

Committee of Management Dispute Resolution Policy



Introduction

The Committee of Management of Mansfield Community Radio Incorporated is committed to reaching a prompt and fair resolution of any disputes, conflicts or disagreements that may arise from time to time and that may threaten the functioning of the Committee of Management.

Scope

This policy refers to disputes:

- Between members of the Committee of Management; or
- By a member regarding a Committee policy, process or procedure; or
- By a member regarding a resolution of the Committee of Management.

Policy

The Committee of Management of Mansfield Community Radio Incorporated encourages its members to resolve any issues or concerns that they may have at the earliest opportunity.

It is important that as issues do arise, they are dealt with in a fair and timely manner. While some conflicts will be resolved by an informal discussion between the parties, others will need a process for successful resolution.

Dispute Resolution Principles

The Committee of Management has endorsed the following principles for its members to follow:

- Respect for another's point of view
- Commitment to resolving the issues
- Willingness to compromise
- Confidentiality
- Impartiality
- Respect
- Prompt action, and
- Freedom from repercussions

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Procedure

1. The dispute must be set out in writing and sent to the chair (President). The chair must acknowledge receipt of the document within two business days.
2. The chair will use her or his discretion to bring the issue to the next Committee of Management meeting or call a special general meeting of the committee.
3. When raised at the committee meeting, all people involved in the dispute will be given the right to speak.
4. The matter should be discussed with all members present, unless they have advised the chair, preferably in writing, that they are aware there is a dispute resolution meeting being held and they are unable to attend.
5. The chair will call for a motion from the committee to do one or more of the following:
 - a. Appoint an independent assessor
 - b. Seek mediation
 - c. Call a special general meeting
 - d. Dismiss the complaint.

All members present at the meeting will vote on the motion.

6. The Committee of Management's decision may be reviewed in situations where:
 - New information has emerged that was not available when the original decision was made
 - The Committee has become aware of an error in previous information that was used to make the decision
 - A member did not feel able to present her or his case at the time the Committee made its decision

Mediation

1. Where mediation is sought or required in accordance Model Rules for an Incorporated Association (Mansfield Community Radio Constitution) at Section 27 (1), the mediator must be a person appointed by the Committee of Management.

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2. When a significant conflict develops between the chair and the board, an external mediator is the best option and should be appointed. That person will be someone whom all the parties trust to remain unbiased and neutral. The Dispute Settlement Centre of Victoria offers free dispute resolution services.
3. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
4. The mediator, in conducting the mediation must:
 - a. Give the parties to the mediation process every opportunity to be heard, and
 - b. Allow due consideration by all parties of any written statement submitted by any party, and
 - c. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
5. The mediator must not determine the dispute.
6. The mediation must be confidential and without prejudice.
7. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute otherwise at law.

Roles and Responsibilities

It is the responsibility of the chair to ensure that:

- Committee of Management members are aware of this policy.
- Disputes are handled respectfully, confidentially and in accordance with natural justice.

Document history

Date	Change/ update	Who
6 October 2021	Ratified and approved.	Committee of Management
24 April 2023	Added this document history section. Small formatting changes (heading styles etc)	Miriam Zolin, Treasurer