

POLICY 05: GRIEVANCE AND DISPUTE RESOLUTION POLICY

1. INTRODUCTION

U3A Mornington (referred to as “U3AM”, “We” or “Us” in this policy) is committed to maintaining an environment that encourages collaboration, trust, cooperation and communication and where all behaviours are consistent with our Code of Conduct policy.

It is recognised, however, that on occasions, situations may occur where a complaints and grievance process is required to resolve grievances or concerns. This policy aims to ensure that grievances are handled and resolved in an appropriate, fair, transparent and timely manner.

2. PURPOSE

This policy is designed to provide guidance to members who wish to initiate a grievance in relation to an incident or activity that has occurred under U3AM auspices. The key principles and concepts of U3AM’s Grievance and Dispute Resolution will guide the handling of that grievance.

3. SCOPE

This policy applies to our member tutors, honorary/guest tutors and volunteers (hereafter referred to as volunteers) and to our members. The procedure set out in this policy applies to disputes between:

- (a) member/s and another member/s; or
- (b) member/s and the Committee of Management (Committee); or
- (c) member/s and U3AM; or
- (d) member/s and a member tutor/honorary/guest tutor.

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4 DEFINITIONS

Grievance: A clear, formal written statement by any member/s or honorary/guest tutor about other member/s, a member of the Committee or U3AM or an honorary/guest tutor.

Dispute: An unresolved grievance.

Respondent: The person about whom a grievance is made.

5. POLICY

5.1 U3AM will establish mechanisms to promote fast and efficient resolution of issues. Members should feel comfortable discussing issues in accordance with the procedures outlined in Section 7. We will endeavour to ensure that all parties are treated with fairness, equality and respect.

5.2 All formal avenues for handling of grievances will be fully documented and the wishes of the parties will be taken into account in determining the appropriate steps and actions. No person will be intimidated or unfairly treated in any respect if they utilise this Policy to resolve an issue.

5.3 U3AM is committed to managing people's expectations, and will inform them as soon as possible, of the following:

- The grievance process
- The expected time frames for our actions
- The progress of the grievance and reasons for any delay, and
- Their likely involvement in the process

5.4 We will advise all parties as soon as possible when we are unable to deal with any part of a grievance and provide advice about where such issues and/or grievances may be directed (if known and appropriate).

We will also advise all parties as soon as possible when we are unable to meet our time frames for responding to a grievance and the reason for our delay.

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5.5 We will address each grievance with integrity and in an equitable, objective and unbiased manner. Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, if deemed necessary, internal reviews of how a grievance was managed will be conducted by a person other than the original decision maker.

5.6 We will protect the identity of people initiating a grievance where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant privacy laws and any relevant confidentiality obligations.

6. RESPONSIBILITIES

6.1 It is the responsibility of members and volunteers to ensure that they attempt to resolve any issues with the other party in the first instance.

6.2 It is the responsibility of Coordinators to ensure that:

- They identify, take action to prevent and address potential problems before they become formal grievances.
- Any grievance is handled in the most appropriate manner at the earliest opportunity.
- They commit to the principles of open communication and information sharing with the volunteers they coordinate.
- All members and volunteers are treated fairly and without fear of intimidation.

6.3 It is the responsibility of the Committee of Management to ensure that:

- All members, volunteers and Coordinators are aware of their obligations and responsibilities in relation to communication and information sharing.
- All members, volunteers and Coordinators are aware of their obligations and responsibilities in relation to handling grievances.

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- Any grievance that comes to the attention of the Committee is promptly acknowledged and handled in the most appropriate manner at the earliest opportunity.
- If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated appropriately.

7. PROCEDURE

- 7.1 A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- 7.2 The grievance must be initiated by the complainant and not by a third party. However, the complainant can request the assistance of a third party when submitting the grievance.
- 7.3 The parties to a dispute must first attempt to resolve the dispute between themselves.
- 7.4 If a formal, written grievance is made, the respondent must be provided with a written copy of all the allegations made against them in sufficient detail – names may be removed to provide anonymity.

7.5 Appointment of Mediator

If the parties to a dispute are unable to resolve the dispute between themselves, the parties must:

- notify the Committee of the dispute; and
- agree to or request the appointment of a mediator; and
- attempt in good faith to settle the dispute by mediation.

The mediator must be:

- a person chosen by agreement between the parties; or
- in the absence of agreement:

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- (i) if the dispute is between a member/s and another member/s or, a member/s and a member tutor or honorary/guest tutor, - a person appointed by the Committee; or
- (ii) if the dispute is between a member and the Committee or U3AM - a person appointed or employed by the Dispute Settlement Centre of Victoria.

A mediator appointed by the Committee may be a member or former member of U3AM, but in any, case must not be a person who:

- (a) has a personal interest in the dispute; or
- (b) is biased in favour of or against any party.

7.6 Mediation process

The mediator to the dispute, in conducting the mediation, must:

- (a) give each party every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties throughout the mediation process.

The mediator must not determine the dispute.

7.7 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may request that an investigation be carried out by the Committee.

7.8 Investigation

If an investigation is carried out, the investigator must ensure that:

- The investigation is carried out in a reasonable time frame.
- The respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations.
- All parties are given the opportunity to respond to any contradictory evidence.

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- All parties are given the opportunity to have a support person in the interviews pertaining to the investigation.
- All parties are required to maintain confidentiality and sign a confidentiality agreement.
- The investigator has no personal interest or bias in the matter being investigated.
- The investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

7.9 The Importance of Impartiality

It is critical to ensure that the person responsible for carrying out an investigation is impartial. The investigator must not have a vested interest in the outcome of the matter. It is important to consider:

- Whether the use of an investigator is necessary to ensure impartiality.
- Whether any conflicts of interest need to be disclosed; and
- Whether the investigator has handled any previous disciplinary matters.

7.10 Determine outcome and provide reasons for decision

Following consideration of the grievance and any investigation into the issues raised, the Committee will contact the person initiating the grievance and advise them of:

- The outcome of the grievance process and any action taken
- The reason/s for the decision
- The remedy or resolution/s proposed or put in place, and
- Any options for review that may be available to the person initiating the grievance, such as an internal review, external review or appeal. The parties may also seek to resolve the dispute in accordance with the Act or otherwise at law.

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8. RELATED POLICIES

01: Code of Conduct Policy

08: Anti-Discrimination Policy

U3AM Rules of Association Part 3, Section 24

9. REFERENCES

Institute of Community Directors, Australia

Not-for-Profit Law via Justice Connect

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