

General Complaints Procedure

OF

THE ROYAL MUSICAL ASSOCIATION

Introduction

The Rules of the RMA provide that 'Any person may bring complaints about the governance or conduct of the Association, about the misconduct of any member, or about the misconduct of any person at a public event sponsored or supported by the Association, to the attention of any elected or appointed officer of the Association', and also give the Trustees specified disciplinary powers. Complaints of misconduct should wherever possible be made with reference to a code of conduct published by the RMA.

The procedure for resolving any complaint made about any person or about the RMA will normally start with the Informal Procedure outlined below (section 1). In exceptional circumstances, however, if the complainant feels that the informal process is not appropriate in their situation, the Formal Procedure (2) may be invoked without having exhausted the Informal Procedure. This should be decided upon the advice of the President of the RMA in full consultation with the complainant. (If the President should be involved in the complaint, Vice-Presidents in order from the longest-serving should be the preferred substitute here and throughout the provisions below; if this too would be inappropriate, the Executive Officer may take their place.) Any complaint concerning the conduct of any person at a public event sponsored or supported by the RMA should be addressed in co-ordination with an appropriate member of senior management of the host institution. The procedures are drafted with respect to complaints about individual people, but in case of complaint about several people or about the RMA, or when the officers of the RMA initiate disciplinary action themselves, they should be followed as closely as practicable, *mutatis mutandis*. The expressions 'in writing' and 'written' should be understood as including any suitable written medium, including any electronic ones.

All information gathered under either the Informal or the Formal Procedure, whether written or oral, and all deliberations, will be handled in strict confidence. The Executive Officer of the RMA will maintain a register of all complaints and other disciplinary actions, including the President's written record of Informal proceedings, and the written complaint, report of the investigating panel, minute of decision by Council, and (if the decision is appealed) the written decision of the appeal panel in Formal proceedings, together with any other written material essential to the proper understanding of the matter. This register will be kept strictly confidential, and the record of any case will not be available for research for 30 years after its conclusion, but the register will at all times be available for consultation by the Trustees of the RMA in order to assist their deliberations on any case.

1. Informal Procedure

- a. Anyone who considers that they have grounds for complaint about any person or about the RMA should, if practicable, seek to resolve the matter informally with the person concerned or with Council respectively.

The RMA hopes the following advice can prevent minor offences from escalating:

We are all human, and sometimes err. If you observe someone making a mistake, assume the best intentions, bring their wrong behaviour to their attention, and forgive them. If you are confronted with having made a mistake (even if you feel innocent), apologize promptly and without reserve, resolve not to let it happen in future, and

move on in good faith. Consider that good intentions do not always prevent misunderstanding.

- b. If an informal direct approach under **1(a)** is unsuccessful or inappropriate, the complainant should raise the matter with the President of the RMA. The President should (using any suitable oral or written means, so long as a written record of the discussion is kept):
 - i. discuss the complaint with the complainant;
 - ii. contact the person about whom the complaint has been made, outline the nature of the complaint, and ascertain that person's response to the complaint;
 - iii. if appropriate, arrange a joint meeting with the parties to discuss the matter;
 - iv. make recommendations to the parties for resolving the matter (without necessarily attributing blame or responsibility) in a way that seeks to establish and promote a professional and respectful working relationship between them;
 - v. submit a brief written record of the proceedings to both parties, and to the Executive Officer of the RMA for inclusion in the complaints register.
- c. Since the object of the Informal Procedure is consensus among the parties involved, there is no right of appeal from its resolution. If the complainant considers that their complaint has not been resolved, they may *either*:
 - i. invoke the Formal Procedure (**2** below); *or*
 - ii. withdraw their complaint. In this case it will not be recorded in the register.

2. Formal Procedure

- a. If the Informal Procedure (**1**) fails to resolve the matter, or if (as provided for in the Introduction) the Informal Procedure is considered inappropriate, the complainant may bring a Formal complaint.
- b. A Formal complaint should be made in writing to the President of the RMA, who shall immediately send a copy of the written complaint to the person about whom the complaint is made (the complainant's address will be redacted).
- c. The written complaint should include:
 - i. the name and address of the complainant;
 - ii. the name of the person about whom the complaint is being made;
 - iii. the nature of the conduct about which the complaint is being made, including where possible places, dates, and times;
 - iv. the names of any people who may have witnessed the conduct complained of;
 - v. any action that may already have been taken (by the Informal Procedure under **1** above or otherwise) to resolve the matter.
- d. The President of the RMA shall open an investigation of the complaint.
 - i. The investigation shall be conducted by a panel consisting of the President and two Vice-Presidents of the RMA selected by the President. If the complaint is about the RMA, a member of the governing body of another learned society in the humanities, independent of the RMA, shall be appointed to the panel as well.
 - ii. The investigating panel may require the parties and any witnesses (whether or not identified by either party) to present evidence in writing within a reasonable time of the request being made. Individuals may also be called to present an oral statement from their written statement.

- e. The investigating panel shall prepare a report that reviews the evidence and:
 - i. recommends that on the basis of the evidence the complaint be dismissed; *or*
 - ii. makes recommendations for informally resolving the matter (without necessarily attributing blame or responsibility) in a way that seeks to establish and promote a professional and respectful working relationship between the parties, using any mediation services that may be available; *or*
 - iii. determines that there is a *prima facie* case to answer and recommends that the matter be dealt with by a formal resolution discussed at a meeting of the Trustees of the RMA, together with the Executive Officer (who shall not have a vote), but no other people ordinarily entitled to attend meetings of Council. Any disciplinary action to be taken shall not be specified in the report but shall be determined by the Trustees. Twenty-one days' notice shall be given to the person complained about, together with a copy of the report, so that they can attend and make their case.
- f. If the investigating panel recommend action by the Trustees (**2(e)iii** above), the Trustees shall decide the action to be taken and record their decision by minute, including in the minute their reasons for the decision. The Trustees may choose to impose disciplinary action as specified in the Rules of the RMA, not to do so, *or*, by the vote of 12 or more Trustees (being at least two-thirds of their total number), to overrule the report of the panel and decide on either recommendation **2(e)i** or **2(e)ii** above.
- g. The report of the investigating panel and the Trustees' minute of decision shall be given to both parties to the complaint.
- h. Any person acting under any stage of this Formal Procedure who knowingly brings a complaint or makes any statement that is untrue, malicious, frivolous, or in bad faith shall be subject to the disciplinary powers of the Trustees as specified in the Rules of the RMA. The investigating panel should investigate any such action and make recommendations as part of its report.
- i. At all stages of this Formal Procedure, the complainant, the person complained about, or any witness may be accompanied by a colleague, who need not be a member of the RMA.

3. *Appeal Process*

- a. The complainant or the person complained about may appeal against the result of the Formal Procedure (**2**), whether it be the outcome of the investigation or the decision of the Trustees.
- b. An appeal must be made in writing to the President of the RMA, specifying its grounds.
- c. An appeal may be made only on the grounds:
 - i. of procedural irregularity, *or*
 - ii. that the result of the Formal Procedure, whether it be the outcome of the investigation or the decision of the Trustees, is seen to be plainly unjust.
- d. The appeal shall be heard by a panel consisting of the President of the RMA, one person appointed by Council, one person appointed by the appellant, and one member of the governing body of another learned society in the humanities, independent of the RMA, who shall have the casting vote if the panel should be equally divided about the outcome of the appeal. Neither a complainant nor a person complained about may serve on the appeal panel.
- e. The appeal panel shall communicate its decision in writing to all parties to the complaint and to Council.

The decision of the appeal panel shall be final.