



## **DISPUTE RESOLUTION PROCEDURE**

### **Introduction**

COGS has a Constitution which includes a Code of Ethics and Garden Rules. These provide a framework of operation for the COGS Committee and Garden Committees, and for the actions of Garden Convenors and Members.

A dispute exists when the parties involved cease to deal with each other in what the COGS Code of Ethics calls a spirit of harmony, fairmindedness and goodwill.

Disputes within the COGS organisation and COGS community gardens are relatively rare and members are always encouraged to speak openly and politely with their fellow members regarding any concerns or issue. However such discussions should not involve (or be copied by email to) other parties.

In the garden situation concerns or complaints regarding fellow gardeners should be brought, in the first instance, to the attention of the Garden Convenor and be dealt with between the parties before an issue develops into a dispute. The Garden Convenor will make every effort to resolve concerns or issues in a practical and friendly manner.

### **Dispute Resolution Procedure**

In the event that a complaint or a concern cannot be resolved in the garden the following procedure provides a guide to resolve the dispute so that amicable and healthy relationships are restored and maintained. These procedures will also be adopted if there is a dispute within the COGS organisation.

The dispute resolution process is aimed at ensuring the parties to a dispute interact appropriately with each other while in the garden or its environs, or while acting with (or communicating with or about) each other in relation to the operation of COGS.

The process steps are as follows:

#### **[Section A] Dispute within a garden** (i.e. between garden members or between a Garden Convenor and Garden Members)

- Step 1** Garden members and Convenors make every effort to resolve their concerns or problems with other garden members in a friendly and conciliatory manner.
- Step 2** If the problem cannot be resolved between garden members the garden member takes it to their Garden Convenor as a dispute.
- Step 3** The Garden Convenor determines nature of the dispute and if this can be resolved by further discussion between garden members. If necessary, the Garden Convenor will involve the Garden Committee and seek their advice on the best way(s) to resolve the dispute. This should be done within 14 days of the original date of advice or as soon as practicable.
- Step 4** If the Garden Convenor and Garden Committee are unable to resolve the dispute, they should advise the COGS Community Gardens Coordinator (CGC). The CGC will decide what (if any) aspects of the dispute are able to be resolved by COGS and



provide advice and assistance to the Garden Convenor and Garden Committee on resolution of the dispute. If necessary, the CGC will seek the assistance of mediator # to resolve the dispute.

**Step 4a** If a garden member is in dispute with the Garden Convenor and the Garden Committee is unable to resolve the dispute, the CGC should be advised. If the CGC determines that the dispute cannot be resolved at this point, CGC will refer the matter to the COGS Committee.

**Step 5** The COGS Committee will attempt to resolve the dispute including seeking the assistance of a mediator#.

**Step 6** If the COGS Committee determines that any COGS Member/s is to be disciplined, they will do so in accordance with Section 9 of the Constitution.

**# Mediation:**

The CGC will determine the appropriate source of mediation for an unresolved dispute and this person may be from within COGS or external to COGS.



**[Section B] All other disputes (i.e. between Garden Convenors and COGS or COGS Members and COGS)**

The process steps are as follows:

- Step 1**            The Garden Convenor, garden member or COGS member advises COGS Secretary of dispute.
- Step 2**            The Secretary determines the nature of the dispute and if this can be resolved by discussion with the parties. If necessary, COGS Secretary will involve the COGS Committee and seek their advice on best way to resolve the dispute. This should preferably be done within 14 days of the completion of Step 1 (or within a reasonable time).
- Step 3**            If the Secretary and the COGS Committee are unable to resolve the dispute, the Secretary will seek the assistance of a mediator to resolve the dispute.
- Step 3a**           If the Garden Convenor or garden member is in dispute with the Secretary and they are unable to amicably resolve the dispute, the COGS Committee should be advised. If necessary, the COGS Committee will seek the assistance of a mediator to resolve the dispute.
- Step 4**            If the COGS Committee determines that any COGS member is to be disciplined, they will do so in accordance with Section 9 of the Constitution.

**# Mediation**

The COGS committee will determine the appropriate source of professional mediation for an unresolved dispute (Step 3).

Approved by COGS Management Committee  
9 June 2020