



**Complaint Mechanism Policy and Procedure
for Member Organizations of
ERA – LGBTI Equal Rights Association for the Western
Balkans and Turkey**

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Introduction

This document regulates the complaint mechanism and procedures to be followed by Member Organizations of ERA in case they wish to submit a complaint against the executive team or steering board members. The complaint is addressed at the steering board co-chairs. This document should be reviewed at least once every three years.

One of ERA's main principles is to represent, protect and improve the common interests of its members. Most specifically it aims to facilitate cooperation, provide resources and capacity development for LGBTI persons and movement across the Western Balkans and Turkey region. While aiming to achieve its goals and objectives the Associations actions will be guided by the highest ethical and professional standards available. The actions of the Executive Team and Steering Board are among others guided by a series of mechanisms and procedures including the Statute, Strategic Plan, Internal Board Operations, Code of Conduct, Project Management Rules and Regulations, Financial and Administrative Regulations, Internal and External Communication etc.

However, in order to make sure that the Member Organizations have a more direct mechanism through which to address issues and concerns of wrong doing and misdemeanour the Steering Board has produced the ERA Complaints Mechanism Policy and Procedure which allows all Member Organizations to provide feedback and complaints on ERA'S work and have them properly addressed.

While a direct communication between Member Organizations and ERA's Steering Board and executive team is strongly encouraged, the complaints mechanism policy and procedure allows for a systematic and structured investigation of all complaints and guarantees the confidentiality of the entire process as well as the individuals involved in it from all the team, Steering Board and the Member Organizations.

Guiding Principles

1. ERA's actions are guided by its Statute and the Associations' Principles. Its policies and programs are in line with the purpose and objective as laid out in the statute;
2. The Steering Board's and Executive Team's Actions are guided by specific working documents such as the SB working policies and procedures, Internal Steering Board Operations, Project Management Rules and Regulations, Workplace Rules and Procedures, Human Resources Policies Framework etc. All these documents serve to guide ERA staff and Board in their actions, attitudes, behaviour and decisions in the most ethical and professional manner possible;
3. The ERA Steering Board will take all complaints seriously and positively. All complaints related to issues of abuse of power, breach of policies and standards will be addressed accordingly;
4. The ERA Steering Board will act based on the below procedures to handle and respond to any complaint. Procedures shall be simple and easily understood;
5. Members of the Steering Board and the Executive Team will practice all the necessary discretion and will not disclose any information related to the complaint. Meanwhile any member of the team or Steering Board who is found to have violated the principles will be subject to disciplinary action;
6. Both parties, complainant and accused have the right to challenge the decisions taken by the Steering Board and receive all the necessary information about the foundations upon which decisions have been made;
7. In all cases confidentiality shall be preserved;
8. The Steering Board will review the Complaint Mechanism regularly to ensure its updating to current standards and working procedures of the Association.

Types of Complaint

A complaint is an expression of concern or dissatisfaction by a Member Organization related to possible misconduct by ERA's Steering Board or executive team or ERA member organisations. It can be related to the Association's program activities or executive team conduct, how ERA works with the stakeholders, how its actions are affecting the movement or the community or when and if the statute, procedures and policies of ERA are not respected as well as breach of ERAs common values and principles.

The complaints can be about:

1. Quality of program delivery;
2. Inappropriate behaviour and acts of executive team, the steering board and members which are in violation of the guiding principles and values of ERA
3. Abuse of power manifested in bad physical or psychological treatment by ERA staff members, ERA Steering Board members and member organisations towards ERA staff members, ERA Steering Board members volunteers, people employed, Steering Board members, or member organisations.
4. Staff members and Steering Board members involved in cases of corruption or abuse of position for personal gain such as misusing financial or other resources of the Association;
5. Sexual harassment, coercion and manipulation by a person in a position of power asking for any sexual act in exchange of favours;

Also the Steering Board will not deal with or investigate complaints that are subject to an occurring investigation by a legal or official authority in the Republic of Serbia or any of the countries where Member Organizations of ERA operate. Such cases are:

6. Events which require investigation by a professional or disciplinary body;
7. Events requiring an independent inquiry related to issues involving national governmental authorities;
8. Events requiring investigation of a potential criminal offence;
9. The complaint procedure will stop if the complainant takes legal action in respect of the complaint.

