

1.0 Complaints

- 1.1 In accordance with the Education Act 1994, this document outlines the Union Complaints Procedure.
- 1.2 All Student Members, Associate Members, opted-out students, and others involved with the Union can make a complaint if they are dissatisfied with their dealings with the Union or claim to be unfairly disadvantaged as a result of opting out of the Union.
- 1.3 If the complainant has a complaint about the services of the Union which they feel they can take up informally, without raising a formal complaint using this procedure, with a view to its being resolved quickly, they are encouraged to do so. For example, they are encouraged:
 - (a) to take up any complaint they may have in relation to the Union's operations, initially with the relevant service manager and, if necessary, with the Chief Executive.
 - (b) to take up any complaint they may have in relation to other Union services, initially with relevant service manager and, if necessary, with the Chief Executive.
 - (c) to take up any complaint they may have in relation to the Assembly, initially with the Assembly Speaker and, if necessary, with the Union President; and
 - (d) to take up any complaint they may have in relation to any of the Union's student groups, initially with an elected leader or the committee of the student group concerned or the Chief Executive or their nominee.
- 1.4 If, for any reason, a complainant feels unable to make a complaint informally as referred to above, or they are dissatisfied with progress or outcome of making a complaint informally, they may make a formal complaint.
- 1.5 This procedure does not apply to complaints about the University, its services or University personnel. If a member has such a complaint relating to the University, please refer to the University's complaints procedures.
- 1.6 The Union has several other procedures which may need to be followed in relation to a complaint, or which may be more appropriate for dealing with that complaint. In particular:
 - (a) This procedure does not cover complaints about the conduct of elections. If a member has a complaint about elections, it should be made in accordance with the *Bye-Law 3: Elections*.
 - (b) If a complaint relates to the performance of elected Student Officers in relation to their duties and responsibilities as provided for in the Union's Bye-Laws, or to the performance of the Trustees in relation to their duties and responsibilities as provided for in the Union's Bye-Laws and/or in the Union's Articles or Association, this will normally be

considered under such bye-laws and/or Articles. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Union President or, where the complaint relates to a Trustee, the Deputy Chair of the Board of Trustees.

- (c) If a complaint concerns a member of staff of the Union, this will need to be considered under the University employment disciplinary procedures as staff are on joint contracts of employment. If a member has such a complaint, and they are not clear how to take it forward, they should seek the advice of the Chief Executive, unless the complaint relates the Chief Executive in which case they should seek advice from the Deputy Chair of the Board of Trustees.
- (d) If the complaint relates to the conduct of a student or student group in the Bar, this may be addressed via the Bar Exclusion Policy.

If a member feels unable to seek advice from an individual specified above, because their complaint relates to or concerns that individual, or for any other reason, they should seek advice from the Chief Executive.

- 1.7 In case of referral to be dealt with under any other Union or University procedure, it may not be possible deal with a complaint within a specific time, but the complainant will be kept informed of the anticipated timescale.

2.0 Complaints Procedure

- 2.1 If a member wishes to raise a formal complaint, they should do so by emailing the Union President, or, if the complaint relates to or concerns the President, by emailing one of the Deputy Presidents. Please note, for the purposes of the following provisions, if a member's complaint relates to or concerns the Union President, all references to "the President" should be read as references to "the Deputy President."

- 2.1.1 If the President or Deputy President emailed has a conflict of interest with the complaint, the complaint will be dealt with by another Sabbatical Officer or appropriate Trustee who does not have a conflict of interest.

- 2.2 A complaints form will be made available on the Union website and must at least include:

- (a) the nature of the complaint.
- (b) details of the circumstances in which it has arisen.
- (c) details of any steps taken so far to have the complaint dealt with; and
- (d) details of the steps the member considers should be taken to deal with the complaint including their preferred outcome

The complainant should also attach and clearly identify any documents they wish to be taken into account in the consideration of their complaint.

