

*Grievance Procedure*  
*For Members & Volunteers*  
*2020*

# Rotary District 9455 Grievance Procedure

## Overview

Rotary District 9455 – Western Australia is committed to creating a safe environment for all members and non-members in which to pursue the ideals of Rotary when participating in all Rotary organized activities (i.e. projects, programs and/or events).

The Board has therefore endorsed a *Rotary District 9455 – Western Australia Code of Conduct* and an accompanying grievance procedure for any member or non-member to utilize should they experience or witnesses a breach of this Code while involved in Rotary organized activities.

## 1. Purpose

The aim of this procedure is to provide guidelines to the Board and to members on how Rotary will deal with complaints/personal grievances (particularly those relating to discrimination, sexual harassment or bullying) so as to achieve consistent treatment in the handling of such grievances.

## 2. What is a Grievance?

A grievance can include any problem, concern or complaint related to a person's behavior towards another person(s). It can include any act, behaviour, omission, situation or decision that impacts on a person which is seen to be as unfair or unjustified (e.g. discrimination, harassment, sexual harassment, bullying - see attachment 1 for further details).

## 3. Dealing with Grievances

Rotary will:

- deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance;
- endeavour to resolve the dispute in line with the following procedure.

### **3.1 Preliminary Steps**

#### **3.1.1 Make an appropriate attempt to resolve the grievance directly**

If the aggrieved person feels comfortable in doing so, they may attempt to address the issue directly with the person(s) involved in the grievance. They may find the other person was not aware of their grievance and the matter can be resolved directly. However, this step may not be appropriate in all cases depending on the nature and/or seriousness of the personal grievance.

#### **3.1.2 Report the grievance to the relevant Club President or Secretary or to the District 9455 Governor or District 9455 Secretary**

If the aggrieved person does not feel comfortable talking to the person(s) involved, or they have tried to do so and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, they should report the grievance in the first instance to the relevant Club President or Secretary, or the District 9455 Governor or Secretary. This complaint may be communicated verbally or in written form, either in hard copy or electronically.

After the report of a grievance, the person who has been contacted will use reasonable endeavours to conduct an initial meeting with the complainant to:

- obtain information about the personal grievance and;
- explain to the complainant how the personal grievance procedure works, either by dealing with matter informally, or formal avenues available e.g. mediation or arbitration in accordance with the District 9455 Constitution.

The matter remains confidential until consent has been obtained, in writing or by email from the complainant to provide information to other participants in the process.

#### **3.1.3 Role of the Club President or Secretary / District 9455 Governor or Secretary**

- When a complaint is received, particularly one that involves discrimination, sexual harassment or bullying, the relevant person must listen seriously and sensitively to the complaint without pre-judgement of either party and provide support to the complainant (i.e. the person who has allegedly been discriminated against, sexually harassed or bullied).
- Once all relevant information has been gathered and the complainant has given consent the Rotary Club President or District 9455 Governor must determine the next steps in the process.
- The Club President or District Governor must, if circumstances appear that the complaint indicates a potential to give rise to a claim on the applicable policy of insurance, inform the District 9455 Insurance Officer that notification to the insurer should be considered.

### 3.1.4 Role of the Club President / District 9455 Governor

The President or the District 9455 Governor is responsible for determining how the grievance should be dealt with. To do this, that person will need to:

- Consider **all** the relevant information gathered and presented – without pre-judgement of either party involved in the grievance.
- If necessary, seek clarification from that person on any aspects of the information provided and/or seek to speak directly to the complainant.
- Seek advice from the District 9455 Director of Governance and/or Secretary of the Board as appropriate on any legal or compliance issues relating to the complaint/grievance received and/or access specialist services advice.
- Having sought this advice and being mindful of the complainant's expectations and the seriousness of the issue, determine the next steps in the process to resolve the matter.

Once all relevant information is collected and the above steps completed, the Club President or Rotary District 9455 Governor will need to determine whether:

- (i) to refer the matter for an **independent investigation** as per section 3.4 below, or;
- (ii) carry on the formal investigation by interviewing the respondent personally.

Once this person has made his/her determination on the way forward, it is important for him/her to consult with the complainant and obtain their consent to the preferred way forward.

