international level, or by delegation to the general secretary) or a process identified in the constitution as 'arbitration'.

Articles IX and XI of the standard Rotary club constitution provide for an appeal procedure within a club. A party may resort either to an appeal or arbitration, but the selected option is final. A party may not avail him- or herself of both options.²⁰ Neither the standard Rotary club constitution nor the Rules of Procedure provide any guidance as to the rules of arbitration, except for the nomination of the panel.

Every Rotary club is also expected to comply with the laws of the country in which it functions. Whenever local laws impose a requirement that may be inconsistent with the constitutional documents of RI, the clubs affected should present the problem to the RI Board for advice and guidance.²¹

Procedures for election violations

A Rotary club (with the concurrence of at least five other clubs) or a current RI officer may file with the general secretary a written complaint, with supporting documentation, alleging a violation of the RI bylaws or some unfair practice relating to the activity of a candidate for an elective office in RI or of another party. After receiving any election complaint, the general secretary informs the party in question of the allegation, requests a written response with documentation by a certain date, and notifies the parties of the procedure to be followed.

Once again a complex arbitration and determination process is instigated. An election review committee reports findings of their review to the RI Board including its findings of fact, its conclusions and its recommendations and reasons for these recommendations. Prior to making its recommendations to the RI Board the committee must reach a consensus.

Analysis of current model

Dispute resolution models generally fall into three categories:

- Power-based models which involve the resolution of disputes based on who is the more powerful. Examples include war, work strikes or violence, in order to force an outcome.
- Rights-based models which involve the resolution of disputes by applying law, rules and principles. The court system, tribunals or arbitration are common examples.
- Interest-based models which involve the resolution of disputes based on identifying the interests, needs and desires of parties involved in a dispute, generating options and reaching a mutually acceptable agreement. These models often focus on the value of ongoing relationships between the parties. Common examples are mediation and negotiation.²²

Rotary's current formal dispute resolution process is a rights-based model. Informally, Rotarians, in particular assistant governors, governors and past governors, have played an important role in managing club disputes by way of more interest-based methods such as facilitation, peer review

and conciliation.

A small stakeholder group of experienced Rotarians in district 9690 responded to a questionnaire regarding disputes. The aim of the questions was to obtain more specific responses (rather than anecdotal evidence), to obtain some feedback as to the types of disputes being experienced and how they were being managed. Although the responses were varied, the general consensus was:

- There were few formal disputes.
- The formal rules are not well known at club level.
- The formal arbitration process is rarely adopted.
- The constitution places the onus of decision-making on the club board, and problems should be 'resolved' by determination at that level.
- If a dispute arose that was not resolved there was a tendency for the 'disgruntled' member(s) to resign.
- If a club remained in conflict, the club would become weak and eventually close.
- Governors and assistant governors monitor and assist with conflict management within their formal roles.
- Governors, assistant governors and past governors tend to provide informal dispute resolution assistance on an ad hoc basis.

Both the stakeholder group and the writer's own enquiries and experience indicate that not only is the current formal model rarely exercised, but there is no other appropriate, consistent system of interest-based dispute resolution process available to Rotarians. Further, there is no formal conflict management training, although the concept of conflict management is advocated during leadership training.

Although the current system provides for arbitration, it is silent as to which arbitration rules are to be adopted. Recent court decisions in Australia have stated that for an arbitration clause in an agreement to be enforceable, the parties to the agreement must have not only agreed to participate in the process, but also agreed on the rules and procedure at the time of entering the agreement. Likewise, although the process of choosing the arbitrators is defined within RI and Club Constitution



and rules, the rules governing the arbitration processes are not.

Integrated dispute resolution system

Most organisations have tried some form of ADR, yet as practical and effective as ADR can be, in most organisations it still serves only the ‘back end’ of disputing, usually long after the dispute arose. ADR is now moving to the ‘front end’ of disputing, through the introduction of methods for preventing unnecessary conflict, and where conflict does arise, responsibly managing it.²³ When organisations go beyond ad hoc, case-by-case dispute resolution and turn their focus to systematically integrating all of these approaches into their day-to-day business, as well as adding processes that shift their conflict culture towards prevention, they are implementing a ‘dispute resolution system’ or ‘conflict management system’.

What differentiates a ‘system’ from case-by-case approaches is that in addition to dispute resolution techniques, a system has features that focus on the prevention of unnecessary conflict and, when conflict does arise, on managing it. Disputes are often simply the symptom of an underlying problem. A system lays the foundation for addressing the causes of the conflict, rather than just the dispute.

