

## **Bye Law N: Complaints Procedure**

### **Definitions**

- The person making the complaint shall be referred to throughout this document as “the complainant”
- The term “Investigating Officer” shall refer to the individual investigating the complaint
- The term “Committee Chair” shall refer to the individual chairing the Disciplinary Committee.

### **Membership**

1. All Members of the Union have the right to make a complaint about the Union.
2. Where possible, all complaints to the Union shall be resolved through informal processes, however the complainant shall have the right to formalise their complaint at any point.

### **Powers**

3. Any member of the Union may make a complaint to the Union on the grounds of the following:
  - i. Breach of Law of the land;
  - ii. Breach of Union polices, rules or guidance;
  - iii. Acts of gross negligence;
  - iv. Misconduct;
  - v. Bringing the Union into disrepute.
4. Complaints maybe made about the following areas of the Union:
  - i. Any member of the Union;
  - ii. Any elected Student Representative or selected Assembly member
  - iii. Any services provided by the Union;
5. All complaints regarding elections of the Union shall be dealt with as outlined in Bye-Law B.
6. This code does not cover the conduct of Union Staff which is dealt with under the Complaints Process outlined in the staff handbook.

### **Processes**

7. All complaints shall be considered provided that the following apply:

- i. The complainant provides their name, Student I.D number and University email address;
  - ii. The complainant raises the complaint within one month of the occurrence, giving appropriate grounds for the complaint;
- 7.1. Complaints should be made in writing to the HR and Development Manager who will allocate the appropriate individual to take action on the complaint;
- 7.2 If the complaint related to any managed services provided by the Union it will be dealt with by the relevant manager.
- 7.4 All valid complaints shall be investigated and the results of the investigation communicated to the complainant within 15 working days of receipt of the complaint.
- 7.5. No person involved in the investigations of any complaint shall have a direct or vested interest in the outcome of the investigation.
- 7.6 All persons involved in the complaint shall be given the opportunity to submit written and oral statements and present appropriate evidence. They may also submit any evidence outlining mitigating circumstances as appropriate.

### **Incident Investigations**

- 9. Full incident investigations will be undertaken by the Union.
- 9.1 All finished investigations requiring further action will be forwarded onto the HR and Development Manager, who will ensure the relevant procedures are followed where applicable.
- 9.2 In the event that action will be taken either informally or formally the respondent must be made aware of the allegations against them, and given an opportunity to submit any additional evidence to the investigating Officer.
- 9.3 Those charged with investigating a complaint will have 10 working days after acknowledgement of receipt of the complaint to come to a resolution. The following measures are taken to come to a resolution:
  - i. Interview all persons concerned with the complaint;
  - ii. Gather all relevant evidence as appropriate.
- 9.4 The person charged with investigating the complaint shall assess the available evidence and reach one of the following conclusions:

- i. That there is no case to answer;
- ii. Suggest an informal resolution;
- iii. Suggest a formal resolution
- iv. No action to be taken;
- v. Refer the complaint to another body
- vi. Forward the complaint to the Disciplinary Procedures as outlined in Bye-Law O;
- vii. Forward the complaint onto the Trustee Board as appropriate to the nature of the complaint

### **Representational Complaints**

10. Any member of the Union may make a complaint about a Student Officer or Union Chairs performance in representing them.
- 10.1 Any complaint received regarding the representation of student will be passed on to the relevant elected representative to be raised at Student Assembly

### **Temporary Sanctions**

11. The investigating Officer may choose to take temporary action if they deem there to be a risk to the Union. As such the relevant party(s) may be temporary barred from Union premises and activities until the conclusion of the investigation, or where applicable disciplinary: This is not an assumption of guilt.

## **Bye Law O:**

### **Disciplinary Procedures**

#### **Formal Action**

1. Formal disciplinary procedures shall be used where the person charged with investigating a complaint recommends disciplinary action in accordance with processes outlined in Bye-Law N.
2. Formal disciplinary procedures shall be used when any issue which arises is deemed serious enough to warrant immediate action through the formal processes defined in this Bye-Law.

#### **Process**

3. Both the respondent and complainant shall be informed, in writing, within 5 working days of the formal disciplinary committee being requested. The members shall be informed of the processes and rights which they hold together with the time, location and date of the disciplinary hearing.
  - 3.1 The respondent and complainant will not be required to attend a the meeting of the Disciplinary Committee.
  - 3.2 The relevant party(s) will be provided with the allegations, and any evidence, to be presented to the disciplinary committee at least 5 working days prior to the meeting being held. If they wish to submit any additional evidence they must do so 3 working days prior to the meeting.
  - 3.3 Upon receipt of the request for a disciplinary committee meeting the HR and Development Manager will allocate one of the Officers to chair a disciplinary committee meeting.
    - 3.3.1 If an Officer is not an appropriate then the Trustees or their delegated nominee shall Chair.
  - 3.4 The investigating Officer or Disciplinary Committee Chair has the right to request that temporary sanctions are applied to the Member being investigated, pending the outcome of the disciplinary hearing, including the suspension from certain Union services and premises.

