

Disciplinary

Settle District U3A Disciplinary Policy

Context

This policy sets out how Settle District U3A (sdu3a) 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.

Procedure

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, Settle District U3A (sdu3a) will ensure the following:

- Every action will be documented.
- Disciplinary matters (including the appeals procedure) will be dealt with quickly and fairly.
- Settle District U3A (sdu3a) will strive to de-escalate any situation and to settle the issue without having to resort to formal disciplinary action.
- Settle District U3A (sdu3a) 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. For more serious issues Settle District U3A (sdu3a) 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 due to the affiliation with the Trust. Members or Trustees involved in the disciplinary procedure will be

informed of the Trust's involvement.

- Decisions will be based on facts and evidence.
- The formal disciplinary procedure will only be implemented once all steps that have been taken to resolve

matters informally have been unsuccessful and/or where a matter is deemed by the Settle District U3A (sdu3a) committee to be so serious that the only relevant course of action is to follow the disciplinary procedure.

Confidentiality

All procedures and documents relating to a disciplinary investigation must be kept confidential at all times. Information will only be shared with those who have a genuine need to receive it and this will include Trust staff and volunteers, as required. 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 member or Trustee will be informed that if any areas of activity that could potentially be of a disciplinary nature are found the informal procedure will cease and the formal procedure will be followed.

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 Informal Procedure is not effective in reaching a solution, or the Chair feels the alleged breach of the Code of Conduct is serious enough, the formal procedure should be instigated. When the formal procedure is instigated the member or Trustee will be suspended, without prejudice, from all U3A activities until the Formal Procedure is completed including the period of time necessary to complete any appeal procedure. They will be notified in writing by the Chair that

they should not attend any activities and the relevant group leaders will also be notified that the member's or Trustee's membership has been suspended. Where a member or Trustee refuses to temporarily

withdraw from a group during the period of time when the Formal Procedure is underway their membership will be terminated permanently and their membership fee refunded.

1. Having notified the member or Trustee of the suspension (and the relevant group leaders) the Chair will appoint two investigating Trustees – who are not involved or connected to any party in the breach – to investigate it. On completion of their investigations the investigating Trustees will report their findings to the Chair, but the result of the investigation must not be disclosed to anyone else; confidentiality must be maintained.
2. When the investigating Trustees have submitted their findings the Chair will appoint a sub – committee of a minimum of 2/3 committee members (where possible) to hear the alleged breach. This will be known as the Hearing Committee.
3. The timetable for the date of the Hearing Committee meeting to consider the breach of the Code of Conduct will be short, preferably within 14 days from the date that the Chair is first advised.
4. A letter will be sent to the member or 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 of what constitutes the alleged breach of Code of Conduct.
 - Asking for their response to the allegation of the breach of the Code of Conduct in writing.
 - Advising them of the date and time of the meeting that will be held by the Hearing Committee to consider
the results of the investigation (paragraph 11 above) and their response.
 - Advising that they can also attend the Hearing Committee 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.

5. If the member or Trustee advises that there are witnesses to the incident(s) who are willing to give

representations, they will ask those witnesses to contact the Hearing Committee 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 Committee

1. The Hearing Committee will be the members of the Committee appointed by the Chair as set out above.
2. The Hearing Committee will examine the matter, considering the outcome of the investigation carried out,

any written statements submitted, verbal statements and any mitigating circumstances. The Hearing

Committee will then agree whether any breach of the Code of Conduct has taken place.
3. The Settle District U3A sdu3a) 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.
4. Note: If the Chair of the Settle District U3A (sdu3a) 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 staff or Trustees.
5. The Hearing Committee may decide there is no breach of conduct in which case they will advise the member or Trustee of this outcome. This is Level 1 in the actions below. The temporary suspension of

membership will be cancelled and the relevant group leaders will be informed of the member's or Trustee's reinstatement.

6. If the Hearing Committee finds that the code of conduct has been breached it can consider any of the following possible levels 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.

Levels of action

Level 1

No case to answer. No further action necessary.

Level 2

An oral 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 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, which states that if the behaviour is repeated the membership of the member or Trustee will be withdrawn with immediate effect (ie immediate escalation to Level 5 formal action)

Level 5

The membership of the member or Trustee is withdrawn. The membership fee for the year will be refunded.

Gross Misconduct

In most cases, if there is a case to answer, the disciplinary

process will start with application of the Informal or Formal procedure. 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.
- Malicious damage.
- Conduct which brings the U3A into disrepute or is prejudicial to the U3A or the running of the U3A
the Settle District U3A (sdu3a) Committee has the right to move immediately to Levels 4 or 5 of the disciplinary procedure, including withdrawing the membership of the member or Trustee.

Decision

The decision should be communicated in writing to the member or Trustee advising him/her if the allegation in regard to 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;
- that the appeal request must be lodged with the Chair within 14 days from the date the decision is communicated.

Right of appeal

1. The member or Trustee who is alleged to have breached the Code of Conduct must be informed of their right of appeal at the end of the meeting of the Hearing Committee. The appeal must be lodged with the Chair within 7 days of the date of the written communication of the Hearing Committee's decision. The appeal should be in writing.
2. The appellant will be given the opportunity to attend a meeting with an Appeal committee for a right of reply. The appellant must be advised of their right to attend with a companion.

3. The Chair should be informed of the appeal by the person chairing the Hearing Committee.
4. The Chair will then convene an Appeal committee of at least 3 Trustees who were not members of the Hearing Committee.
5. The Appeal committee will then hold an appeal hearing to consider any written response and representations in order to make their decision on whether to uphold the appeal or not.
6. Members of the Appeal committee should not discuss any matters relating to the appeal with members of the Hearing Committee.
7. If the member or Trustee concerned requests a right of reply to the Appeal committee the member or

Trustee can be accompanied by a companion who may also speak in a personal capacity, if they wish.

8. The chair of the Appeal committee will summarise the issues involved in the disciplinary hearing and the information provided by all parties and the member or Trustee will be given the opportunity to speak, along with their companion if the companion wishes to speak.
9. The Appeal committee will then consider the evidence heard during the appeal procedure and make a final decision on whether or not to uphold the appeal. This decision must be communicated within 7 days of the Appeal committee meeting to the member or Trustee concerned.
10. The Appeal committee's decision is final and absolute confidentiality must be maintained.
11. The relevant group leaders will be informed of the outcome of the suspension in paragraph 12 above when the disciplinary process has ended, as appropriate in each case.

Availability and changes to this policy

This policy and any appendices will be reviewed annually by the Committee. It is available on the Settle District U3A

(sdu3a) website or by contacting a Committee member. This policy may change from time to time. Members will be informed via the newsletter and/or the monthly meetings when any material changes are made to Settle District U3A's (sdu3a) policies and procedures. Members should contact any member of the Committee if they have any queries about this policy, need it in an alternative format, or have any complaints about our disciplinary policy.

Date of next review

November 2024