

Grievance Policy

Introduction

1. Open communication and feedback are essential elements of a satisfying and productive learning, working and social environment.
2. U3A Cardinia encourages its members to resolve any issues or concerns that may arise at the earliest opportunity. The preferred process involves members and volunteers resolving issues to their satisfaction without reference to the Committee.

Purpose

3. The purpose of this document is to set out procedures that U3A Cardinia's Committee will invoke when a complaint or dispute arises or a report to the Committee alleges misconduct or a breach of its Rules of Association ('Rules'), Code of Conduct and/or any other endorsed policy.

Policy

4. This policy applies to all members.
5. All parties to disputes and/or involved in attempts to resolve a complaint, grievance or dispute must ensure that all affected members are treated fairly, equally and respectfully.
6. No member will be intimidated or unfairly treated if they utilise this policy to resolve a grievance or dispute.
7. All formal avenues for handling disputes, grievances and alleged breaches of policy will be documented and included in the records of U3A Cardinia.
8. Where a grievance involves a member of the Committee he/she will have no formal or informal involvement in the Committee's investigation, deliberation or determination of the grievance.
9. Where a dispute, complaint or grievance directly involves the President of U3A Cardinia the President's role, under this policy, will be assumed by the Vice President.

Disputes

10. A dispute may occur between members, between a member/s and the Committee, or between a member/s and the organisation as a whole. Members involved in a dispute must attempt to resolve the dispute within 14 days of the dispute arising. The parties should discuss the matter openly and work together to achieve a satisfactory and mutually acceptable outcome.
11. Where the parties are unable to resolve the dispute and the dispute concerns an alleged breach of the organisation's Rules or policies the parties must notify the Secretary of the dispute within 7 days.

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12. The President or his/her delegate, will seek details of the grievance from the members involved and recommend a course of action to the Committee within 7 days. Recommended actions could include:
 - mediation of a dispute
 - detailed investigation of the matters complained about or reported
 - disciplinary action
 - no further action.
13. When the Committee resolves to take no further action, the parties will be informed promptly of the Committee's decision and the grounds for the decision. As a result the parties may be:
 - counselled regarding their future conduct
 - reminded of their obligations under the organisation's Rules and policies, including the Code of Conduct.
14. When the Committee resolves to mediate a dispute, the Committee will appoint a mediator. The person appointed must not have a personal interest in the dispute or a bias towards or against any party to the dispute.
15. A mediator will be chosen by agreement between the parties, or where agreement cannot be achieved, by a person appointed by the Committee. Where the dispute is between a member and the Committee or organisation, the mediator will be appointed by the Dispute Settlement Centre of Victoria.
16. Where mediation fails to resolve a dispute/complaint the mediator will submit a report to the Committee.

Alleged Breaches of the Rules, Code of Conduct or Other Policy

17. When a complaint, dispute or report of misconduct alleges breach of the Rules or policy of the organisation, the Committee will appoint a person (the investigator) to conduct an investigation into the alleged misconduct.
18. The investigator may be a member of the Committee, a member of U3A Cardinia or another person who is considered to be suitable qualified for the role.
19. The investigator will reach a finding, assemble all of the evidence gathered and provide these to the President.
20. The President will consider the investigator's report, determine a recommended course of action and lay both before the Committee. Potential recommendations may include, but are not limited to:
 - no further action
 - formal apology and undertaking that the inappropriate conduct will cease
 - official warning
 - disciplinary action.

Disciplinary Action

21. The Committee may resolve to take disciplinary action where it is satisfied that a member has:
 - failed to comply with the Rules
 - breached U3A Cardinia's Code of Conduct or other endorsed policy
 - engaged in conduct that is contrary or prejudicial to the purposes of the organisation.
22. Disciplinary action will be determined in accordance with U3A Cardinia's Constitution and the *Associations Incorporation Reform Act 2012 and Regulations*¹.

¹ The procedures specified in this policy comply with the Model Rules contained in the *Associations Incorporation Reform Regulations 2012*.