Anonymous Complaints

The ERA Steering Board accepts and values equally anonymous complaints. Considering that in this case the Board will not be able to interview you for the complaint in question you are kindly suggested to provide as much information as you can to make the assessment of the complaint easier.

Who can complain?

This complaint mechanism is available only for ERA's Member Organizations. Its purpose is to increase its accountability toward its members and to provide a tool for increased transparency and for addressing and bringing to light issues which cannot be brought up otherwise. If a third party such as individual, organization, company etc has a complaint against ERA or its team then it should do so by following the other legal means available on such cases in the Republic of Serbia.

How to complain?

To make a complaint Member Organizations should fill in the enclosed ERA Complaint Form. The complaint should be sent by an email at the co-chairs Email addresses.

Time limit for making a complaint

Any complaint should be made as soon as possible but no later than 6 months from the date when the incident happened or you learned about the incident.

Processing Complaints

When a complaint is received, the Steering Board co-chairs review it and then discuss it with the other members of the Board.

A written acknowledgment that the complaint has been received by the Board is prepared, signed by one of the Co-Chairs and sent to the complaining member organization. This does not apply to a case when a complaint is anonymous.

On this occasion it also provides the Member Organization with information on whether it has decided to commence an investigation or not. If it has decided not to do so then an adequate explanation should be provided too. If the Board has decided to commence investigation then it should write clearly the actions it has taken so far and the actions it intends to take in the future.

If the complaining Member Organization does not wish to receive a written reply from the Steering Board then it should ask so in its Complaint Form:

On the occasion that the complaint is directed at one or both co-chairs of the Steering Board then none of them shall be part of the investigation committee, investigation process or decision making process and evaluation.

In case the complaint is directed to the entire Steering Board then the complaint is sent directly to the General Assembly by the executive co-directors. An extraordinary general assembly (online or offline) can be called.

Confidentiality

Confidentiality will be maintained during the investigation process and only members of the Steering Board should be aware of it as well as the information surrounding the complaint. Any breach of confidentiality shall lead to disciplinary action according to the ERA Statue, Steering Board Internal Operations and Steering Board Working Procedures and Policies, ERA Code of Conduct and Conflict of Interest Policy.

Taking Action

The Steering Board shall take a final decision on the action to take at the upcoming Steering Board Meeting. The decision shall be communicated to the Executive Team and the Member Organizations. Decision will be taken by quorum.

Decision whether to investigate a complaint

In deciding whether or not to investigate a complaint the Steering Board should ask and answer the following questions:

10. Is there a complaint? Is it a genuine concern and is it raised in good faith with good argumentation and information? Is it motivated with intent for personal gain, personal interest or a personal grudge? If it is determined that the complaint was not made in good faith then the Steering Board will not commence an investigation;
11. Is it a matter that can be addressed by the Steering Board or should it be addressed by another body?
12. Does the complaint relate to a breach of Statute, Code of Conduct or any other violation of any of ERA's policies and guidelines?
13. Is there sufficient information and evidence to make a decision or take action or is there a need to investigate further?
14. At this point, is the allegation conclusive enough to take action?
15. Does the SB have the capacities to investigate on the complaint?

The ERA Steering Board acts under the assumption that all complaints are made in good faith are not motivated for personal gain, interest or a grudge. If a malicious complaint is disclosed, any investigation shall be stopped immediately.

Upon deciding to investigate on the complaint the Steering Board appoints an Investigation committee. The committee will be formed taking into account the members' expertise, experience and availability in addressing and solving the specific issue.