#### **The Disciplinary Committee**

4. The Disciplinary Committee shall comprise of:
  - i. The Chair (This shall be the allocated Officer)

- ii. A member of the Union Senior Management Team: or their nominee (in an advisory capacity).
  - iii. 3 members of the Unions Complaints and Disciplinary Committee
- 4.1 Such members shall be selected according to their availability and independence from both the incident that is being heard and from the either the complainant or the respondent.
- 4.2 The investigating Officer shall provide to the hearing, all previous and relevant evidence which they have collated.
- 4.3 All members of the Complaints and Disciplinary Committee and other individual in attendance shall treat all matter arising and relating to the Disciplinary hearing as strictly confidential. Any breach of confidentiality may result in disciplinary action.
- 4.4 The panel shall decide the outcome of the disciplinary procedure and report the outcome to the Member in writing within 5 working days. The Complaints and Disciplinary Committee shall also inform the member of their rights to appeal which are outlined in Clause 8 of this Bye-Law.

#### **Disciplinary Committee Investigation Process**

5. The meeting will proceed in the following manner:
- i. Results of the investigation will be presented by the Investigating Officer
  - ii. The Disciplinary Committee will have the opportunity to ask questions of the Investigating Officer
  - iii. Everyone apart from members of the Disciplinary Committee will leave the meeting
  - iv. The Committee will make a decision based only on the evidence presented.
- 5.1 All issues raised at the Disciplinary Committee are confidential.
- 5.2 If there is Police and/or a National Governing Body involvement in the investigation of an incident, the Union disciplinary action will be suspended until the Police or other action is concluded, or the outcome of any court case known.
- 5.3 During the course of Police investigation the respondent (s) may be barred from Union premises and activities until the conclusion of the Police action: This is not an assumption of guilt.

- 5.4 It is the responsibility of the respondent to formally inform the Union that the Police action is concluded, providing appropriate paperwork for the purpose of the Disciplinary case file.

### **Sanctions**

6. The Complaints and Disciplinary Committee can impose the following Disciplinary sanctions:
- i. No action
  - ii. Suspension from all or any specific activities and privileges in relation to membership of the Union for a specified period of time, or in cases of gross misconduct, permanently.
  - iii. Order payment of restitution of damages.
  - iv. Refer the case to another body, including through the University disciplinary procedures.
  - v. Any other action the Union deems appropriate
  - vi. Recommendations for a vote of no confidence or censure
- 6.1 The Union can bring procedures against a complainant, if a complaint is deemed to be malicious.

### **Appeal Procedure**

7. Any member subject to the disciplinary procedures outlined in this Bye-Law shall only have the right to appeal on the basis of a failure to follow procedures or if new evidence pertinent to the case should arise. Any appeal made shall adhere to the following processes:
- 7.1 The appeal must be addressed, in writing, to the HR and Development Manager within three working days in receipt of the written decision of the Complaints and Disciplinary Committee.
- 7.2 The respondent must accompany any appeal with a clear statement as to why they are appealing.
- 7.3 All sanctions imposed by the Complaints and Disciplinary Committee shall remain in place until any subsequent Appeal Panel has made its ruling.
- 7.4 Upon receipt of the appeal, the HR and Development manager shall appoint an Officer who shall judge whether the grounds of appeal warrant a hearing. The outcome of this shall be communicated to the respondent within 5 working days of the request to appeal.
- 7.5 If the Officer finds a case for grounds to appeal, then an Appeals Panel shall be formed.

- 7.6 Any appeals panel shall hear the case within 5 working days of the appeals panel being formed.
- 7.7 All appeals panels shall only be provided with new evidence which has been proven to come to light since the disciplinary hearing and the verdict of the hearing. Only new evidence may be presented to the appeals panel.
- 7.8 The appeals panel shall be made up of the following:
- i. An allocated Officer who has not previously been involved in the process, who shall Chair;
  - ii. A member of the Union Senior Management Team: or their nominee (in an advisory capacity).
  - iii. 3 Student Assembly members as selected.
- 7.9 The appeals panel shall hear the appeal and shall have the following powers:  
Confirm the decision made by the Complaints and Disciplinary Committee;  
Reduce the sanction imposed by the Complaints and Disciplinary Committee;  
Set aside the sanctions imposed by the Complaints and Disciplinary Committee.
- 7.10 The appeals panel shall not have the power to increase any level of sanction as imposed by the previous Complaints and Disciplinary Committee.
- 7.11 The allocated Officer shall inform the member appealing, in writing, of the decision made by the appeal panel within 5 working days of the hearing.
- 7.12 All decisions made by any appeals panel shall be seen as final and binding.

#### **Disciplinary Records and accrued sanctions**

8. Records of all investigations will be maintained for the duration of 3 years.
9. The Union reserves the right to accrue disciplinary penalties issued under section 6 Sanctions, as appropriate.

10. The Union reserves the right, where appropriate, to reopen an investigation or disciplinary issue at any stage.