23. A **'disciplinary committee'** will be appointed by the Committee and may comprise Committee members, members or other persons.
24. Fourteen to 28 days before the **'disciplinary meeting'** the Secretary will give the member written **'notice of the disciplinary meeting'**.
25. At the disciplinary meeting the disciplinary committee will give the member an opportunity to be heard and consider any written statement submitted by the member.
26. The disciplinary committee may decide to:
 - take no further action against the member
 - reprimand the member
 - suspend the member's membership rights for a specified period
 - expel the member from U3A Cardinia.
27. Suspension or expulsion of a member will take effect immediately after the vote.

Appeal Rights

28. A person whose membership rights have been suspended or who has been expelled from U3A Cardinia may give written notice, that he/she will appeal against the suspension or expulsion, to the Secretary within 48 hours of the vote to suspend or expel a member.
29. Within 21 days of receiving an appeal notice a **'disciplinary appeal meeting'** will be convened by the Committee. Notice of the disciplinary appeal meeting will be given to each member of U3A Cardinia, as soon as possible, by the Secretary.
30. At the disciplinary appeal meeting:
 - no business other than the appeal will be conducted
 - the Committee will state the grounds for suspending or expelling the member
 - the expelled or suspended person will be given an opportunity to be heard
 - members present will vote by secret ballot - proxy votes will not be permitted.
31. The disciplinary committee's decision will be upheld where three-quarters of the votes support the decision.

Procedures

32. The Committee will endeavour, in so far as is possible, to:
 - identify, prevent and address potential problems before they become formal grievances
 - ensure, once a grievance is lodged or identified, that it is handled at the earliest opportunity
 - ensure that all members and volunteers are treated fairly and without fear of intimidation.
33. Where a **'mediator'** is appointed to mediate a dispute, the mediator will:
 - give each party every opportunity to be heard
 - allow all parties time to consider any written statement/s submitted by any party
 - ensure that natural justice is accorded to the parties throughout the mediation process.
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34. Written **'notice of a disciplinary meeting'** provided to the member concerned will:
 - state that the organisation proposes to take disciplinary action against the member
 - state the grounds for the proposed disciplinary action
 - specify the date, place and time of the meeting at which the disciplinary committee, will consider the disciplinary action
 - set out the member's appeal rights and advise the member that he or she may —
 - attend the disciplinary meeting and address the disciplinary committee; and/or
 - give a written statement to the disciplinary committee at any time before disciplinary meeting.

35. A written '**notice of a disciplinary appeal meeting**' to be sent to each member of U3A Cardinia will include:
- the date, time and place of the meeting
 - the name of the person against whom disciplinary action was taken and the grounds for the action
 - that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

Responsibility

36. The Secretary is responsible for:
- receiving complaints and grievance reports and notice of appeal against a disciplinary finding
 - providing written notice of a planned disciplinary meeting to the respondent-member
 - notifying members of U3A Cardinia of a disciplinary appeal hearing
 - ensuring that reports, recommendations and records of proceedings are entered into U3A Cardinia's records management system
 - conducting a secret ballot of members in attendance at a disciplinary appeal hearing.
37. The President is responsible for:
- undertaking an initial investigation and assessment of a complaint or report and for recommending a course of action to the Committee
 - receiving the Investigator's report and making a recommendation to the Committee.
38. The Committee is responsible for
- developing, implementing, reviewing and publishing this policy
 - determining whether a complaint, dispute or grievance should be mediated or investigated
 - appointing a mediator and/or investigator, where determined appropriate
 - considering reports and recommendations prepared by the President, mediator and investigator
 - determining whether to discipline a member
 - convening a disciplinary meeting
 - convening a disciplinary appeal meeting.

Authorisation

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| <p>39. This policy was adopted by the Committee of U3A Cardinia, and minuted as such, on 10/08/2016.</p> <p>40. This policy will be published by the Committee of U3A [Name] on its website within 4 weeks of the date of this authorisation.</p> |
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Related Policies and Documents

- List all related policies