Complaints, Discipline and Appeals Procedures

SECTION A: COMPLAINTS PROCEDURE

1. Introduction

1.1 This complaints procedure sets out the procedure for bringing complaints against the Union or any member of its staff (including the Officer Trustees) or any Ordinary Member or non-ordinary member of the Union.

1.2 A complaint may be brought in accordance with this complaints procedure by any Ordinary Member or non-ordinary member of the Union. The person bringing the complaint shall be called “the complainant” in this Appendix and any reference to a “member” shall include Ordinary Member and non-ordinary member of the Union.

1.3 For the avoidance of doubt, complaints brought by a member of staff (including an Officer Trustee) in connection with his or her employment or other workplace matters shall be brought in accordance with the Union’s Staff Grievance Policy.

2. Informal Procedure

2.1 Where possible, informal complaints will be resolved as close to the origin of the complaint as possible. All parties will take a constructive approach with a view to providing a solution and acceptable remedy.

2.2 If having followed the informal procedure the complainant believes that his or her concerns have not been properly addressed, or where the complaint is particularly serious or confidential, then the formal complaints procedure set out below should be followed.

3. Formal Procedure

3.1 The complaint should be sent in writing to the Union’s President, and an acknowledgement of the receipt will be provided within three working days. If the complaint is about the President, it should be sent to both an appropriate Officer Trustee and an External Trustee.

3.2 If the President (or, if the complaint is about the President, the Officer Trustee and External Trustee) considers that the complaint requires investigation, a Complaints Committee will normally be convened. A complaint about a member of staff should be initially directed to his or her line manager.

4. The Complaints Committee

4.1 The membership of the Complaints Committee shall be as set out in Bye-Law 6.3.

4.2 The General Manager or other senior staff member shall act as secretary to the Complaints Committee.
4.3 The Complaints Committee shall normally be convened within ten working days of the complaint being submitted to the President (or, if the complaint is about the President, the Officer Trustee and External Trustee). The alleged offender shall be sent written notification of the time, date and place of the meeting, together with notification of the alleged offence, at least five working days before the meeting.

5. Proceedings of the Complaints Committee

5.1 At the Complaints Committee meeting, the Chair of the Complaints Committee shall specify the complaint made against the alleged offender and shall call relevant witnesses and present relevant evidence, which can be presented orally or in writing.

5.2 The alleged offender shall have the right to be accompanied and represented by a friend, colleague or advisor of their choice and to call relevant witnesses and present relevant evidence, which can be presented orally or in writing.

5.3 In the case of a complaint made against a society/club, its chair (or nominee) shall represent the society/club.

5.4 A representative/advisor of the alleged offender, approved by the Complaints Committee, will be able to cross examine the relevant witnesses.

5.5 If the alleged offender fails to attend the meeting of the Complaints Committee and has not given prior notice of their reasons for being unable to attend, the meeting shall be held in their absence.

5.6 If prior notice of absence is given by the alleged offender, the meeting may be deferred once or twice with good cause, which will be decided upon by the Complaints Committee.

5.7 If the Complaints Committee has convened on a third occasion regarding the same offence, the meeting shall proceed even if the alleged offender is not present.

5.8 The Complaints Committee shall judge the case and determine, by a simple majority, any course of action to be taken. The alleged offender shall be informed in writing of the reasons and the decision of the Complaints Committee, any course of action to be taken and their right to appeal.

5.9 The investigation will normally be completed and a written substantive response provided to the complainant within ten working days of the meeting of the Complaints Committee.

5.10 In the period between a complaint being received by the President (or, in the case of a complaint against the President, the Officer Trustee and External Trustee) and any decision of the Complaints Committee, the alleged offender shall, at the discretion of the President (or the Officer Trustee and External Trustee as appropriate), be suspended from admission onto Union premises.
6. **Courses of Action**

6.1 The courses of action which may be taken by the Complaints Committee are:

(a) a written reprimand; and/or

(b) suspension of any or all of the privileges of membership of the Union, which shall not include the removal from office of any person elected by means of a cross-campus ballot; and/or

(c) a life ban which shall entail a total ban from Union premises at all times. This shall not interfere with external examinations taking place in the Union; and/or

(d) permanent or temporary suspension of any or all of the benefits of affiliation to the Union as a club or society; and/or

(e) if the offence is committed by a member who is a Student and the offence is found to be serious enough, the Student must be referred to the Student Disciplinary Code of the University. Once the University are notified of this, the Student becomes subject to University’s Disciplinary Procedures; and/or

(f) dismissal of the charges.