The Club President or Rotary District 9455 Governor may at this stage determine that:

- (i) it is appropriate to propose an **informal procedural solution** to the complainant as per section 3.2 below or;
- (ii) go straight to a **formal procedure** as per section 3.3

### 3.2 Informal Procedure

Depending on the nature of the grievance a range of informal actions can often resolve it. Such actions will depend on the individual circumstances of the grievance and the Club President's or District 9455 Governor's assessment of the complaint.

- Possible informal actions include but are not limited to:
- the President discussing the issue with the person against whom the complaint is made; and/or facilitate a meeting between the parties in an attempt to resolve the issue and move forward.

- It is important to ensure that the person(s) against whom the complaint is made (the respondent) is treated fairly and given the opportunity to put forward their views on the matter.

Many personal grievances are able to be resolved through an informal procedure. However, in circumstances where the Club President or District 9455 Governor determines an informal procedure is not appropriate, or fails to resolve the matter, and the grievance is sufficiently serious, the grievance should be escalated to the next stage - **formal procedure**.

*(This may result in the Club President or District 9455 Governor advising the complainant that the matter may need to be referred to a legal practitioner for further advice and/or to an external authority. Information should **not** be passed onto other authorities without the consent of the person who has made the complaint.)*

### **3.3 Formal Procedure**

This step involves the conducting of a **formal investigation** of the grievance and a decision about appropriate actions and outcomes. The investigation may be undertaken by the Club President, District 9455 Governor or another independent person.

A formal investigation will involve the collection of relevant information about the grievance and making a finding based on the available information, including: . :

- Arrange an interview with the complainant and the respondent and ensure a third party is present as a support person and witness to each interview.
- Hear out all issues seriously and empathetically.
- Allow the complainant and the respondent to call witnesses (where available) to provide their information.
- Counsel the complainant about the available processes that could be used to resolve the matter.
- Record the grievance. Take accurate notes and use the complainant's and respondent's own words where possible. Check all details with the complainant and respondent
- Maintain confidentiality and keep records secure.

#### **3.3.1 Next Steps**

If neither the complainant nor the respondent requests mediation or arbitration in accordance with Article 22, and the investigator decides that an **independent investigator** should be appointed, then the President will appoint a third party to conduct the independent investigation as per section 3.4 below.

In a formal investigation, the role of the Club President, District 9455 Governor or independent investigator is to gather information about a complaint and allegations and, make recommendations on findings on relevant questions of fact. An investigator must not present her or himself as a counsellor or advocate for the complainant or the respondent.

The investigation should be carried out as expeditiously as possible.

### **3.3.2 Outcomes of the Formal Procedure – complaint substantiated**

If, after seeking relevant advice the investigator is satisfied that the complaint **is** substantiated, the following outcomes **may** be appropriate for the Club President or District Governor to pursue with the respondent, **if agreed to by the complainant:**

- A written or verbal apology to the complainant;
- A warning that they are accountable for their own behavior
- A request that they resign their membership of the Rotary Club or;
- A recommendation to the Club Board that their continuing Club membership be terminated under Article 15 Section 5(a) of the recommended Rotary Club Constitution.

Should there be no resolution an **independent investigation will be required.**

### **3.3.3 Outcomes of the Formal Procedure – complaint not substantiated**

If, after seeking relevant advice, the investigator is satisfied that the complaint is **not** substantiated, then she/he needs to advise the complainant of the outcome and that either (i) no further action will be taken or (ii) that non disciplinary actions will be implemented as per section 5 below.

## **3.4 Appointment of an independent Investigator**

The Club President or District 9455 Governor will be responsible for appointing and briefing an appropriately qualified independent third party to carry out the independent investigation into the grievance and report to the Club President or District Governor.

The terms of reference for the investigation will be determined by the investigator following the receipt of the relevant legal advice on conducting such as investigation.

### **3.4.1 Possible Outcomes of an independent Investigation**

Where an investigation results in a finding that a person has engaged in behavior that breaches the Rotary District 9455 Code<sup>6</sup> of Conduct, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance

- Where the investigation results in a finding that the person complained against, and **who is a Rotary member**, has engaged in serious misconduct, this may result in their membership of their Rotary Club being withdrawn
- Where the investigation results in a finding that the person complained against, **who is not a Rotary member**, has engaged in serious misconduct, this may result in that person not being allowed to participate in future Rotary organized activities, programs or projects.

