



Mandalorian Mercs Costume Club

Alternative Dispute Resolution Procedure

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INTRODUCTION

Conflicts are normal and sometimes even healthy for an organization. There are a variety of reasons why a conflict can occur and if you hope to resolve the conflict it is helpful to understand why it exists. People should feel free to respectfully express differences of opinion and constructively address and resolve them. However, there will be times when a complaint cannot be resolved without some formal dispute resolution process. While most conflicts can and should be resolved informally, some are complex and difficult and require additional procedures in order to ensure all involved find a resolution.

The purpose of MMCC Alternate Dispute Resolution Procedures (ADRP) is to provide a mechanism for resolving disputes within the MMCC organization without the need for a formal Tribunal hearing. To achieve this goal the International Command Council adopted the rules of procedure for hearing complaints, disputes, or claims arising from the International Charter and By-Laws, International Council Policy & Procedures, or matters arising at the clan or region level. It is an obligation of membership to pursue all complaints, disputes or claims in accordance with the International Charter and By-Laws and Policy & Procedures adopted by the International Command Council.

Accordingly, the International Command Council adopted the Region Alternate Dispute Resolution Procedure and Clan Alternate Dispute Resolution Procedure as the acceptable ADRP policies to resolve MMCC issues at the region, and clan levels when an official Tribunal hearing may not be warranted.

These guidelines are intended to assist MMCC regions, clans, and members in following the Region and Clan Alternate Dispute Resolution Procedures when conflicts cannot be resolved through informal processes. These guides are a supplement to the policies adopted by the International Command Council, and are not intended to replace the policies adopted by the International Command Council. MMCC Official Members are encouraged to review the described policies in detail. The policies may be found on the Governing Documents page of the MMCC International website:

<http://mandalorianmercs.org/who-we-are/governing-docs/>

SECTION 1: GENERAL DISPUTE RESOLUTION PRINCIPLES

Purpose of Dispute Resolution

The purpose of dispute resolution is to provide MMCC Official Members an opportunity to resolve internal disputes arising out of issues concerning membership and policies & procedures adopted by MMCC regions and clans. Prior to engaging in the dispute resolution process the party should first make all attempts to resolve the matter informally.

Definitions

The following are definitions of common terms used throughout the DPR policies:

- **Claimants/Complainants** are the parties requesting the dispute resolution process. The Complainant may be a region, clan, or member depending upon the applicable resolution process.
- **Respondents** are the responding parties.
- **Parties** are the *Claimants* and *Respondents* to the dispute.
- **Magisters** are the appointed region judicial selected to hear the complaints and resolve the issues raised in accordance with the Alternative Dispute Resolution Procedures. In some cases the MMCC Judicial Officer may serve as the reconciliator in the place of a Magister.
- **Alternative Dispute Resolution** is the submission of a dispute to one or more impartial persons for a final and binding decision.
- **ADRP**: Alternative Dispute Resolution Procedure.

SECTION 2: WHEN ALTERNATIVE DISPUTE RESOLUTION IS APPROPRIATE

Resolving conflicts prior to dispute resolution

MMCC Official Members should strive to resolve all conflicts in a respectful and fair manner before invoking the relevant ADRP policy. At minimum the parties should at least communicate once to try and resolve the conflict. Such informal meetings are not part of the resolution process, but are essential in determining whether dispute resolution is appropriate. One method of resolving disputes in an informal setting is called the collaborative management approach. Using the collaborative management approach, all parties explore the ideas and opinions of others and attempt to find new solutions that are agreeable to all. This approach requires analyzing the conflict, planning what is going to be done, and resolving the conflict.

Regardless of whether the parties have been able to resolve their differences through informal meetings, at no point is litigation appropriate to resolve internal MMCC disputes. Not only is litigation an expensive and time consuming process, it unnecessarily involves individuals and organizations outside the MMCC community to decide internal MMCC matters. Engaging in litigation to resolve internal MMCC disputes is considered conduct unbecoming an Official Member of the MMCC, and may be grounds for expulsion as a member.

Types of actions that fall under the dispute resolution procedures

All disputes relating to member events, clan and region boundaries, policies, and interpretation of a clan or region constitution and by-laws are types of disputes that would be proper under MMCC ADRP policies.

Generally *non-Code of Conduct* internal clan and region matters would be issues for disputes. For example, disputes arising out of one's membership (not including disciplinary measures or costume standards), disputes arising out of following a by-law, such as club elections or appointments, and disputes arising out of region matters such as the proper application of region funds are all examples of matters that would fall under the dispute resolution procedures.

In determining which ADRP is appropriate, the parties should consider the scope of the issue in dispute and whether it is a region or clan matter. In addition it is important to note who will be filing the claim. For claims filed by individual MMCC members only the Clan ADRP is appropriate. For region disputes the filing parties must be an MMCC Clan and/or Region.

SECTION 3: BEGINNING THE RECONCILIATION PROCESS

Each ADRP has specific timing requirements. The following chart outlines how to begin the reconciliation process and when to file.

| ADRP | Who Can File? | When Can You File? | Can Time Requirements be waived? | Where do you file? |
|--------|--------------------|--|---|------------------------------------|
| Clan | Official Member(s) | Within 30 days of knowledge of the occurrence of the event | Yes, by the Alor'ad, Al'verde, Magister, MMCC JO or the MMCC Alor | *Alor'ad (Clan Commanding Officer) |
| Region | Clan | Within 30 days of knowledge of the occurrence of the event | Yes, by the Al'verde Magister, MMCC JO or the MMCC Alor | **Al'verde (Region Commander) |

** In the event the complaint is directed against the Alor'ad, the complaint may be filed with the Al'verde.*

*** In the event the complaint is directed against the Al'verde, the complaint may be filed with the MMCC Judicial Officer.*

SECTION 4: THE REGION MAGISTER

The Magister overseeing the reconciliation process must not be a member of a clan that is party to the dispute. Further, all Magisters shall be impartial on the matter in dispute and without loyalties to any party to the dispute. The decision of the Magister(s) shall be final and binding.

