

Disciplinary Procedure

Responsibilities of the Committee

This procedure sets out how Bishop's Cleeve u3a will approach problems related to a breach or suspected breach of the agreed Code of Conduct by a member or Trustee. This procedure is intended to ensure any issues are dealt with promptly, fairly and consistently. All parties are encouraged to take a problem-solving approach to achieve resolution.

In the event of a report of any member or Trustee allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will be notified immediately.

In carrying out this procedure, Bishop's Cleeve u3a will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Bishop's Cleeve u3a will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Bishop's Cleeve u3a will seek additional support from the Third Age Trust, as required.
- Confidentiality will be maintained at all times. For more serious issues, Bishop's Cleeve u3a will liaise with the Third Age Trust to seek advice and guidance about procedural issues. Sharing of information with the Trust will not constitute a breach of confidentiality because of its affiliation with the Trust. Members involved in the disciplinary procedure will be informed of the Trust's involvement.
- Decisions will be based on facts and evidence.

The disciplinary procedure will be implemented:

- Once all steps that have been taken to resolve matters informally have been unsuccessful, or
- Where a matter is deemed to be so serious that the only relevant course of action is to follow the disciplinary procedure.

All situations should be dealt with discreetly and by showing respect for the parties and views involved.

Informal procedure

It is very important to try and resolve disputes amicably and informally. This is more likely to lead to a better relationship between the parties in the longer

term. The Chair will use his/her best endeavours to resolve the problem amicably and quickly, through an informal discussion with the member or Trustee in question.

The informal discussion will be clear and all parties should understand their obligations at the end of the meeting. A confidential written record of the outcome of the informal discussion should be kept by the Chair.

Formal procedure

If the initial process is not effective in reaching a solution or if it is felt that the alleged breach is serious enough to require formal disciplinary action, the Chair will appoint:

- two investigating trustees who are not the Chair and who are not involved or connected to any party in the alleged breach to investigate it. And:
- a Subcommittee of 3 committee members to hear the alleged breach.

The result of these investigations must not be disclosed to any other Trustees, at this stage, in order to not bias any appeal. The timetable for the date of the meeting to hear the breach of Code of Conduct will be short, preferably within 14 days from the date that the Chair is first advised.

A letter will be sent to the member/Trustee who is alleged to have breached the Code of Conduct for the purpose of:

- Advising they are subject to a formal disciplinary procedure.
- Advising them 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 Subcommittee 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/Trustee advises that there are witnesses to the incident(s) who are willing to give representations, they will ask those witnesses to contact the subcommittee to agree to giving a statement relating to the specific incident(s) that they have witnessed. It is important that any statements taken are a factual representation of what the witness says. The statement should not be an interpretation or opinion of what he/she says.

The Hearing Subcommittee

The Initial Hearing Subcommittee will be the members of the Subcommittee appointed by the Chair.

The initial Hearing Subcommittee will examine the matter, considering any written statements submitted, verbal statements and any mitigating circumstances. From this the Hearing Subcommittee will agree whether anything requiring Disciplinary action has taken place.

The full committee may be told that a Disciplinary Procedure has been initiated and is being dealt with, but not given any of the detail. This is necessary in order not to bias any appeal that they may be required to hear at a later date.

Note: If the Chair of the committee is suspected to have breached the Code of Conduct, then the Vice Chair will replace the Chair in the procedure. In this case, and in the event of an appeal, the Vice Chair may choose to ask committee members from a neighbouring u3a or seek advice or request attendance from Third Age Trust.

If the initial Hearing Subcommittee decides there is no breach of conduct, they will advise the member or Trustee of this outcome.

If they do feel that the Code of Conduct has been breached, they can consider any of the following possible 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 Trustee has previously been warned, such as not complying with the terms of the constitution.

1. Level 1

No case to answer. No further action necessary.

2. Level 2

A verbal warning which 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 initial Hearing Subcommittee. Details of the warning should be recorded, dated and kept on file.

3. Level 3

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

4. Level 4

A final written warning as above, which states that if the behaviour is repeated the member or Trustee will be asked to leave the u3a or committee, with immediate effect.

5. Level 5

The Trustee or member is asked to leave either the committee or the u3a, with immediate effect.

6. Gross misconduct

If there is a case to answer, for most problems the process will start at Level 1. However, 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, including asking the Trustee or member to leave.

Decision

The decision should be communicated in writing to the member or Trustee advising them 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 appeal must be lodged within a 7-day period, from the date the decision is communicated.
- It must be in writing to the person who chaired the initial hearing.
- The Trustee or member must be advised of their right to attend with a companion. The Chair should be informed of the appeal and will then convene a further Subcommittee of Trustees who did not hear the original disciplinary.
- The appeal panel will meet to consider any written response, in order to make their decision on whether to uphold the appeal.
- If the member or Trustee concerned requests a right of reply to the Appeal Panel, they can be accompanied by a companion who may also speak in a personal capacity, if they wish.
- This will be independent of the initial hearing and trustees should not discuss this outside of the Appeal Subcommittee.

The Chair of the Appeal Subcommittee will summarise in writing the issues involved in the disciplinary hearing and the information provided. The member or Trustee will be given the opportunity to speak, along with their companion.

The Appeal Subcommittee will review its decision, consider any mitigating circumstances, and then make a final decision.

The committee's decision following any appeal is final.

The Chair will communicate the final decision in writing within 7 days of the appeal meeting.

Absolute confidentiality must be maintained.