2.2.1 Group Complaints

If multiple complainants wish to be part of a group complaint, they should nominate up to two lead complainants to address the concerns on behalf of

the group. The lead complainants should complete the complaint form and then gather a list of names and signatures of the group to be submitted along with the complaint.

- 2.3 On receipt of a complaint, the President will normally respond to the complainant within 10 working days setting out how the complaint will be considered.
- 2.4 The President will consider requests for confidentiality in dealing with a complaint but an anonymous complaint or anonymous contributions cannot be considered.
- 2.5 The President, with advice from the Chief Executive, will assign a member of Union staff to conduct an investigation.
- 2.6 When investigating the complaint, the investigation is to:
 - (a) see if there is a case to answer.
 - (b) make sure everyone is treated fairly.
 - (c) gather evidence from all sides.
 - (d) help the Union to see what should happen next.
- 2.7 The investigator should make an investigation plan, which should include at least:
 - (a) what needs to be investigated.
 - (b) who is carrying out the investigation.
 - (c) anyone who needs to be spoken with ('witnesses')
 - (d) any sources of evidence, for example relevant records, emails or CCTV recordings.
 - (e) timeframes for the investigation to take place.
 - (f) policies or guidelines to follow.
 - (g) whether the person investigating is expected to give recommendations at the end of the investigation to the President.
 - (h) setting out the importance of confidentiality
 - (i) any other relevant points or information
- 2.8 The investigator should do their best to:
 - (a) be fair and objective.
 - (b) follow any policies or guidelines your organisation might have.
 - (c) get as much information on the case as is reasonable.
 - (d) not try to prove guilt, but get balanced evidence from both sides.
 - (e) keep the case confidential.
 - (f) complete the investigation within 18 working days of the complaint being submitted.
- 2.9 The investigator should tell the person(s) being investigated as soon as they decide to open an investigation. In this communication, the investigator should explain:
 - (a) why they're carrying out an investigation.
 - (b) who will be carrying it out.
 - (c) what they're going to do.

- (d) that if necessary, they'll need to talk to them and any witnesses and any rights to be accompanied to such meetings.
 - (e) how long it could take.
 - (f) what will happen next, for example a meeting.
 - (g) that everything will be kept confidential.
- 2.10 The investigator should conduct the investigation in accordance with the investigation plan.
- 2.11 If the President feels necessary, they may suspend any powers, rights or privileges, access to premises, services, or activities for a reasonable specified time, while an investigation takes place.
- 2.11 Following the investigation, the investigator should compile a report with recommendations (unless the investigation plan states otherwise), normally within 18 days of the complaint being submitted, for the President to consider. The President, upon considering the investigation, normally within 20 working days of the complaint being submitted, will decide either:
- (a) There is insufficient evidence to carry on with the complaints and disciplinary procedure. In this case, they should end the procedure and inform the complainant and the person(s) the complaint is about there'll be no further action; or
 - (b) There is sufficient evidence to carry on with the complaints and disciplinary procedure. In this case, they should continue the procedure and inform the complainant and the person(s) the complaint is about that a disciplinary panel will be convened; or
 - (c) The complaint needs referring to a different Union or University procedure. In this case, they should inform the complainant and the person(s) the complaint is about which procedure the complaint has been referred to and the next steps. The final decision under that procedure, which will be treated as the outcome in relation to the complaint, and the complainant will not be entitled to any review by the Review Panel in relation to it.
- 2.9 If the Complainant is dissatisfied with the President's decision in relation to their complaint and feel the correct process has not been followed, they may apply for a review of the process by a reviewer in accordance with the procedure set out below within 10 working days for a review of that decision.

3.0 Complaint Review

- 3.1 A request for a review of the process should be sent by email to the Deputy Chair of the Board of Trustees headed 'Request for Review of Complaint Process' and should set out:
- (a) details of the complaint decision; and
 - (b) details of why the complainant considers the complaint should be reviewed.
- 3.1.1 A request for a review can only be submitted on the grounds the complainant has evidence there were issues with the conduct and process handling of the

previous stage or if new evidence has come to light that the complainant did not have previously for a reason outside of their control.

