



# Evesham and District u3a Disciplinary Procedure

## 1 General

In the event of a report of any member allegedly breaching the Code of Conduct or if a breach becomes apparent, the Chair will immediately appoint two Trustees to investigate and report back. The result of these investigations must not be disclosed to any other Trustees at this stage.

For minor breaches of the code the Chair shall use his/her best endeavours to resolve the problem amicably and quickly, through an informal chat with the member in question. However, even the informal discussion should not be vague. The problem or issue needs to be identified and the views of the member should be heard; however, the Chair must make clear what is required going forward and the consequences of repeating the behaviour in question. A written record of the informal discussion should be kept by the Chair 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 committee should be fully briefed and an agreement reached on the action to be taken.

This Procedure should be read in conjunction with the Personal Information and Data Protection Policy with particular reference to Sections 2 and 4 about the safe retention of personal information and taking care with handling and storing sensitive and confidential material. Appendix 2 of this Policy provides an even more comprehensive account of document handling for both Grievance and Disciplinary Investigations and should be closely followed should the need arise. A summary of the key points is in section 2.1 below.

## 2 Recommended Disciplinary Procedure

### 2.1 Level 1

The member will receive a verbal warning which makes clear the nature of the unacceptable behaviour, and includes requirements about future conduct and the consequences of non-compliance. It is up to the Committee to decide who should give the warning and who else should be in support. Details of the warning should be recorded, dated and kept on file.

In line with the Data Protection requirements for handling what could be very confidential and sensitive material and to help minimise the risk of accidental or unauthorised disclosure steps should be taken to ensure all personal information recorded during the process is held as securely as possible. Document handling and storage can take many forms and consideration should be given therefore to the most suitable secure method and could include for example: secure electronic storage, access only by strong passwords, restricted/limited member access, secure document containers, keeping papers in a locked cabinet.



## 2.2 Level 2

The member will receive a written warning from the Chair, on behalf of and agreed by the Committee, itemising the unacceptable behaviour, the improvement required with immediate effect and the consequences of continued non-compliance.

## 2.3 Level 3

The member will receive a final written warning as above, stating that, if the behaviour is repeated, the member will be asked to leave with immediate effect.

## 2.4 Level 4

The member is asked to leave.

## 2.5 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 request for a verbal right of reply.

## 2.6 Hearing an Appeal

If a decision is appealed, the member will be given the opportunity to attend a specially arranged committee meeting with, if so desired, a friend who may also speak in a personal capacity. Reasonable notice will be given of the agreed date and, at the meeting, the Chair will summarise the issue and invite the member to state his/her case.

The member will then be informed when a decision will be communicated. The matter will be fully discussed, taking into account any mitigating circumstances. Once a decision is reached the member will be informed in writing.

***The Committee's decision following any appeal is final and absolute confidentiality must be maintained.***

## 3 Conclusion

### 3.1 Use of Levels

In most cases disciplinary action will begin at Level 1. Levels 3 and 4 will only be invoked in the case of significant breaches of the code, or a persistent repetition of behaviour about which the member has previously been warned, such as not complying with the terms of the Constitution.

### 3.2 Examples

Examples of significant breaches are:

1. Grossly indecent or immoral behaviour – sexual/racial abuse, discrimination, harassment, bullying.
2. Dangerous or violent behaviour.
3. Incapacity caused by medication/drugs/alcohol.
4. Falsification of expense claims.
5. Theft.
6. Malicious damage.
7. Bringing the U3A/U3A Movement into disrepute.



### **3.3 Committee Action**

Should the Committee find itself in the unfortunate situation of having to resort to a formal disciplinary procedure we will act as follows:

- All action taken will be documented. (see under 1. and 2.1 above)
- We will, at all times, act fairly and even-handedly.
- Decisions will be made by the Committee jointly.

N.B. If the complaint concerns the Chair, the Committee Members, acting as a group, will take responsibility.

10. Notwithstanding the confidentiality issues and examples above, if the breach is of a serious criminal nature/offence then this may be reported to the relevant authorities after consultation and when it is considered necessary and proportionate to do so.

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