The term ‘conflict’ encompasses all disputes and much more. Conflict denotes any difference, problem, tension or dispute experienced by one or more parties, whether or not it has been brought to the attention of others. Conflict can be generally said to have become a dispute after there has been some stressed interaction and position-taking by the parties.²⁴

When an organisation takes a systems approach to conflict management, it introduces two key components:

1. It develops or improves its dispute resolution model by reviewing and modernising its basic dispute resolution procedures. It selects a variety of dispute resolution procedures that it intends to use, and organises them in a low-to-high cost and low-to-high intervention sequence – a ‘dispute resolution model’.

2. It also creates, according to

Lynch, a ‘fostering and sustaining environment’.²⁵ On its own, a dispute resolution model is not a system. The dispute resolution model is only one of two core components. Various supporting processes and structures need to be introduced to the organisation to facilitate a successful dispute resolution system. These support structures assist the organisation in:

- preventing and managing conflict;
- creating a culture of conflict competence – the creation of an environment where all who experience conflict feel comfortable to raise it, knowing it will be dealt with respectfully and responsibly.

For example, leaders in relevant positions, such as presidents and governors need to be provided with skills and resources to focus on prevention and early resolution. The system should constantly reinforce the notion that conflict management means more than dispute resolution and that interest-based language and behaviour must become everyday practice. It should create:

... an atmosphere and culture where all conflict may be safely raised and where persons will feel confident that their concerns will be heard, respected and acted upon, with support provided. The ‘default reaction’ shifts from one of shrugging off or escalating conflict, to accepting it positively and encouraging early, low level solutions.²⁶

A dispute resolution system needs to incorporate the following elements:

1. Leadership:

- Sincere and visible leadership from all stakeholder groups.
- Corporate mission, vision and values consistent with a conflict management philosophy.
- An organisation-wide policy of conflict management: organisation-wide encouragement, requirement and support of ‘conflict competent’ behaviour that emphasises prevention of unnecessary conflict, identification and management of conflict, and earliest possible resolution.
- Resources, both human and financial.

2. Structures:

- A conflict management central



co-coordinator with high level reporting. Bearing in mind the number of Rotarians and clubs globally, this should be a dedicated person or office.

- Stakeholder participation in the development of the system.
- Conflict management system with an over-seeing body of stakeholders.
- Access to a confidential, neutral person (organisational ombud) and support from other knowledgeable persons for advice, coaching, referring, problem-solving - and listening; the most common 'option' in a conflict management system.
- Strategic communication of the initiative across the organisation with consistent messages and consistent terminology.
- Documentation of conflict management policies and codes of practice.
- The ability to adapt the system and make continuous improvements.
- Safeguards such as privacy, confidentiality, impartiality of neutrals, protection of rights, respect for diversity, protection against reprisal, access to disclosure and relevant information.
- System monitoring and evaluation.

3. Training:

- Training, skills-building learning and coaching programs to deliver services, create awareness and understanding of the system, and teach stakeholders skills to understand, recognise, and acknowledge conflict, manage relationships in a conflict competent manner, and to resolve disputes.
- The present Rotary training programs for club presidents (PETS) and governors (GETS) can be easily extended and adapted to include appropriate training. Rotary members can also receive information and training at club and district assemblies.

4. Practices that encourage a front-end approach to conflict management:

- Interest based management style by the RI president, RI board and

governors.

5. Feedback system:

- On-going collection of information about what has been done, as well as what has been learned. This data is analysed in such a way as to impact future decisions and actions. The feedback system should be able to detect the possibility of systemic problems that are causing organisational pain and suffering. By doing so, appropriate steps can be taken to remedy the problems identified by the system.²⁷

A variety of options are available to deal with disputes as they arise. Generally conflict management processes range across a spectrum of external intervention, from minimum to maximum formality, and from minimum enforceability of outcome.

Conflict management options

A variety of options are available to deal with disputes as they arise. Generally conflict management processes range across a spectrum of external intervention, from minimum to maximum formality, and from minimum enforceability of outcome.²⁸ As indicated earlier, the ideal is a coordinated and supportive array of interest- and rights-based options for dealing with all types of problems as early as possible.

In recommending certain processes, the writer has taken into account the culture and ethics of Rotary. As the Rotary ideals, encompassed in the 4-Way Test, promote fairness, goodwill and better friendship, those interest-based options such as coaching and mediation fit well within these ideals. Further, as Rotary promotes the 'bottom up' management style, it is important to promote minimum intervention and minimum formality.