- 3.2 As soon as practicable after a request of review the Deputy Chair of the Board of Trustees or another Lay Trustee will review the complaint decision. This person must have had no significant involvement in investigating the initial complaint.
- 3.3 The reviewer may, but need not, invite the complainant to attend a part of their meeting to discuss their request for a review.
- 3.4 In considering the request, the reviewer will review all aspects of the complaint process by which it has been dealt with and may decide to uphold or vary the complaint decision on such terms as they consider appropriate or revert back to the investigation stage for a new investigation.
- 3.7 The decision of the reviewer will be notified to the complainant by the Deputy Chair of the Board of Trustees by e-mail within 5 working days of the review taking place (or within such later reasonable period, notified to the member). The reviewer's decision will be final for the purposes of all Union Procedures.
- 3.8 If the complainant is dissatisfied with the complaint review, they can refer their complaint to the University for an independent review under the university complaint process.

4.0 Disciplinary Arrangements

- 4.1 Where a complaint is referred to a Disciplinary Panel by the President the Board of Trustees shall have the power to establish a Disciplinary Panel and a Disciplinary Appeals Panel to consider complaints made by any person against a Student Member, Associate Member or opted-out student of the Union, any Union office holder or student group.
- 4.2 It shall include complaints based upon:
 - (a) Misconduct on Union premises or at events or activities organised by the Union elsewhere.
 - (b) Misconduct on premises of organisations associated with the Union under reciprocal or other agreements.
 - (c) Any form of personal harassment and or bullying; or
 - (d) Actions contrary to the Memorandum of Association, Bye-Laws, Union Policy and values of the Union.
- 4.2.1 In addition, in the case of remunerated Office holders that they fail to perform in line with the terms and conditions of their employment contract.
- 4.2.2 The licensee or senior manager of any licensed Union premises has the ability to ban individuals and groups in line with the Bar Exclusion Policy.

5.0 Disciplinary Panels

5.1 Disciplinary Panels shall have the power to:

- (a) Dismiss the complaint.
- (b) Issue a verbal or written warning.
- (c) Request a verbal or written apology.
- (d) Direct an office holder to complete a specified undertaking.
- (e) Exclude any persons from the Union premises permanently or for a specified time.
- (f) Exclude any persons from Union activities or services permanently or for a specified time.
- (g) Revoke membership of the Union or any student group permanently or for a specified time.
- (h) Revoke or restrict powers of an office holder permanently or for a specified time.
- (i) Remove an individual from office.
- (j) Revoke any privilege, benefit or entitlement created under the Articles of Association and bye-laws permanently or for a specified time.
- (k) At the request of the Chair suspend any powers, rights or privileges, access to premises, services, or activities for a reasonable specified time, while an investigation takes place.
- (l) Refer the matter to the University for further disciplinary action or the police for investigation.

5.2 The membership of a Disciplinary Panel shall include:

- (a) Two Trustees, one of which shall be Chair.
- (b) An external who is not a member of the University community.

5.3 No member of the panel shall have been involved with the matter under consideration.

5.4 The Chief Executive shall be an advisory non-voting member of the panel.

5.5 The Disciplinary Panel shall normally be convened within 15 working days of the President referring the complaint to a Disciplinary Panel.

5.6 The Chair of the Disciplinary Panel shall ensure that the complainant and respondent are advised in writing at least 8 working days before the panel of:

- (a) the alleged misconduct or performance issue.
- (b) any evidence from the investigation.
- (c) any other information they plan to talk about.
- (d) the date, time and location of the panel.
- (e) information on the person(s) right to be accompanied to the panel if relevant.
- (f) the possible outcomes.

5.7 It shall be the responsibility of the complainant and respondent to decide for the attendance for themselves and for any witnesses that they wish to call.

