Board Dispute Resolution Policy

*Last updated February 2024*

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| --- | --- | --- | --- |
| Policy number | [insert number] | Version | [insert number] |
| Drafted by | [insert name] | Approved by Board on | [insert date] |
| Responsible person | [insert name] | Scheduled review date | [insert date] |

### Introduction

* 1. The Board of [Organisation] is committed to seeking to reach a speedy and just resolution of any disputes or grievances that may arise and that may threaten the harmonious functioning of the Board.

### Purpose

* 1. This policy is designed to set out the process for seeking resolution of disputes or grievances between Board members that are unable to be resolved through respectful debate in Board meetings.

### Policy

* 1. Disputes will as far as possible be resolved by mediation.

## Board Dispute Resolution Procedures

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| --- | --- | --- | --- |
| Procedure number | [insert number] | Version | [insert number] |
| Drafted by | [insert name] | Approved on | [insert date] |
| Authorised person | [insert name] | Scheduled review date | [insert date] |

### Responsibilities

* 1. It is the responsibility of the Chair to ensure that:
* Board members are aware of this policy;
* Disputes are handled respectfully, confidentially, and in accordance with natural justice.
  1. It is the responsibility of the all employees to ensure that their usage of electronic media conforms to this policy.

### Processes

* 1. The parties to the dispute must notify the Chair and meet to discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
  2. If the parties are unable to resolve the dispute at such a meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
  3. The mediator must be –

1. a person chosen by agreement between the parties; or
2. in the absence of agreement, a person appointed by the Board or the Dispute Settlement Centre Victoria.
   1. The mediator:
3. may be a member or former member;
4. must not be biased, or reasonably be perceived to be biased; and
5. must not have a personal interest in the dispute.
   1. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
   2. The mediator, in conducting the mediation, must –
6. give the parties to the mediation process every opportunity to be heard; and
7. allow due consideration by all parties of any written statement submitted by any party; and
8. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
   1. The mediator must not determine the dispute.
   2. The mediation must be confidential and without prejudice.
   3. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute otherwise in the Board or at law.

### Related Documents

* [Sexual Harassment Policy](https://communitydirectors.com.au/policies/sexual-harassment-policy)
* [Bullying Policy](https://communitydirectors.com.au/policies/bullying-policy)

About this document

This policy sample has been developed by the [Institute of Community Directors Australia](https://www.communitydirectors.com.au?utm_campaign=policybank&utm_medium=doc&utm_source=website&utm_content=template) (ICDA) and is free for any not-for-profit organisation to download and use, so long as it is for a non-commercial purpose and that the organisation is not paying a consultant to carry out this work. [Click here](http://www.ourcommunity.com.au/general/general_article.jsp?articleId=2153#16) for our full copyright guidelines.

### Important notes

You can't (or shouldn't) rely on these sample policies and procedures alone. They’re a starting point, but you will have to adapt them to suit your own language and requirements.

Most samples include both policies and procedures (the policies provide guidance on standards, while procedures give instructions on implementing standards). We recommend adopting policies at a board level, while procedures can be developed/signed off by the organisation's CEO.

We use the term ‘board’ to cover boards, committees of management, or anybody that has final authority in your organisation. And the term ‘CEO’ extends to executive directors, or your chief administrator. You should change the terms in these policies to match those used in your organisation.

### Other policies

There are numerous policies available on the [Community Directors website](https://communitydirectors.com.au/tools-resources/policy-bank). You can hunt for what you need with our site search function.

### Make a deposit

If you have some great policies that your organisation thinks would be of use to other groups, email them to [service@ourcommunity.com.au](mailto:service@ourcommunity.com.au). We'll review them, amend them so that they're applicable to the greatest number of not-for-profits possible, push them into our format, and load them up.

### Join us!

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ICDA members get access to a range of educational, capacity building and networking opportunities that build knowledge, connections and credentials.

If you appreciated this free policy, we would appreciate your ongoing support by joining ICDA from only $65 p.a

### The benefits of membership

1. Receive ‘responsible person’ status – ICDA members are recognised by the ATO under ‘responsible person’ rules
2. Recognition – three membership post-nominal options, providing community and professional recognition for educated and engaged not-for-profit members
3. Capacity building publications – current trends, issues and emerging areas of risk via member-only newsletters governance help sheets
4. Policy alerts – receive notification when changes are made to governance, human resources, financial management, values and communications policies you’ve downloaded through the Policy Bank
5. Preferential member pricing – members receive discounts for the Festival of Community Directors events and online Compact Courses
6. Alumni events – access to deep connections and a vibrant network of believers and doers. There’s an online forum, as well as regular invitations to events like Communities in Control Conference
7. Access to forums, networks, information and opportunities – boost your confidence (and competence) and open career doors
8. Budget-friendly – for as little as $65 a year you get all the benefits outlined above and so much more.

### Legal advice at a pre-agreed price

Please note that this is a template policy for guidance only. For assistance in tailoring this policy to suit your organisation, or for legal advice at a pre-agreed price or training in this area, please do not hesitate to contact Our Community’s preferred legal supplier [Maddocks](https://maddocks.com.au).

E: [NFPHelp@maddocks.com.au](mailto:NFPHelp@maddocks.com.au) | W: <https://maddocks.com.au>