6.2 Decisions of the Complaints Committee can be overturned by the Appeals Committee in accordance with Section C of this Appendix 1.

7. **Further Action**

7.1 It may be necessary to consider disciplinary action against staff members as a consequence of issues being brought to the attention of the Union via a complaint. In such cases, disciplinary action shall be considered in accordance with the Union’s Staff Disciplinary Policy.

7.2 Where appropriate, consideration may be given to the suspension of an individual staff member pending investigation in accordance with the Union’s Staff Disciplinary Policy. Such action does not in itself constitute a disciplinary procedure.
SECTION B: DISCIPLINE PROCEDURE

1. **Introduction**

1.1 This discipline procedure applies to any Ordinary Member or non ordinary member of the Union and any club or society of the Union. For the purposes of this Appendix, any reference to a “member” shall include Ordinary Member and non ordinary member (unless the context requires otherwise).

1.2 Members may be suspended from using the Union’s premises, services and facilities while investigations are carried out. A club or society may also be suspended while investigations are carried out.

1.3 The Union’s disciplinary procedures relate to behaviour on Union premises, and also to any recognised Union activities which may take place outside Union premises but are operating under the auspices of the Union and capable of bringing the reputation of the Union into disrepute.

2. **Disciplinary Investigation**

2.1 Reports of alleged misconduct on the part of a member, club or society should be brought to the attention of the President or one of the Officer Trustees, a member of the senior management team or the General Manager. He or she will, in liaison with the General Manager, institute a formal investigation into the matter, to be conducted by an impartial and appropriately qualified senior staff member, normally a staff member with knowledge of normal procedures in the particular area of activity.

2.2 The following (which is a non-exhaustive list) shall be considered breaches of good order:

   (a) behaviour causing or likely to cause physical harm to others;

   (b) harassment, unlawful discrimination or bullying of members or Union staff;

   (c) drunken and disorderly behaviour;

   (d) possession or sale of illegal drugs;

   (e) bringing the Union into disrepute;

   (f) theft or fraud;

   (g) deliberate damage to property; or

   (h) breach of any Policies or Bye-Laws of the Union.

2.3 If, following investigation, it appears that there is a case to answer, a Discipline Committee shall be convened.
3. **The Discipline Committee**

3.1 The Membership of the Discipline Committee shall be as set out in Bye-Law 6.2.

3.2 The General Manager or other senior staff member shall act as secretary to the Discipline Committee.

3.3 The Discipline Committee shall normally be convened within ten working days of the alleged offence being reported. The alleged offender shall be sent written notification of the time, date and place of the meeting, together with notification of the alleged offence, at least five working days before the meeting.

4. **Proceedings of the Discipline Committee**

4.1 At the Discipline Committee meeting, the Chair of the Discipline Committee shall specify the complaint made against the alleged offender and shall call relevant witnesses and present relevant evidence, which can be presented orally or in writing.

4.2 The alleged offender shall have the right to be accompanied and represented by a friend, colleague or advisor of their choice and to call relevant witnesses and present relevant evidence, which can be presented orally or in writing.

4.3 In the case of a complaint made against a society/club, its chair (or nominee) shall represent the society/club.

4.4 A representative/advisor of the alleged offender, approved by the Discipline Committee, will be able to cross examine the relevant witnesses.

4.5 If the alleged offender fails to attend the meeting of the Discipline Committee and has not given prior notice of their reasons for being unable to attend, the meeting shall be held in their absence.

4.6 If prior notice of absence is given by the alleged offender, the meeting may be deferred once or twice with good cause, which will be decided upon by the Discipline Committee.

4.7 If the Discipline Committee has convened on a third occasion regarding the same offence, the meeting shall proceed even if the alleged offender is not present.

4.8 The Discipline Committee shall judge the case and determine, by a simple majority, any course of action to be taken. The alleged offender shall be informed in writing of the reasons and the decision of the Discipline Committee, any course of action to be taken and their right to appeal.

4.9 The investigation will normally be completed and a written substantive response provided to the alleged offender within ten working days of the meeting of the Discipline Committee.