- 5.8 Any written statements, evidence, and names of witnesses who are to be called, shall be given to the Chair of the Disciplinary Panel five working days prior to the hearing and should be made available to the complainant, respondent and members of the Disciplinary Panel no less than three working days prior to the hearing.
- 5.9 If the complainant or respondent fail to attend the hearing, the Disciplinary Panel may proceed to consider the complaint in their absence.
- 5.10 Following a Disciplinary Panel, the members of the panel must decide which, if any, sanction they want to apply.
- 5.10 The complainant and respondent shall be given written notification of the Panel's decision within three working days of the meeting, and of their right to appeal against that decision.

6.0 Disciplinary Appeal Panels

- 6.1 The complainant or respondent may appeal against the decision of the Disciplinary Panel on the following grounds:
- (a) There was procedural impropriety in the original hearing.
 - (b) That the decision of the panel was irrational or illegal.
 - (c) New evidence which could not have been made known to the panel for unforeseen reasons
- 6.2 Notice of appeal, specifying on which of the above grounds the appeal is made, should be given in writing to the Secretary of the Board of Trustees within ten days of notification of the panel decision.
- 6.3 The Secretary of the Trustee Board shall refer the appeal to the Disciplinary Appeal Panel.
- 6.4 Disciplinary Appeals Panels shall have the power to consider the appeal only based on the grounds stated in 6.1. The disciplinary panel may:
- (a) Overturn all or part of the decision of the Disciplinary Panel.
 - (b) Upheld the decision of the Disciplinary Panel.
- 6.5 The Disciplinary Appeals Panel shall include:
- (a) At least two appointed Trustees; one of whom shall Chair.
 - (b) One external member who is not a member of the University community
- 6.6 A University staff member may act in an advisory and non-voting capacity.
- 6.7 No member of the panel shall have been involved with the matter under consideration.

- 6.8 The complainant and respondent shall be given written notification of the Panel's decision within three working days of the meeting.
- 6.12 The decision of the Appeals Panel shall be final.
- 6.13 If the complainant is dissatisfied with the complaint review, they can refer their complaint to the University for an independent review.

7.0 General Arrangements for Disciplinary Panels

- 7.1 The Panel shall be empowered to require if they feel necessary for the complainant and respondent to attend and make a statement regarding the complaint, except in cases of individual harassment or attack where the complainant may be granted the right to make a written statement only.
 - 7.1.1 The Panel will consider all requests for reasonable adjustments for those attending or engaging with the Panel.
- 7.2 The Chair may request additional information from the complainant or respondent in advance of a hearing.
- 7.3 Student Members may be accompanied by, or represented by, another Student Member or a member of Union staff/volunteer Adviser acting as their representative at Panel hearings.
- 7.4 The summary of proceedings shall be confidential to Panel members, complainants, and respondents. The decision of Panels may be published in such way as the Board of Trustees determine.
- 7.5 Should the requisite number of Trustees not be available the Board may delegate this function to individuals with appropriate sector knowledge who are not members of the University Community.
- 7.6 A record of proceedings and the decision of the Panel shall be recorded by a member of Union staff, who shall attend the Panel. Minutes shall be available to the complainant and respondent on request.
- 7.7 The Chair/President shall normally consult with the Secretary of the Trustee Board before suspending any powers, rights or privileges, access to premises services or activities for a reasonable specified time, while an investigation takes place. The respondent shall be given written notice outlining the reason for this suspension within three working days of the suspension taking effect. There shall be no appeal to this suspension.
- 7.8 The decision of the Disciplinary Panel shall be deemed upheld until the outcome of the Disciplinary Appeal panel is resolved.

- 7.9 If any member breaches the terms of any exclusion from premises, services or activities of the Union, the Chair of the Disciplinary Panel shall be empowered to:
- (a) Extend the exclusion for a period not exceeding the full length of the original exclusion; or
 - (b) Refer the matter to the University for consideration under the University Discipline Regulations.
- 7.10 The Panel's meeting shall be held "in camera" except for the presence of those presenting evidence at a given moment.
- 7.11 In the case of a motion of no confidence a resolution to remove an officer from post shall not be considered by the Disciplinary Committee unless the Officer concerned has been given at least 14 clear days' notice in writing that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been afforded a reasonable opportunity of being heard.