Any disciplinary action is a confidential matter between the affected person(s) and the Rotary Club or Rotary District 9455 Board of Directors.

## 4. Other Procedural Issues

### 4.1 Participation on Club Activities

Unless the Club Board, on a recommendation of the Club President, acts to suspend a member, participation in Club activities will continue as normal while a personal grievance is being dealt with under these guidelines. All persons affected by the grievance are expected to co-operate with the investigator to ensure the efficient and fair resolution of the grievance.

Retaliatory action against a person who has lodged or is involved in a personal grievance issue under this Policy is a breach of the Rotary District 9455 Code of Conduct and will be dealt with accordingly.

### 4.2 Confidentiality

The Club President, Secretary, District Governor or Secretary involved in investigating a grievance will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other Rotary Club members and/or non-members who may have witnessed the incident in order to determine what happened; to afford fairness to those against whom the complaint has been made and; to resolve the grievance.

All members and volunteers involved in the grievance are required to also maintain confidentiality, including the person who lodges the complaint and the respondent. A party to the grievance may discuss the grievance with a designated support person or representative. However, the support person or representative is also required to maintain confidentiality. If a person breaches confidentiality they may be disciplined.

### 4.3 Documentation

Where considered appropriate, agreed resolutions of personal grievances arising from the informal procedure may be recorded and signed by all parties.

#### **4.4 Access to support and representation**

The complainant and respondent can seek advice from the Club President / District 9455 Governor or a support person at any stage during the grievance process. The complainant and respondent can bring a support person to a grievance meeting if so desired.

#### **5.1 Proposed non-disciplinary outcomes following a grievance**

Depending on the nature of the grievance, the Rotary Club or District Board may take a range of other non-disciplinary outcomes to resolve a grievance and/or as extra actions following a serious grievance for which disciplinary action was taken. Examples include, but are not limited to:

- Individual or broader Club training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- reviewing existing policies and/or implementing a new policy



## Appendix 1 – Refer to Rotary District 9455 Code of Conduct for further details

### Respect and Fairness

Rotary District 9455 recognizes **bullying** as behaviour that may be characterised as offensive, intimidating, malicious or insulting, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying does not need to be deliberate; someone may demonstrate bullying behaviour, which falls within the above definition, without intending to. Whichever form it takes, it is unwarranted and unwelcome to the individual and will often cause embarrassment, fear, humiliation or distress to an individual or group of individuals. Bullying often results from a misuse of individual power derived from status/position, physical strength or force of personality. It can also arise from collective power arising out of strength of numbers.

Rotary District 9455 recognises as **harassment** any unwelcome verbal or physical behaviour, including sexual advances, when the unwanted conduct has the purpose or effect of either violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment does not need to be deliberate; someone may harass another person without intending to. In some situations, where the unwanted conduct is serious, a single incident may constitute harassment. In other situations, conduct may become harassment if it is repeated or sustained.

The following list provides examples of the types of behaviour which can amount to harassment, although the list is, by no means, exhaustive:

- **Unwelcome physical contact or physical interaction:** This may range from unnecessary touching or brushing against another's body, physical assault/threats, insulting or abusive behaviours or gestures. This may also encompass invading someone's 'personal space' by standing very close to him/her where this is unnecessary.
- **Unwelcome verbal conduct:** This may include the making of remarks and comments about appearance, lewd comments, sexual advances, innuendo and banter, the making or repetition of offensive or stereotyped comments, jokes or songs, the making of threats or the making of patronising comments.
- **Unwelcome written or visual interaction:** This may include sending unwelcome emails, notes or pictures, displaying or sending offensive material via email/social- media/websites/blogs etc.

***Harassment, bullying and victimisation of members, or by members by electronic methods***

Given the degree of current reliance upon electronic means of communication it should be specifically noted that harassment, bullying and victimisation by members by electronic means is also unacceptable. For example, this might involve:

- Sending e-mails (with or without attachments) which breach the terms of this Code of Conduct
- Inappropriate copying of e-mails to parties not seen as relevant to the discussion, as a way of intimidating or inappropriately gaining leverage over fellow members, their partners/families, guests and volunteers.