

## **Proposal:**

### **Dispute Resolution Committee Operating Rules**

#### **COMMITTEE MISSION**

The primary mission of the Dispute Resolution Committee (DRC) is to develop and implement an appropriate structure, policies, rules and procedures for the provision of mediation and arbitration<sup>1</sup> services to the Green Party of the United States (Hereinafter, Party). This committee will offer trained mediators to facilitate the resolution of disputes and disagreements between individuals and groups involved in conducting the business of the Party. Where necessary the committee will provide binding arbitration panels empowered to make findings of fact and to make determinations and interpretations of the rules and procedures of the Party.<sup>2</sup> This is done by focusing on the following areas:

- 1) The development of structure, rules, policies and procedures for the mediation of disputes and disagreements;
- 2) Train and make available mediators for the facilitation of dispute resolution;
- 3) "Promote and educate the Green Party relative to mediation and the services of the DRC."<sup>3</sup>
- 4) The development of structure, rules, policies and procedures for the binding arbitration of disputes and disagreements;<sup>4</sup>
- 5) Train and make available panels of arbiters for hearing referred matters of disputes involving the rules, policies and governance of the Party;<sup>5</sup>
- 6) Maintain a strict confidentiality relative to all aspects of any mediation undertaken.
- 7) Maintaining archives of decisions, and rule or policy construction and interpretation.

#### **DRC COMMITTEE STRUCTURE**

**Eligible Members:** The Committee shall consist of Green Party members from the various state parties who either have been approved by their state parties or are currently serving as delegates to the GPUS Coordinating Committee.

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<sup>1</sup> The DRC has included arbitration language in these Bylaws, because there was a lack of clarity as to whether this was part of the DRC mandate from the USGP-CC and SC. The DRC does not feel that the committee is ready at this time to offer "arbitration" services and recognizes that effective arbitration may require work on the USGP Bylaws and Rules and Procedures, which work is beyond the scope of the DRC's mandate. The committee is therefore most focused upon the mediation aspects and the USGP-CC may strike the "arbitration" language without affecting the usefulness of this document of mediation.

<sup>2</sup> See above note 1

<sup>3</sup> Added language based upon Tom Baugh's suggestion.

<sup>4</sup> See above note 1

<sup>5</sup> See above note 1

Members may be admitted as provisory members, during the pendency of their good faith efforts to obtain home state party approval. Such provisory members shall function with the same authority and membership status as approved members. Members are given 90 days to obtain home state approval. If such approval is not obtained within that time frame, then the member must request an extension, with an explanation as to why the extension is necessary. In the event that a provisory member is denied state approval for service on the DRC, then the DRC shall offer its mediation and dispute resolution services to help said member to resolve any issues that may have blocked the approval. While it is understood that obtaining home state approval may in some cases take some time, it is important that DRC members ultimately obtain such approval.

In accepting DRC membership, all members commit themselves to respecting the confidentiality of all matters brought before the DRC. The extent and nature of this confidentiality shall be defined by the Policies and Procedures of the DRC as approved by the Steering Committee and the Coordinating Council of the USGP.

**Committee Administration:**<sup>6</sup> The Committee shall be made up of Administrative Committee Members. This Administrative Members are responsible for the development of the Committees structures, policies, rules and procedures. These members are further responsible for the conduct of Committee business and the administration of the committees responsibilities. In their capacity and function in the Committee Administration, these members are voting DRC members. These individuals might also have responsibilities as mediators and arbiters, but such responsibilities are not required for Committee Administration membership.

**Mediators and arbiters:** The Committee shall also maintain panels of trained mediators and arbiters, who shall be responsible for carrying out the mediation and arbitration responsibilities of the Committee. These mediators and arbiters shall function according to the structures, policies, rules and procedures as developed by the DRC. For the purposes of carrying out their responsibilities these mediators and arbiters are considered non-voting members of the DRC. Some Mediators and Arbiters might also be members of the Committee Administration and in that capacity they would also be voting DRC members.

**Co-Chairs:** There shall be two (2) co-chairs, preferably reflecting gender balance or other diversity. The co-chairs shall be elected with staggered terms of two years each.

