

# Complaint Procedure

## Article 1: Definitions

In this Complaint Procedure we understand the following:

- a. **GALE**: the Global Alliance for LGBT Education; this is the learning community which consists of members of the website [www.gale.info](http://www.gale.info).
- b. Commission: the commission meant as in Article 3;
- c. Complainant: The person who has lodged a complaint. All members of the Alliance are obliged to point out undesirable or not permitted behavior or lodge a complaint about such behavior. This means not only an offended, intimidated or mistreated person can lodge a complaint, but also other members and non members;
- d. Complaint: complaint concerning behavior or non-behavior of the accused. This Complaint Procedure is meant for serious conflicts and complaints about harassment and intimidation, for protests against decisions of Moderators and Volunteer Manager, the Appeal Procedure is warranted;
- e. Complainant Counselor: the person meant as in Article 2;
- f. Accused: the person against whom a complaint has been lodged. This can be any member of the Alliance.

## Article 2: Appointment and tasks of the Complainant Counselor

1. The Alliance Board appoints a Complainant Counselor who may assist complainants. The Complainant Counselor can be no part of the Alliance Board or Foundation Supervisory Board.
2. The Complainant Counselor assists those who have been faced with undesirable behavior or expressions.
3. The Complainant Counselor examines if a solution through conciliation can be reached. The Complainant Counselor examines if the event gives reason to lodging a complaint.
4. If the complaint concerns a indictable offense, the Complainant Counselor urges the complainant where possible to make a report or declaration at the police force.
5. The Complainant Counselor refers the complainant, if and insofar necessary or desirable, to specialized or other agencies in counseling and care.
6. If the Complainant Counselor can find only indications, but not concrete complaints, he/she will notify the Complaint Committee .
7. The Complainant Counselor observes the highest possible care at his/her activities. The Complainant Counselor is obliged to treat all matters he/she learns in this function as confidential. This duty does not expire after he/she concluded her/his task as Complainant Counselor.

## Article 3: Institution and tasks Complaint Committee

1. There is a Complaint Committee which examines the complaint and gives recommendation about this to the Alliance Board.

2. The Complaint Committee gives asked or unasked recommendations to the Alliance Board concerning:

- a. if the complaint is justifiable or not;
- b. measures to be taken;
- c. other measures the Alliance Board may need to take.

3. To protect the interests of all people concerned, the Complaint Committee will take the highest possible care in treating the complaint. The members of the Complaint Committee are obliged to treat all matters they learn in their function as confidential. This duty does not expire after the members have concluded their task as a member of the Complaint Committee.

#### **Article 4: Composition of the Complaint Committee**

1. The Complaint Committee consists of a Chair and at least two members. None of these are members of GALE or is actively involved in a different way in the Alliance.
2. The Complaint Committee is composed in such a way that she must be considered sufficiently expert for the treatment of complaints.
3. The Complaint Committee designates a Chair involved its members.

#### **Article 5: Submission of a complaint**

1. The complainant, assisted by the Complainant Counselor or on his/her own, lodges the complaint to the Complaint Committee.
2. If the complaint is lodged at another body then in the first paragraph, the recipient refers the complainant directly by to the Complaint Committee . The recipient keeps this confidential.
3. The complaint is lodged in writing and is signed. The signature may be a digital copy.
4. Of any orally lodged complaint by the recipient such as in Article 7.1, a report is made immediately, which is signed by the complainant for agreement and of which he/she receives a duplicate.
5. The complaint contains at least:
  - a. the name and the address of the complainant;
  - b. the date;
  - c. a description of the complaint.
6. If the complaint does not contains the information listed in article 5.5, the complainant is allowed resubmit the complaint within two weeks. If this is not done, the complaint will be decided to be inadmissible.
7. The date of reception is noted on the lodged complaint.
8. The complaint must be submitted within three months after the behavior or decision, unless the Complaint Committee decides differently.
9. After reception of the complaint the Complaint Committee informs within five working days the Alliance Board, the complainant and the accused in writing that she will examine the complaint.
10. If the complaint is decided tot be inadmissible, this is communicated to the complainant, the accused and the Alliance Board.

## **Article 6: Withdraw of the complaint**

1. If the complainant withdraws the complaint during the procedure at the Complaint Committee , the Complaint Committee communicates this to the accused and the Alliance Board.

## **Article 7: Preliminary analysis**

1. The Complaint Committee has the right to acquire all desired information concerning the preparation of the complaint procedure. To this end, she can involve experts and if necessary invite them for a hearing. If this involves any costs, authorization of the Alliance Board is required in advance.
2. Members of GALE are obliged to cooperate both in writing and oral, to the preliminary analysis if required by the commission.

## **Article 8: Hearing**

1. The Chair stipulates place and time of the meeting in which the complainant and the accused will be heard during a not-public meeting. This may be a virtual meeting. Hearing takes place within four weeks after reception of the complaint.
2. For holding the meeting it is required that at least two members of the Complaint Committee attend, among which the Chair.
3. The Chair and the members of the Complaint Committee do not take part in the treatment of a complaint, if their impartiality in a lawsuit could be compromised by this.
4. The complainant and the accused are heard outside each other's presence, unless the Complaint Committee stipulates differently.
5. At the request of the complainant or the accused the Complainant Counselor can be present at the hearing.
6. No hearing of the complainant is necessary if the complainant has indicated he/she foregoes his/her right to be heard.
7. A report is made of the hearing. The report contains:
  - a. the names and the function of the people present;
  - b. a reproduction of what has been said by both sides.
8. The report is signed by the Chair of the Complaint Committee.

## **Article 9: Recommendation**

1. The Complaint Committee confers and decides behind closed doors about the recommendation.
2. The Complaint Committee reports its findings in writing to the Alliance Board, within four weeks after the hearing has taken place. This period can be extended with four weeks. Any extension of the procedure is communicated with reasons by the Complaint Committee to the complainant, the accused and the Alliance Board.
3. The Complaint Committee gives in its recommendation a motivated judgment whether the complaint is justified or not and communicates this judgment in writing to the complainant, the accused and the Alliance Board.
4. The Complaint Committee can also suggest measures to be carried out by the Alliance Board in its recommendation.

### **Article 10: Decision on recommendation**

1. Within ten weeks after reception of the recommendation of the Complaint Committee, the Alliance Board informs in motivated writing the complainant, the accused and the Complaint Committee if the Alliance Board shares the judgment and the recommended measures. This communication will be accompanied of the recommendation of the Complaint Committee and the report of the hearing, unless important interests prevent that.

2. The Alliance Board can take the following measures:

- a. a written reprimand of the accused
- b. dispensation of the accused of his/her function or tasks within the Alliance
- c. deny further membership of the Alliance to the accused

3. The decision as meant in paragraph 10.1 is taken by the Alliance Board only after the accused has been able to defend him/herself orally and/or in writing against the decision of the Alliance Board.

### **Article 11: Publicity**

- 1. The Alliance Board publicizes this Complaint Procedure on the website [www.gale.info](http://www.gale.info).
- 2. The Alliance Board informs all interested parties of this Procedure.

### **Article 12: Modification of the Procedure**

1. This Procedure can be modified or withdrawn by the Alliance Board, after consultation with the Complainant Counselor, the Complaint Committee or the Foundation Supervisory Board, taking into account the relevant provisions.

### **Article 13: Remaining provisions**

- 1. In cases to which this Procedure does not pertain, the Alliance Board decides in consultation between the Complaint Committee and the Complainant Counselor.
- 2. This Procedure becomes effective on October 6, 2007 and was revised on May 7, 2015.