

University of the Third Age (U3A)

Perth U3A

Procedure to be followed in the case of any breach of trustee Code of Conduct

In the event of a report of any trustee allegedly breaching the code of conduct or if a breach becomes apparent, the chairman will immediately appoint two trustees to establish the facts and report back. The result of these investigations must not be disclosed to any other trustees.

NB. If the complaint concerns the chairman, then the officers acting as a group should take responsibility.

For minor breaches of the code, The chairman shall use his/her best endeavours to resolve the problem amicably and quickly, through an informal chat with the trustee in question, especially if the breach has occurred during a committee meeting and therefore requires no prior investigation. However, even an informal discussion should not be vague. The problem or issue needs to be identified, the views of the trustee should be heard and the chairman should make clear the change required and the consequences of repeating the behaviour in question. A written record of the informal discussion should be kept on file, but it should be stressed that this is not part of any formal disciplinary procedure.

However if this process is not effective in reaching a solution or if it is felt that the breach is serious enough to require formal disciplinary action, the following procedure should be applied.

Level 1

A verbal warning from the chairman making clear the nature of what was unacceptable and warning about future conduct. This should be recorded with a date and kept on file.

Level 2

A confidential letter from the chairman clearly itemising the unacceptable behaviour, stating the improvement required with immediate effect.

Level 3

A final written warning which states that if the behaviour is repeated again the trustee will be asked to leave the committee, with immediate effect. At this stage the committee will be fully informed and copied in to all correspondence.

Level 4

The trustee is asked to leave.

Right of Appeal

At each stage of the formal disciplinary procedure there is a right of appeal providing it is lodged within a 7 day period. This can take the form of written representation or the desire for a right of reply.

Hearing an Appeal

If a decision is appealed and the trustee wished to appear before the committee, the trustee should be invited to attend a specially arranged meeting, with a friend if so desired, who may also speak. The chairman should summarise the issue and invite the trustee to state his/her case.

The trustee should then be informed when a decision will be communicated.

The matter should be fully discussed, taking into account any mitigating circumstances. Once a decision is reached the trustee should be informed in writing.

The committee's decision following any appeal is final.

Absolute confidentiality must be maintained.

Considerations in the event of having to resort to the formal disciplinary procedures

- All action taken must be documented.
- You must at all times act fairly and even-handedly.
- In most cases disciplinary action should begin at Level 1.
- Levels 3 & 4 should only be invoked in the case of either extremely serious breaches of the code or a persistent repetition of behaviour which the trustee has previously been warned about.
- Examples of extremely serious breaches are:
 - Grossly indecent or immoral behaviour – sexual/racial abuse, discrimination, harassment, bullying
 - Dangerous or violent behaviour
 - Incapacity caused by medication/drugs/alcohol
 - Falsification of expense claims
 - Theft
 - Malicious damage
- A trustee will cease to hold office if he/she is:
 - Disqualified by virtue of section 69 & 70 of The Charities and Trustee Investment (Scotland) Act 2005, e.g. criminal conviction, bankruptcy, etc.
 - Incapable of administering his/her own affairs
 - Absent without the permission of the committee from 3 consecutive meetings
 - Bringing the U3A into disrepute or behaving in a way which is prejudicial to the U3A
 - Failing to abide by the terms of the constitution or the decisions of the committee

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