Negotiation

Negotiation is a process in which parties who differ over a particular

issue attempt to reach agreement through direct communication.

Unlike mediation negotiation does not involve the direct assistance of a third party. Interest-based negotiation requires training. As an informal communication tool, it can prevent conflict from escalating into disputes.

Negotiation allows disputes to be resolved close to the source without involving a third party. Where a power imbalance exists between the disputants, however, the danger of one-sided solutions is real, which could result in continuing conflict.

Conflict coaching

Conflict coaches can work on a one-to-one basis individualising interventions to meet the needs of the Rotarian or club seeking assistance. The objective is to work with the Rotarian or club to develop methods of dealing effectively with conflicts. Conflict coaching can be preventative or reactive. It is preventative in that it raises the club's conflict awareness competency. It is reactive in that amid a 'conflict crisis' a coach could be called in, much like a paramedic, to help an individual deal with an immediate crisis.

Ombudsperson

An ombudsperson is an independent, confidential, designated neutral who works in an impartial way. The ombudsperson should report to the General Secretary, with access to the RI Board. The purpose of the office is to provide a possible path to fairness and justice, as well as consistency across the organisation. The ombudsperson can also take into account cultural needs. The ombudsperson, in effect, resolves disputes, but the office does



not act as advocate, formal fact-finder, appeals officer, arbitrator, judge or peace officer. The office helps to devise acceptable options that protect the confidentiality of the parties in dispute, and either get information where needed or help to see that appropriate action is taken. Through helping to develop options, and informal intervention if requested, an ombudsperson should be able to foster resolution of most issues or get them appropriately referred.

Neutral internal mediation (peer mediation)

Internal mediators are trained and made available to clubs as part of a procedure to address identified organisational problems. The mediator is not a decision-maker, but rather facilitates the communication between the disputants with the hope of helping them make their own decisions. The benefits of mediation include its speed, low cost and ability to preserve ongoing relationships. High satisfaction levels are reported by organisations using mediation.²⁹

Internal mediators, however, are not always perceived as neutral and impartial even where they are from a different club or district from those of the disputants. Confidentiality may also be raised as a concern. Internal mediators should either be chosen by agreement by the disputants or appointed by the RI president or the general secretary.

Neutral external mediation

Instead of the mediation being conducted by a Rotarian, an external mediator could be contracted to provide the service. A professional mediator will cost more and be less familiar with Rotary's organisational policies and culture. Where the dispute is complex, however, advanced dispute resolution skills are necessary. External mediators are not always available on short notice.

Conciliation

Conciliation is a process used to reach agreement or restore trust, friendship or goodwill. A trained conciliator acts as a go-between to resolve disputes between two parties.

The parties do not have to resolve their conflict face-to-face, but can rely on the conciliator to help negotiate an interest-based resolution. Conciliation can be carried out by governors or assistant governors when club disputes are involved and at a district level the RI president can appoint a director who is familiar with the zone as conciliator.

Peer review

This is an internal procedure through which a Rotarian can complain or seek review of a board decision by a panel comprising experienced and trained members, such as RI directors, governors and past governors. Panels typically have limited power and authority and the matters they can review are defined. They normally cannot alter existing policy or rules. Supporters of the peer review process argue that better and wiser decisions are made by those who truly understand the organisation, its mission and its people.³⁰ In reality, the present 'arbitration' system as described in club constitutions and RI rules is more in line with this process, rather than the formally recognised arbitration system. The constitutions will need to be amended to clearly set out the rules governing this process.

Investigation

An investigation is a procedure used to determine whether allegations of misconduct are justified, normally found in disciplinary procedures. The investigation should include notice to the alleged offender, reasonable opportunity to respond, reasonable timeliness, and impartiality by the decision-maker, who should be appointed by the RI President.

Arbitration

Arbitration is a rights-based process that provides opportunity for disputants to have issues determined by a neutral person (or a panel of neutral persons) without going to court. It should be considered as a last resort option, when other less interventionist processes have failed to resolve a dispute. Arbitration provides certainty and closure on disputes, is faster, less expensive and more informal than the



legal system. The RI rules and club constitution must provide procedures for not only selecting the arbitrator(s), but also the level of legality and formality.³¹ The rules currently provide that the decision is binding, but even if binding in most jurisdictions³² it can be appealed to a court on questions of law. Most jurisdictions are of the view that an arbitrator, or at least one member of a panel, should be selected from a panel of external neutrals and not from within the organisation.

