

## **Procedures for Managing Allegations of Misconduct**

### **1. Purpose of procedures**

The RSCDS is serious about creating and operating in safe spaces, where everyone is free to enjoy Scottish dance without fear of harassment or discrimination of any kind. We take our Code of Conduct and Child Protection Policy ('the Code') seriously and make sure our teachers, musicians and members of our community are aware of the Code. These procedures describe how the Code is applied when we are notified that someone may have breached the Code. In particular, the purpose of these procedures is threefold:

- 1.1 to guide investigators/decision makers in managing alleged breaches of the RSCDS Code of Conduct ('the Code'); and
- 1.2 to protect those coming forward about potential misconduct from retaliation; and
- 1.3 to provide procedural fairness to those who have been accused of breaching the Code of Conduct.

### **2. Application of procedures**

- 2.1 These procedures apply in determining whether a person who is a volunteer, teacher, musician or member of the RSCDS community has breached the Code.
- 2.2 These procedures apply in determining any sanction to be imposed on a volunteer, teacher, musician or member of the RSCDS community who has been found to have breached the Code.

### **3. Availability of procedures**

- 3.1 These procedures are publicly available on the RSCDS website.

### **4. Unlawful conduct**

- 4.1 Nothing in these procedures prevents RSCDS Management Board from alerting the appropriate authority where there is an allegation that may constitute unlawful conduct. If the matter is under investigation by another appropriate authority, the RSCDS management may decide not to conduct a separate investigation into the allegation(s).
- 4.2 For standalone events such as Summer School, Autumn Gathering, Winter School, Spring Fling etc the Organising Committee will replace the RSCDS Management Board in making a decision about conducting an investigation. For minor breaches they may act as the RSCDS Management Board as detailed below. For more serious breaches, they may decide to defer decision making to the RSCDS Management Board. If an event committee is unsure which is appropriate, they will consult the current RSCDS Chairman and most senior available member of employed staff before making a final decision.

## **5. Breach decision maker and sanction decision maker**

5.1 As soon as practicable after a suspected breach of the Code has been identified and the RSCDS Management Board has decided to deal with the suspected breach under these procedures, the RSCDS Management Board will appoint a decision maker ('the breach decision maker') and a sanction delegate ('the sanction delegate') from the RSCDS management team to make a determination under these procedures.

5.2 The role of the breach decision maker is to determine in writing whether a breach of the Code has occurred.

5.3 The role of the Sanction Delegate is to communicate the decisions and resultant sanction (if any) to the person who is suspected of breaching the code.

5.3 The breach decision maker may decide that an allegation is frivolous or vexatious, or does not warrant further investigation.

5.4 The breach decision maker may seek the assistance of an investigator with matters including investigating the alleged breach, gathering evidence and making a report of recommended factual findings to the breach decision maker.

5.5 These procedures do not prevent the breach decision maker from being the sanction delegate in the same matter.

## **6. Person making breach determination and imposing any sanction to be independent and unbiased**

6.1 The breach decision maker and the sanction delegate must be, and must appear to be, independent and unbiased.

6.2 The breach decision maker and the sanction delegate must advise the RSCDS Management Board in writing if they consider that they may not be independent and unbiased or if they consider that they may reasonably be perceived not to be independent and unbiased, for example if they are a witness in the matter.

## **7. Confidentiality**

7.1 Allegations and investigations into suspected breaches of the Code will be treated on a 'need to know' basis.

7.2 While all reasonable efforts will be made to protect those reporting suspected misconduct from reprisals, it may be necessary to disclose information to the person alleged to have breached the Code in order to conduct a proper investigation of those allegations. In all such matters, the person suspected of having breached the Code will be cautioned not to make any reprisals against the person they suspect of having made the allegation, nor to contact them about the allegation(s) without their express permission. Failure to adhere to this condition will result in an immediate and permanent ban from all RSCDS classes and events.

## **8. The determination process**

8.1 The process for determining whether a person who is, or was, a volunteer, teacher, musician or member of the RSCDS community has breached the Code will be carried out with as little formality, and with as much expedition, as a proper consideration of the matter allows.

8.2 The breach decision maker may require that the person against whom an allegation has been made remain absent from RSCDS classes and events while the matter is being investigated.

8.3 The breach decision maker may first seek to resolve the matter through alternative dispute resolution processes, such as mediated discussions between the parties, prior to commencing a formal investigation of the allegation(s). Should either the person making the allegation or the person who is the subject of the allegation be unwilling to participate in an alternative dispute resolution process, the RSCDS will respect that preference.

8.4 The process of investigating an alleged breach of the Code will be consistent with the principles of procedural fairness.

*Note: Procedural fairness generally requires that:*

- *the person suspected of breaching the Code is informed of the case against them (i.e. any material that is before the decision maker that is adverse to the person or their interests and that is credible, relevant and significant)*
- *the person is provided with a reasonable opportunity to respond and put their case, in accordance with these procedures, before any decision is made on breach or sanction*
- *the decision maker acts without bias or an appearance of bias*
- *there is logically probative evidence to support the making, on the balance of probabilities, of adverse findings.*

8.5 A determination may not be made in relation to a suspected breach of the Code by a person unless reasonable steps have been taken to:

8.5.1 inform the person of:

- the details of the suspected breach of the Code (including any subsequent variation of those details); and
  - the sanctions that may be imposed on them;
- and

8.5.2 give the person a reasonable opportunity to make a written statement, or provide further evidence in relation to the suspected breach, within 7 calendar days or any longer period that is allowed.

*Note: This clause is designed to ensure that by the time the breach decision maker comes to make a determination, reasonable steps have been taken for the person suspected of breach to be informed of the case against them. It will generally also be good practice to give the person notice at an early stage in the process of a summary of the details of the suspected breach that are available at that time and notice of the elements of the Code that are suspected to have been breached.*

*Note: The breach decision maker may decide to give the person the opportunity to make both a written and an oral statement.*

8.6 A person who does not make a statement in relation to the suspected breach is not, for that reason alone, to be taken to have admitted to committing the suspected breach.

8.7 For the purpose of determining whether a person who is, or was, a volunteer, teacher, musician or member of the RSCDS community has breached the Code, a formal meeting is not required.

8.8 The breach decision maker, where they consider in all the circumstances that the request is reasonable, will allow the person who is suspected of breaching the Code to have a support person present in a meeting or interview they conduct.

## **9. Sanctions**

9.1 The process for deciding on sanction must be consistent with the principles of procedural fairness.

9.2 If a determination is made that a volunteer, teacher, musician or member of the RSCDS community has breached the Code, a sanction will not be imposed on that person until reasonable steps have been taken to:

9.2.1 inform them of:

- the determination that has been made;
- the sanction or sanctions that are under consideration; and
- the factors that are under consideration in determining any sanction to be imposed; and

9.2.2 give the person a reasonable opportunity to make a written statement in relation to the sanction or sanctions under consideration within 7 calendar days, or any longer period that is allowed by the sanction delegate.

## **10. Record of determination and sanction**

10.1 If a determination in relation to a suspected breach of the Code by a person who is, or was, a volunteer, teacher, musician or member of the RSCDS community is made, a written record will be made of:

- the suspected breach; and
- the determination; and
- any sanctions imposed as a result of a determination that the person has breached the Code; and
- if a statement of reasons was given to the person regarding the determination in relation to suspected breach of the Code, or regarding the sanction decision—that statement of reasons or those statements of reasons.

To learn more, you can check out our [Safer Spaces | Royal Scottish Country Dance Society \(rscds.org\)](https://www.rscds.org)

Adapted with permission from and thanks to Swing Patrol London.