

# 1. U3A BENALLA Inc. - Policy Guidelines

## Grievance Policy & Procedures (approved 12 October 2023)

### Introduction

1. U3A Benalla Inc. recognises that all members are entitled to enjoy their involvement in U3A activities, free from any negative conduct by others including:
  - Breaches of the U3A Code of Conduct
  - Sexual Harassment
  - Bullying
  - Breaches of privacy
  - Discrimination.
2. In situations where a member believes that he/she has been treated unfairly, or contrary to the spirit of U3A ideals, he/she is entitled to raise a grievance and to have that grievance addressed promptly, seriously, compassionately, objectively and justly. The prime purpose of the grievance procedure is to ensure that:
  - the grievance, or alleged grievance, is objectively and justly investigated;
  - the aggrieved member is satisfied that the grievance has been heard;
  - the grievance, or alleged grievance, has been addressed and independently and objectively and justly assessed;
  - should the grievance be found to be unjustified, the person raising the matter understands and accepts that conclusion;
  - should the grievance, or alleged grievance, be found to be justified, the party causing the grievance is aware that he/she has displayed conduct which is unacceptable to U3A. In some circumstances the Committee of Management may direct disciplinary action.
  - the final outcome of the grievance process undertaken is understood and accepted by all parties.
3. In all cases where a grievance is raised, it is Benalla U3A Inc's intention to resolve the issues amicably so that all parties can continue their involvement in U3A Benalla Inc. 'sactivities in an harmonious atmosphere.
4. *NOTE: U3A Benalla Inc. has issued Policy Guidelines on Sexual Harassment which includes detailed grievance procedures where issues arise in that context. Grievance issues associated with Sexual Harassment are, therefore, not addressed in this document.*

### Purpose

5. The purpose of this document is to set down U3A Benalla Inc.'s policy on grievance complaints and the process that will be followed should any complaint be received.
6. This document is a policy guideline and is consistent with:
  - The U3A Network Victoria Rules & Constitution, amended December 2013
  - The Associations Incorporation Reform Regulations 2012.

## Policy

7. A member of Benalla U3A Inc. may feel aggrieved that the conduct of an individual, or group of individuals is contrary the code of conduct for U3A Benalla Inc. This contrary behaviour, or alleged contrary behaviour, may be associated with actions the aggrieved member believes violates U3A Benalla Inc's policy guidelines, including on:
  - Code of Conduct
  - Bullying
  - Violation of privacy guidelines
  - Discrimination.
  - *Note that matters associated with Sexual Harassment are dealt with separately.*
8. The aggrieved member may feel that this alleged behaviour is having an adverse effect on him/her being able to enjoy U3A Benalla Inc.'s activities.
9. U3A Benalla Inc. will not tolerate behaviour which is contrary to U3A policies and unfairly and negatively affects other members. Responsibility lies with every member to ensure that discrimination, in all its forms, does not occur.
10. No member will be treated unfairly as a result of lodging a grievance. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has raised a grievance, or against any member who has been alleged to be the subject of a grievance complaint.
11. The principles set out in this policy are intended to apply to any U3A-related context, including classes, auspiced social functions, meetings, conferences, holiday trips and U3A workplaces.
12. Some forms of conduct, or alleged conduct, by others may constitute criminal conduct (e.g. severe bullying). While U3A Benalla Inc. is committed to handling most complaints at the local level, more extreme cases are not suited to internal resolution and should be handled by the criminal justice system. It is not the duty of U3A Benalla Inc. to report such matters to the police on behalf of the complainant.
13. All members have the right to seek assistance from the Victorian Equal Opportunity and Human Rights Commission in the resolution of a grievance.

## Procedures

14. U3A Benalla Inc. strongly encourages any member who feels aggrieved to take immediate action. Where circumstances permit, the aggrieved person should make it clear that such behaviour is unwelcome, inappropriate and/or offensive. Alternatively, or in addition, they may follow the procedures for reporting the behaviour.
15. A grievance complaint may be made to any member of U3A Benalla Inc.'s Committee of Management. The Committee Member will inform the President immediately.

16. The Committee of Management will handle a grievance complaint promptly, seriously and sensitively. There will be no presumption of guilt and no finding will be made until an investigation has been completed.
17. A Case Manager will be appointed by the Committee (this to be the President). The Case Manager will contact the complainant to provide support, explain his/her rights and responsibilities under this policy, ascertain the details of the complaint and the complainant's expectations of the process.
18. The complainant has the right to influence how the complaint is handled, have support or representation throughout the process or discontinue a complaint at any stage of the process.
19. The member who is the subject of the grievance has the right to be made aware of the allegations, have support or representation throughout the process and to respond fully to any formal allegation made.
20. Where agreed with the complainant, informal intervention will be initiated by the Case Manager, using conciliation and/or mediation techniques.
21. The informal intervention will be complete where the parties agree on action/s or outcome/s to be implemented. When agreement is not reached, a formal intervention will be initiated and the Committee of Management will appoint the Vice President as "the Investigator" and the vice President to conduct an investigation into the complaint.
22. The Investigator will:
  - interview the complainant to ascertain the facts and what they expect as a result of the complaint
  - interview the respondent to ascertain their response/defence
  - identify and interview other persons who may be able to assist
  - examine any relevant documents
  - determine relevant previous behaviours or issues.
23. The Investigator will reach a finding, assemble all of the evidence gathered and provide these to the Case Manager. The assembled evidence may include, but is not limited to:
  - records of interviews conducted
  - supporting evidence provided by a doctor, counsellor, family member, etc
  - relevant reports
  - complaints/information provided by other employers or persons about the respondent's behaviour
  - records kept by the complainant
  - information on whether the evidence appears credible and consistent.
24. The Case Manager will submit the Investigator's findings and evidence to the Committee of Management and recommend a course of action to follow.

Recommended actions will be influenced by:

- the wishes of the complainant
  - the severity and frequency of the actions which gave rise to the grievance
  - the weight of the evidence
  - the level of contrition
  - whether there have been any prior incidents or warnings.
25. Possible disciplinary actions may include but are not limited to:
- an informal apology
  - a formal apology and undertaking that the behaviour will cease
  - counselling
  - official warnings
  - suspension of membership
  - cancellation of membership
  - removal from a leadership role
  - *NOTE: it is not the policy of U3A Benalla Inc. to consider monetary fines.*
26. Where there is insufficient evidence to determine whether or not the grievance is justified, the Committee of Management will remind those involved of expected standards of conduct and monitor the situation.
27. Any questions about this Grievance Policy Guideline should be referred to the Secretary in the first instance.

### **Responsibilities**

28. U3A Benalla Inc.'s Committee of Management is responsible for:
- developing, adopting, implementing, publishing and reviewing this policy, ensuring that all members are aware of this policy and of their obligations in relation to contributing to a U3A environment that encourages compliance with U3A standards and codes, and set an example by their own behaviour
  - treating all complaints seriously and confidentially
  - taking immediate and appropriate corrective action if they become aware of any offensive action
  - investigating any reported grievances
  - monitoring and revising this policy as and when the need arises.
29. Any Committee Member who receives a grievance complaint is responsible to refer the matter to the President & Secretary immediately.
30. The Secretary is responsible for receiving enquiries about this policy.
31. In the event of a grievance against a member of the Committee of Management it will be necessary to take the complaint to an external person/s to adjudicate i.e. Human Resources person at Council.

***This document was approved by the U3A Benalla Inc. Committee of Management on 12 October 2023.***

