

Dundee U3A Disciplinary Procedure

This procedure sets out how Dundee U3A will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member or Committee Member. This procedure is intended to ensure any issues are dealt with promptly, fairly and consistently.

Chair must be notified immediately of any alleged breach of the Code of Conduct.

In carrying out this procedure, Dundee U3A will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly, fairly and with discretion.
- Dundee U3A will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Dundee U3A will seek additional support from Trust staff, the Regional Trustee and Trust volunteers, as required. All requests for support will go via the National Office.
- Confidentiality will be maintained at all times
- Decisions will be based on facts and evidence.

Confidentiality

Information will only be shared with those who have a genuine need to receive it and this will include Trust staff and volunteers.

Sharing of information with the Trust will not constitute a breach of confidentiality due to the affiliation with the Trust. Members involved in the disciplinary procedure will be informed of the Trust's involvement.

Informal procedure

The Chair will use his/her best endeavours to resolve the problem through an informal discussion with the member or Committee Member in question.

The informal discussion will be clear and all parties should understand their obligations at the end of the meeting.

The member or Committee Member will be informed that if any activity potentially of a disciplinary nature is found, they will be requested to attend a meeting with a Committee sub-group.

A confidential written record of the outcome of the informal discussion should be kept by the Chair.

Formal procedure

If the informal procedure fails to reach a solution or if the alleged breach requires formal disciplinary action the Chair will appoint a Hearing Committee of a minimum of 3 Committee Members who are not involved or connected to any party in the alleged breach, one of whom must be designated Chair for that meeting. The U3A Chair will not take part at this stage.

The result of these investigations must not be disclosed to any other persons at this stage.

The case should be heard within fourteen days of the date that the Chair is first advised.

Written notice will be sent to the member or Committee Member for the purpose of:

- Advising they are subject to a formal disciplinary procedure.
- Advising them of what constitutes the alleged breach of Code of Conduct.
- Asking for their response to the breach in writing.
- Advising them of the date of the breach hearing.
- Advising that they can also attend the subcommittee meeting to state their response in addition to their written response.

- Advising them they may choose to bring a companion, if they wish, who will also be bound by confidentiality.

If the member or Committee Member advises that there are witnesses to the incident(s) who are willing to give representation, the witnesses will be invited to attend the Hearing Committee meeting. Alternatively a written statement may be submitted. Any statement taken or submitted must be a factual representation of the incident(s) and not interpretation or opinion.

The Hearing Committee

The initial Hearing Committee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Committee will determine whether any breach of the Code of Conduct has occurred.

The full Committee may be told that a disciplinary procedure has been initiated but not given any of the detail.

Note: If the Chair of the Committee is suspected to have breached the Code of Conduct, a nominated member of the Committee shall take the chair at all stages.

If the Hearing Committee decide that the Code of Conduct has been breached they can consider any of the following forms of disciplinary action. Levels 4 and 5 will only be invoked in the case of significant breaches of the code or a persistent repetition of behaviour about which the member or Committee Member has previously been warned, such as not complying with the terms of the constitution.

Levels of action

Level 1

No case to answer. No further action necessary.

Level 2

A verbal warning that makes clear the nature of the unacceptable behaviour and includes a warning about future conduct and the consequences of non-compliance. The Chair should give the warning on behalf of the Hearing Committee. Details of the warning should be recorded, dated and kept on file.

Level 3

A written warning from the Chair, on behalf of and agreed by the Hearing Committee, itemising the unacceptable behaviour, stating the improvement required with immediate effect and the consequences of continued non-compliance.

Level 4

A final written warning as above, stating that if the behaviour is repeated the member or Committee Member will be asked to leave either the Committee or The U3A, with immediate effect.

Level 5

The member or Committee Member is asked to leave either the Committee or the U3A.

Gross misconduct

In the case of an extremely serious proven misdemeanour, for example:

- Sexual/racial abuse, discrimination, harassment, bullying.
- Dangerous or violent behaviour.
- Falsification of expense claims.
- Theft.
- Malicious damage.
- Conduct which brings the U3A into disrepute or is prejudicial to the U3A or the running of the U3A.

the committee has the right to move immediately to Levels 4 or 5.

Decision

The decision should be communicated in writing to the member or Committee Member advising him/her if the breach of the Code of Conduct has been upheld or not upheld.

If the breach has been upheld, they will be informed:

- Of the action that will be taken as a result;
- That they have the right of appeal;
- That the right of appeal can only relate to the original breach;

Right of appeal

The member or Committee Member who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the initial hearing. The appeal request must be lodged with the Chair of the initial hearing, in writing, within seven days of the date the decision is communicated. The member or Committee Member must be advised of their right to attend with a companion who may also speak if they so wish.

The U3A Chair should be informed by the person chairing the initial hearing of the member's intention to appeal.

The U3A Chair will then convene an Appeal Panel of Committee Members not involved previously to hear the appeal.

The Appeal Panel will then hold a hearing to consider any written response and representations in order to make their decision.

This will be independent of the initial hearing and should not be discussed outside of the appeal hearing.

The Chair of the appeal panel will summarise the issues involved and the member or Committee Member and companion will be given the opportunity to speak.

The appeal panel will consider any mitigating circumstances, and then make a final decision which must be communicated in writing within 7 days of the appeal meeting.

The Appeal Panel's decision is final and confidentiality must be maintained.