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<sup>6</sup> The issue of creating a two-tiered committee may be an issue that the committee needs to discuss and decide formally, because Tom is the second person, with issues relative to the two-tiered structure the original Bylaws provide for. These Bylaws were drafted this way in order to limit the members who need to vote on administrative issues to those who actually want to be involved in the Committee's day to day discussions and votes (Administrative Committee). Any DRC member can ask to be including on the Administrative Committee. It is anticipated, however, that some mediators will wish to offer their services as mediators, but do not want to be involved with the day to day function of the committee. I believe that it is important that for administrative purposes, we have a committee committed to participating in the committee business and votes. This system is self-selecting, so no one would be excluded from participating on the Administrative Committee, who wants to serve there.

Members may nominate themselves. If more than two candidates are nominated, the committee shall vote using IRV, with a 2/3's vote of all committee members . Elections for the co-chairs shall be held within four weeks after the Coordinating Committee approval of these Bylaws. Until these elections, the present elected co-chairs will serve as temporary chairs. Vacancies shall cause a vote for a replacement co-chair. A recall election of a chair may be called by any member, following the same procedure as used for any proposal. Such recall election shall require a 2/3's vote of all committee members for the recall of a co-chair, before such co-chair shall be recalled.

**Co-Chair Responsibilities:** The responsibilities of the co-chairs shall include keeping the committee on task, maintaining a current roster of committee members, conducting votes, and communicating with CC and SC members for the DRC committee and its subcommittees. Co-chairs shall submit formal monthly reports to the CC list detailing committee activities. To the extent necessary, the Co-chairs shall represent the DRC to the USGP-CC and to the USGP-SC.<sup>7</sup> The co-chairs shall come to explicit agreement and continue to consult with each other about how their joint responsibility is to be shared.

**Secretary:** The DRC may chose to elect a secretary. This position would be optional and may depend upon the availability of the appropriate individual satisfactory to the DRC. The Secretary shall be responsible for maintenance of committee membership rolls, polling members when votes are necessary ;

**Working Groups and Subcommittees:** The committee may create working groups and subcommittees. In the same way, the committee may dissolve such working groups and subcommittees.

**Inactive Committee Members:** Members who have not participated on-line, in subcommittees, or on teleconferences in the last three months shall be considered inactive members and shall not be counted toward a quorum. An updated roster shall be sent to the e-mail list at least every three months.

## **POLICIES AND PROCEDURES**

The committee shall develop a document, which shall be called "Policies and Procedures." This document shall provided the detailed policies and procedures the Dispute Resolution Committee will use to carry out its functions of Mediation and Arbitration. This document shall be drafted and approved by the full DRC, including voting and normally non-voting members. The voting shall be according to the procedures provided below. Once approved by the full DRC the Policies and Procedures will be forwarded to the Coordinating Council of the USGP. All changes and amendments will go through the same process.

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<sup>7</sup> This language is based upon language proposed by Tom Baugh.

## **DRC INTERNAL DECISION-MAKING**

### **ON-LINE VOTING**

DRC shall maintain an e-mail list for all committee business and formal decision-making. Before a proposal is forwarded to the Coordinating Committee, it shall first be sent to all DRC members, via the list, for formal approval. DRC members shall attempt to reach consensus on all proposals.

When a proposal is sent to the DRC list, there shall be a two-week discussion period. If consensus is not reached within two weeks, the group may decide to add more time to the discussion period or to go to a five-day voting period. The co-chairs shall conduct and verify the voting. Two-thirds or more of all active DRC Administrative Committee<sup>8</sup> members must vote in favor for a decision for it to be approved. If a proposal is passed by a vote, the submission to the CC shall include a section for the unresolved concerns of those who opposed the measure.

### **TELECONFERENCES AND IN-PERSON MEETINGS**

When needed, DRC shall conduct teleconferences for specific purposes. Notice of any committee teleconference shall be sent out to the e-mail list at least two weeks in advance and a reminder sent out two days before the teleconference. Such notice shall include the purpose and a proposed agenda.

During teleconferences and face-to-face meetings, the committee shall seek consensus and, when necessary, vote using a 2/3 majority of participants to pass a proposal. Any decisions that are made during teleconferences or in-person meetings shall be posted on line for final approval. Five days shall be adequate time to test for consensus; if concerns are raised, the standard two weeks, plus five days for voting, shall apply.

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<sup>8</sup> "All active committee members" has been changed to "all active DRC Administrative Committee members" to reflect the two-tier system, if such system is approved.