



DISPUTE RESOLUTION PROCESS FOR MEMBERS

Introduction

The object of the Eagle Ski Club is to encourage ski touring, ski mountaineering, and associated activities. The club encourages safety and best practice and prides itself on encouraging harmonious relations between members. The club has managed for over 90 years without recourse to formal procedures and this is a tribute to the way informal discussion and mediation have hitherto solved disputes in the rare cases where they have arisen. Informal procedures should remain the first recourse in any dispute.

Though it will hopefully be an uncommon situation, the following document describes the process by which the club will deal with any complaint or grievance. The Club has adopted a Code of Conduct and closely aligns itself with the club governance policies of Mountaineering Scotland. This document has largely been drafted in accordance with the Mountaineering Scotland document - "Natural Justice within Clubs Dealing with Unacceptable Behaviour"

This document outlines the process to manage disputes or complaints fairly; and to deal with scenarios including the expulsion of disruptive members or those members that act against the general ethos of the club, or act in a way that brings the club into disrepute or undertake activities with much less experienced members that places them in unreasonable risk.

Individual members are requested not to use the club website, email list, or social media to publicise their concerns or complaints about the behaviour of other members. If the membership as a whole needs to be notified about a specific concern, then this will be posted by the club committee after the committee has carefully considered the situation and agreed that the whole club should be informed.

Process

Step one – informal Dispute resolution

If a member has a grievance that involves another member (including committee members, club leaders, etc.), they should first try to resolve the matter by speaking directly with the other member about the matter, if possible. The discussion should be conducted with courtesy, respect and to reach a resolution as soon as possible. The club may be able to offer an impartial third party as mediator if desirable. Informal procedures should be the first recourse in most disputes and a formal complaints procedure should only be invoked when informal mechanisms have been exhausted or are deemed inappropriate.

Step two – formal resolution via Complaints Procedure

Occasions may arise when ESC members have a serious concern or complaint that has not been resolved by informal processes or that they do not feel able to discuss directly with the other member. This might be a concern regarding safe practice on club activities, or a complaint about the way they or other club members have been treated, or about the behaviour of an individual club member.

- 1.** The club shall appoint a Complaints Officer. This person need not be on the management committee and may be co-opted annually at the time of election of other officers.
- 2.** Any complaint should remain directed to the Committee via the Hon Secretary who will ask the Complaints Officer to conduct a preliminary investigation.
- 3.** The Complaints Officer shall then interview the complainant and witnesses as well as the person complained of and their witnesses. Accurate notes should be kept. The Officer should then prepare a report for submission to the Committee indicating whether the matter might potentially be resolved by mediated informal processes or whether the complaint has sufficient grounds and should be pursued by formal procedures. If formal procedures are instituted the Complaints Officer should ask that the complainant, member complained of, and any supporter, agree to engage with the Dispute process and maintain confidentiality during the process.
- 4.** The Committee should be empowered to form a Complaint Working group to deal with the complaint. This need only consist of a small number of people (3) and should be selected to ensure no bias for or against either the complainant or the member complained of.
- 5.** The Complaints Working group should review the Complaints Officer's report and interview that officer for clarification if necessary. They should then either i) dismiss the complaint or, ii) undertake further procedures if they feel the complaint valid.
- 6.** If option ii) is taken the Complaints Working group should call the member complained of before it, with reasonable notice given in writing along with FULL details of the events and circumstances alleged against him/her. That member should also be given the opportunity to have another member present as a supporter, who can advise the person under investigation but not speak for the person. The Complaints Officer may in exceptional cases agree to a non-member acting as a supporter, though they may not be a solicitor (although the member is allowed to consult a solicitor).
- 7.** In the meeting called by the Complaints Working group a full and thorough exploration of the circumstances should be made in an even-handed fashion using the witnesses accounts as well as those of the complainant and the member complained of.
- 8.** The Complaints Working Group should then let its findings and its decisions for action be known to the member complained of and to the complainant. The options for action could be the following:
 - i) Dismiss the complaint
 - ii) Uphold the complaint and require the member to address the issue (e.g., by apology, by training or by making redress) under the sanction of suspension until such time as such actions are completed, with the understanding that repetition of unacceptable behaviour might lead to expulsion.
 - iii) Expulsion – according to Rule 9 of the club constitutionThe Complaints Working Group's will report to the main Committee and its work is then completed.
- 9.** In the event of a recommendation for Expulsion, the Committee is then required to call an Extraordinary General Meeting of the club within a further 84 days or schedule a motion for the AGM if timelier.
- 10.** At the Extraordinary General Meeting or AGM the members of the Complaints Working group and the Complaints Officer are disbarred from voting although their presence may be required for information. No new "allegations" should be brought forward. Lawfully, previous "findings" cannot be taken into account, although complaints closely linked in time may be regarded as being relevant. The chair of the Complaints Working group should give a report and the member facing expulsion should then be able to air his/her position. A debate and questions should then follow, and a vote taken on expulsion to finally close the matter.

11. The AGM or an Extraordinary General Meeting shall have power by a majority of not less than four-fifths of those present and voting by ballot, after having given due notice to the member concerned, to expel any member without assigning any reason.

12. The member facing expulsion should be able to scrutinise any ballot (particularly if written).

13. A member has the right to appeal the decision of the Complaints Working Group, the Committee, or the EGM/AGM to Mountaineering Scotland under rule 11 of Mountaineering Scotland's Complaints Policy.

<https://www.mountaineering.scot/about-us/business-matters/complaints-policy>

Notes

NB: Special considerations apply in relation to any concerns with child safeguarding implications. Please see the clubs "Child Safeguarding Policy" which link to the Mountaineering Scotland "Child Protection Procedure." If a club member becomes aware of any behaviour that should be reported to the club Safeguarding Lead or directly to relevant authorities, such as the police, then they should of course do so.

If a member or members feel that the club committee has not dealt satisfactorily with any matter, they have brought to the committee's attention then the appropriate course of action is to raise the matter formally at an annual or extraordinary general meeting in accordance with the club constitution.