Upon initiation of an ADRP by the Al'verde the Magister(s) shall be deemed appointed with all authority appropriate and necessary to resolve or decide the dispute in accordance with the appropriate procedure. The MMCC Judicial Officer may also oversee the reconciliation process at the request of either party or the Al'verde.

SECTION 5: CONDUCTING THE RECONCILIATION MEETING

The Magister must set a date and time for the meeting within thirty (30) days of the initiation of the ADRP. The meeting shall take place in a designated region board of the Official MMCC forums, all parties should do their best to communicate in a prompt manner to support a concise and speedy process.

Meeting Preparation

Each party and the Magister should adequately prepare for the meeting. To prepare each party has the responsibility to define and analyze the issues involved in the dispute. Each party should define the scope of the issues and be realistic in what to expect given the time constraints, available resources, costs, local customs, etc. At the end of this guideline, checklists have been developed to assist the parties and the Magister in preparing for the meeting. Please review this material before attending a reconciliation meeting.

Participants in the meeting

The participants in the meeting will be the complainant(s), the respondent(s), and the Magister(s). If additional witnesses are needed, and approved by the Magister/Al'verde, and are necessary in understanding the issues at hand, witnesses, not a party to the dispute, may attend the meeting.

Role of the Magister

The Magister(s) is responsible for setting the tone of the reconciliation meeting. The goal is to encourage the parties to amicably resolve their differences. To that end, the Magister must set a meeting, advise the parties what is expected to occur at the meeting, and maintain order at the proceedings. Magisters should strive to achieve the following principal goals:

1. Reduce the hostility between the parties, helping them to engage in a meaningful dialogue on the issues raised.
2. Open discussions into areas not previously considered or inadequately developed.
3. Communicate positions or proposals in understandable or more palatable terms.
4. Probe and uncover additional facts and the real interests of the parties.
5. Help each party to better understand the other party's view and evaluation of a particular issue, without violating confidences.
6. Narrow the issues and each party's positions, and deflate extreme demands.
7. Explore alternatives and search for solutions.
8. Prevent regression or raising of surprise issues.
9. Make a decision that resolves current problems and future parties' needs.

The objective of the Magister(s) is to find a prompt and amicable resolution to the dispute. If such reconciliation efforts were unsuccessful, the Magister(s) has the authority to issue their decision relative to the dispute. The Magister(s) acts as a mediator in the meeting and sets the tone and protocol of the

meeting. It is the responsibility of the Magister to ensure that each side has had ample opportunity to present their issues and proposed resolutions.

Role of each party

Each party has a responsibility to fully participate in the process. Open and respectful communication is encouraged. Before the meeting begins, each party should carefully review their positions and prepare to have an open discussion regarding the issues. For guidance, attached is a checklist for parties prior to attending the reconciliation meeting. As a general rule, the following principles should be followed:

1. Define and analyze the issues involved in the dispute.
2. Identify possible resolutions to settle the dispute.
3. Prepare all facts, documents and sound reasoning to support the positions.
4. Be respectful and courteous of all the parties involved in the dispute.
5. Keep an open mind and be prepared to reach a compromise.

Rules of conduct during reconciliation

The decision as to whether to use a formal hearing, or whether to have an informal reconciliation with the parties should be decided and agreed to by all parties prior to the start of reconciliation. If no decision can be reached by all parties, the Magister shall move to request a formal hearing.

Reconciliation should adhere to the following principles:

1. Reconciliation will take place within the ADRP board of the Official MMCC forums on a date specified by the presiding Magister to all involved parties.
2. The Magister will preside during the reconciliation.
3. All parties should be ready to begin on the specified date so that all business can be taken care of in a timely fashion.
4. Only matters relevant to the dispute at hand will be discussed.
5. All parties will treat each other with respect in accordance with the MMCC Codex of Honor.

SECTION 6: FINAL DECISION

If unable to find a prompt and amicable resolution between the parties, the Magister has the authority to issue a decision relative to the dispute. The Magister must issue a written decision no later than 7 days after the reconciliation meeting, and the decision shall be binding on all parties. In the event there is more than one Magister, the written decision should be signed by all Magisters with the dissent of any Magister noted. Copies of the decision must be sent to all interested parties, the MMCC Judicial Officer and Alor in accordance with MMCC Policy & Procedures.

The written decision shall be limited to the issues raised by the parties. In addition, all decisions must be consistent with any applicable provisions of the International and Region Constitutions and Bylaws, and Policies & Procedures of the MMCC Command Council. Decisions by the Magister(s) should list a summary of the relevant issues and facts presented by the parties, the applicable ADRP, and the decisions. The following information should be included in the written decision:

- Identify the applicable ADRP Policy.
- Date reconciliation started and ended.
- Brief description regarding the process/procedures the parties followed.
- Identify the parties and their respective positions.
- Summarize facts presented by the parties.
- Analyze the information and discuss the arguments presented by the parties.
- Clearly state the decision of the Magister(s).
- Note any dissenting opinion.
- Names of all Magister(s).

The decision of the Magister(s) is final and binding, and is subject to the authority and future review by the Mandalore and/or International Command Council at the sole discretion of the Mandalore or their designee. There is no appeal process for the final decision of the Magister(s).