

## Managing Challenging Situations

As a volunteer organisation, challenging situations may arise from actions by a member, a tutor/leader or within the Committee of Management. These situations can become emotionally charged, so this process is documented to develop solutions that are sensitive to all the people involved.

U3A Southern Peninsula will implement a four-stage approach to dealing with challenging situations which involves:

- Prevent
- Respond and de-escalate
- Manage persisting issues
- Exclude

This process is aligned to the Victorian Ombudsman's 2018 'Practical Guide to Dealing with Challenging Behaviour'.

### 1. Prevent

U3A Southern Peninsula has in place, and makes available to all members, policies and procedures that explain expected behaviour and how breaches will be dealt with. Key documents that relate to our U3A SP operations are:

- [Rules of Association](#)
- [Code of Conduct](#)
- Appropriate policies, procedures and guidelines

U3A SP aims to create a positive culture and community that values the participation of all its members. This can be developed by:

- Visible, positive and active leadership by Committee of Management members
- Positive practices and behaviours
- Recognition and celebration of members and volunteers and their contributions
- Open communication and feedback between Committee of Management, and members, including in the management of change.

### 2. Respond and de-escalate

A prompt informal and open response to challenging situations is recommended. This involves fact finding and respectful conversations with the concerned parties by the person delegated to deal with the issue. The aim is to understand and jointly problem solve an agreed outcome.

Where a member or volunteer is observed to not be behaving or performing as expected, or a complaint or grievance has been received about them, the initial response should aim to address the matter so that it does not escalate further. The exception is where the reported behaviour is egregious, in which case disciplinary action needs to be immediately instituted as per the procedures set out in Part 3 of the U3A SP [Rules of Association](#).

In addressing the situation and in following the recommended steps set out below, the following principles should be taken into account:

- An open, non-blame approach
- Empathy and respect of the people involved
- A focus on personal interaction and responsibility
- Involving and giving a voice to all
- Mutual solution finding
- Transparency and confidentiality

The recommended steps in managing a challenging situation:

- a) Address the matter promptly by referring it to the Secretary in the first instance ([secretary@u3asouthpen.org.au](mailto:secretary@u3asouthpen.org.au)).
- b) Identify or delegate a person responsible for the initial response to the situation, such as the Course Coordinator or a member of the Committee of Management; ensure they are informed about U3A SP's relevant policies and procedures and have the appropriate skills to respond.
- c) Investigate or explore the available hard facts.
- d) Meet personally with the parties, individually and together wherever possible; have informal conversations with them to understand their different perspectives, asking questions about the situation, their thoughts, actions and emotional reactions.
- e) Define the problem and focus on the behaviour or issue itself.
- f) Encourage joint problem solving. Remain neutral and assist the parties to come up with suggestions. There may be adjustments that the parties or U3A SP can make that will resolve the matter. Where agreement is reached, positively support the changes identified.
- g) Record actions taken and the outcome of discussion. A written letter or email to parties about the agreement reached is generally advised.
- h) Monitor the situation going forward including the success of any suggested solutions.

### 3. Manage Persisting Issues

A formal process may be initiated by the Committee of Management where the above approaches do not resolve the matter or are not appropriate. This may include a formal mediation or arbitration process as set out in Part 3 of the [Rules of Association](#).

Decide who is to manage the formal process (eg, the President, Secretary or another member of the Committee of Management with a view to spreading the load). The following steps are recommended:

- Consider having a second person to witness and record the conversation
- Consider giving the parties the opportunity to bring a support person if they wish to
- Identify the seriousness of the matter, understand the basis of the persisting problem and aim to seek a mutually acceptable solution
- Consider involving an internal or external mediator. (External mediation might be sourced from Network, your local Council, Consumer Affairs Victoria or the Dispute Settlement Centre)
- Collect any further information that will assist in understanding the situation, for example, talking with or surveying other members
- Consult with any relevant external bodies if appropriate, eg, local government, disability organisations or community groups
- Some limits or conditions to communication may be set if one of the parties is making unreasonable demands, is uncooperative, overly persistent or aggressive

Finalise the agreed outcomes in writing. Where the Committee of Management resolves to dismiss the complaint or issues a reprimand to one of the parties, formally advise the parties. You may choose to inform your wider membership of the negotiations and outcome.

Where mediation is declined, continue communications and negotiations, aiming to find a positive resolution of the matter. Face to face and verbal communication can be preferable over letters and electronic means where emotions are involved. When using written communication be factual and positive in tone.

Notify the U3A insurer, the Victorian Managed Insurance Agency (VMIA) of negotiations if the situation continues to escalate, including legal threats. In this case VMIA will usually manage further action.

Review the effectiveness of the processes followed and, where necessary, make recommendations for changes that could mitigate future situations arising.

#### 4. Exclude

Where there has been a serious breach of U3A SP's policies or unlikely improvement in the situation, and where the Code of Conduct and policies allow, the Committee of Management may resolve to take one of the following actions in accordance with the [Rules of Association](#):

- Suspend or permanently bar a member from a particular class or activity due to their conduct
- Suspend or permanently remove a member from their role due to poor performance or conduct
- Provide notification in writing to all parties about the exclusion and state the reasons for that decision

In rare instances, where the conduct breach is severe and seriously impacts on a member's wellbeing, the operations, resources or the reputation of U3A SP, a Disciplinary Sub Committee may resolve to suspend or permanently terminate the person's membership of U3A SP, excluding their participation in all activities.

In doing so, the Committee of Management should ensure that the decision is reasonable and justified. It may consider the history of the behaviour, the nature of the behaviour and its impacts, the personal circumstances of the member and likely impact on their welfare by being excluded, the strategies already tried and any legal obligations entailed.

If an Appeal is lodged, the Committee of Management will proceed according to the Rules of Association, Part 3, Division 2.

It is advisable to seek assistance from U3A Network Victoria with this more complicated process.

#### **Summary of potential outcomes by category of situation:**

Dispute over teaching approach:

- Member withdraws from class
- Member moves to alternative class
- Member discontinues membership

Performance of volunteers:

- Volunteer resigns
- Farewell organised to recognise long service of volunteer
- Assistance provided with technology to reduce volunteer's stress
- Warning or reprimand issued
- Volunteer complies with Code of Conduct and relevant procedures
- Role is redesigned
- Volunteer encouraged to stay on in role until successor found

*Managing Challenging Situations V1 November 2022*  
**Approved by Committee of Management on 15 November 2022**

Member behaviour:

- Member advised or formally warned that behaviour is unacceptable
- Alternative course/class offered for participation
- Member withdraws from specific activity

Member welfare:

- Member's privacy respected
- Involvement maintained despite cognitive or health issues
- Withdrawal advised from activity and accepted
- Injured volunteer encouraged to make claim to VMIA