Investigating a complaint

The Steering Board appoints members of the investigation committee. These members can be from the Steering Board or other individuals appointed by the Steering Board. The Investigation Committee who is involved with the review of the complaint must be responsible, objective and acquire some previous knowledge and experience on how to investigate complaints. The principles of accountability, impartiality, timeliness, systematic, transparency and legality should be respected. Compositions of the committee should not be permanent but vary on each situation and depending on the nature of the complaint. This team should have at least one complaint manager and one investigator. Which investigation methodology will be used should also be decided and agreed upon by the Steering Board

The group should set up an investigation plan which will include stating the problem, individuals to be interviewed, evidence that needs to be gathered, costs that might be involved, security concerns that might be raised during investigation, timeline in which different phases of the investigation will take place etc. The initial investigation plan is based on current knowledge of the allegation. However, the investigation plan is not static and it should be updated and reassessed based on new findings during the investigation procedure.

Informing complainant about investigation outcome

The outcome of the investigation will be communicated to the Complainant, where possible within 30 days after the acknowledgement of the complaint. If a decision or final conclusion has not been

reached within 30 days, the Steering Board sends an update to the complainant assessing and communicating the amount of time it will take to come to a decision.

The Investigating committee is responsible for communicating the outcome of the investigation to the complainant. This should be done in writing.

Appeal Process

If the Member Organization which made the complaint is not satisfied on the resolution of the complaint, they may make an appeal within 30 days of receiving the decision. The ERA Steering Board shall analyse the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation. The appeal will be considered only once.

Confidentiality

The ERA Steering Board will protect the privacy and safety of the Member Organization and individuals involved. All facts and the nature of the complaint shall remain confidential. Information will be disclosed only with the written and explicit consent of the complainant. Particular attention will be paid to the source of the information and to the protection of privacy of all parties involved, including third parties.

The Steering Board will disclose information only when it is required or permitted to do so by the law, when it is required in the best interest of the Association and third parties involved. Protection of victim standards will also be applied.

The Complaint Committee should keep the executive co-directors updated and informed on the outcome of the investigation before communicating them with third parties. Steering Board and executive co-directors should discuss on how to best communicate the decision or how to take mitigating measures in case the image and reputation of ERA is at stake.

Evaluating the Complaint Mechanism

This complaint mechanism will be reviewed at least once every three years. Its use and relevance will also be assessed by the Steering Board and the executive team. The complaint mechanism will be also promoted and discussed with all Member Organizations whenever necessary and possible. In several capacity building activities and trainings it will be made available to the Association's members.

The evaluation process will assess how the complaints were dealt with, how they were resolved, what results they produced and what best practices were experienced that could be of use to the member organizations.

COMPLAINT FORM

This form should be completed by a representative of ERA's Member Organization wishing to make a complaint. All information provided in this form will be dealt with discretely and all information will remain confidential at all times.

A: General Information:

1. Name of the Organization lodging the complaint:
2. Name of person representing the organization in this complaint:
3. Contact details of Representative
4. Who is your complaint directed at:
 - a. Steering Board Executive Team
5. If the complaint is against a specific individual within the Board or the Executive Team please write their full name:
6. What is the nature of your complaint?
 - a. Incident Misconduct Abuse of Funds Sexual Harassment Other
7. Date of incident
8. Time of incident
9. Place of incident
10. Have you filed a complaint previously on this matter to any state authority?
11. Please define your complaint, the nature and its key issues
12. Please provide a short description of the incident: What has exactly happened, is there a sequence of events, do you know the location, time and place of incident, were there other people involved?
13. Please provide names and contact details of witnesses (if any):
14. How has this incident affected your organization?
15. Have you taken any measures to remedy the consequences of this action? If yes please describe.
16. Please state what kind of response and action you expect from the ERA Steering Board and how you wish to see the matter resolved?
17. How would you like to receive the response of the Steering Board?
 - By Letter
 - By Email
 - By phone call

[Name Surname]

[Signature]

[Date of Complaint]

[Stamp of organization]