As it is beneficial for voluntary organisations to manage disputes internally, an external arbitration process is not recommended. As long as the system provides and promotes low intervention interest-based methods, such as mediation, and the internal review process provides procedural fairness, it is less likely that courts will interfere with agreements or determinations.

Changing the dispute resolution system

Changing the ADR system of an international, multi-level, multi-cultural organisation is neither an easy nor a swift task. The first step is to convince Rotarians that change is beneficial for the organisation and its members. Once a commitment to change is made, the proposal is submitted to the Council on Legislation, the legislative body of RI with authority to amend the constitutional documents, grounded in Art X of the RI Constitution and Articles VII and VIII of the RI bylaws. Legislation may be proposed by a club, district conference, the RI Board, the council, or the general council or conference of RI in Great Britain and Ireland.³³

Conclusion

Since its inception 100 years ago, Rotary has promoted co-operation among its members and through its activities it has encouraged, and continues to encourage, peaceful relations worldwide. Within Rotary the 4-Way Test promotes the concepts of open and truthful discussion, procedural fairness, and collaborative problem-solving, when disputes arise. The structure of the organisation also promotes these ideals.

The current dispute resolution system, however, does not reflect those ideals. It is not an integrated system that meets the practical needs of encouraging interest-based resolution of disputes, with low intervention at the lowest level. Traditionally, there has been a tendency for dispute avoidance, rather than resolution. At a higher level, the 'arbitration' process, when used, lacks certainty and, in some jurisdictions perhaps also lacks enforceability.

The proposed dispute resolution system outlined in this paper needs multi-district stakeholder review prior to Board approval, in order to ensure the system is user friendly, practical and in keeping with the 'framework' of Rotary. The office of ombudsperson is an important component of the system and will assist in providing advice and consistency throughout the organisation. The balance of the system is based on a menu of interest-based and rights-based processes that encourage dispute prevention through training. When a dispute does arise, the system encourages early resolution with low intervention. ♦

Jennifer Scott is an adjunct lecturer with Sydney Graduate School of Management teaching Negotiation and Conflict Resolution and is a director of ScottADR which provides dispute resolution services. She is currently undertaking her doctorate in Juridical Science (Dispute Resolution). Jennifer can be contacted on scottadr@optusnet.com.au.

Endnotes

1. Paper presented at 7th Annual Mediation Conference, Darwin, 30 June 2004.
2. Volunteering Australia website, www.volunteeringaustralia.org/ accessed 26 June 2004.
3. Ury B and Golberg, *Getting Disputes Resolved: Designing Systems to Cut the Cost of Conflict*, Josey-Bass Management Series, 1988.
4. Rotary New Zealand website, www.rotary.org.nz accessed 22 June 2003.

5. The Rotary motto is 'service above self'.

6. The Rotarian, February 2003 Vol. 1181 No.8.

7. Above note 6.

8. Rotary International news release, New York, US 18 April 2002. www.rotary.org.

9. Particularly with the Rotary centenary in 2004–2005.

10. Rotary Code of Policies (RCP) May 2003. June 1998 Mtg, BdDec 348.

11. Standard Rotary Club Constitution IX, 4.

12. www.rotary.org/aboutrotary/administration.html.

13. Rotary International Board (RIB) 15.090.

14. RCP 26.010.

15. RCP 26.030.

16. Rotary International Constitution VI, 1.

17. RIB 5.030.1.

18. RCP 28.090.

19. RIB 5.020.

20. RCP 2.110.1.

21. RCP 2.080.

22. Hardy, N. Business Dispute Resolution notes, UNW School of Law 10.

23. Jennifer Lynch QC, *Conflict Management Practices an Integrated Conflict Management System?* January 2003. www.mediate.com accessed May 2003.

24. Above note 23.

25. Above note 23.

26. Above note 23.

27. Rian T, *Conflict management Systems: A Methodology for Addressing the costs of conflict in the workplace*, www.mediate.com September 2002.

28. Tillett G. *Resolving Conflict. A Practical Approach* Oxford University Press 2002, p 45.

29. NADRAC and Condliffe P, *Conflict Management — A Practical Guide* LexisNexis 2nd edition.

30. John Ford, *Process Options for workplace conflict management* May 2002.

31. Including the model to be applied, such as an adversarial or inquisitorial model.

32. Including Australia, United States and United Kingdom

33. RIB 7.010; RIB 7.020.