4.10 In the period between a report of alleged misconduct being reported in accordance with paragraph 2.1 above and any decision of the Discipline Committee, the alleged offender shall, at the discretion of the General Manager and either the President or an Officer Trustee, be suspended from admission onto Union premises.
5. **Courses of Action**

5.1 The courses of action which may be taken by the Discipline Committee are:

(a) a written reprimand; and/or

(b) a monetary fine to be paid to the Union which shall not exceed the amount estimated by the Committee to be the cost of making good or compensating for any damage or loss suffered by the Union in consequence of the actions of the member, club or society; and/or

(c) suspension of any or all of the privileges of membership of the Union, which shall not include the removal from office of any person elected by means of a cross-campus ballot; and/or

(d) a life ban which shall entail a total ban from Union premises at all times. This shall not interfere with external examinations taking place in the Union; and/or

(e) permanent or temporary suspension of any or all of the benefits of affiliation to the Union as a club or society; and/or

(f) if the offence is committed by a member who is a Student and the offence is found to be serious enough, the Student must be referred to the Student Disciplinary Code of the University. Once the University are notified of this, the Student will become subject to University’s Disciplinary Procedures; and/or

(g) dismissal of the charges.

5.2 Decisions of the Discipline Committee can be overturned by the Appeals Committee in accordance with Section C of this Appendix 1.
SECTION C: APPEALS PROCEDURE

1. Introduction

1.1 Appeals against decisions of the Complaints Committee or the Discipline Committee may be made to the Appeals Committee in accordance with this Section C. The person making the appeal shall be called “the appellant”.

1.2 The grounds for appeal are:

(a) the Complaints Committee or Discipline Committee has not followed the correct procedure; and/or

(b) new evidence has come to light that for good reason could not be presented to the Complaints Committee or Discipline Committee at the time of their original meeting.

2. Appeals

2.1 Appeals against the decisions of the Complaints Committee or Discipline Committee may be made to the President (or, if the complaint or disciplinary action was in relation to the President, an Officer Trustee and External Trustee). Such an appeal must be made in writing to the President (or the Officer Trustee and External Trustee as appropriate) within 5 working days of the member, club or society receiving written notification of the decision of the Complaints Committee or Discipline Committee.

2.2 The appeal should contain a statement of the grounds upon which the appeal is brought and of the facts and matters relied upon.

2.3 The President (or, if the complaint was about the President, an Officer Trustee and External Trustee) will review the case and may request additional documentation to determine whether it is appropriate for an appeal to be considered by an Appeals Committee.

2.4 If the President (or, if the complaint was about the President, the relevant Officer Trustee and External Trustee) considers that the case requires further review then an Appeals Committee will be convened.

2.5 If the President (or, if the complaint was about the President, the relevant Officer Trustee and External Trustee) determines that the investigations carried out by the Complaints Committee or Discipline Committee have been sufficient and that there is no merit in further consideration the President (or the Officer Trustee and External Trustee as appropriate) will issue a written notification of the outcome of this review to the appellant within 28 working days of the appellant making his or her appeal.

2.6 In all cases that are appealed, when written notification of the decision of the President (or the Officer Trustee and External Trustee as appropriate) is issued, if the appellant is an Ordinary Member his or her attention shall be drawn to the further independent complaints processes offered by the University according to the Code of Practice between the Union and the University. This further stage is not available to non ordinary members.
3. **Appeals Committee**

3.1 If an Appeals Committee is convened, it shall normally be convened within 28 working days of the appellant making his or her appeal. The appellant shall be sent written notification of the time, date and place of the meeting at least five working days before the meeting.

3.2 The membership of the Appeals Committee shall be as set out in Bye-Law 6.4.

3.3 The Appeals Committee will be supported by a senior member of Union staff, to advise and act as secretary to the Appeals Committee.

4. **Representation before the Appeals Committee**

4.1 The appellant shall be entitled to be accompanied or represented by one other person of his or her choice except where, in the opinion of the Chair of the Appeals Committee, such person has a conflict of interest.

4.2 The President (or an Officer Trustee or External Trustee as appropriate) shall act on behalf of the Union as the respondent to the appeal and for this purpose may instruct a representative.

5. **Proceedings of the Appeals Committee**

5.1 The Appeals Committee will investigate the complaint in its entirety. The Appeals Committee will consider the documents, statements and other evidence produced to the original Complaints Committee or Discipline Committee meeting. The Appeals Committee shall not interview or cross examine any witnesses.

5.2 The appellant has the right to present their case in person or in writing to the Appeals Committee.

5.3 If the appellant is not present or represented at the appeal hearing, the Appeals Committee may proceed to consider the matter in the appellant’s absence if it is satisfied that notice was properly served upon him or her in accordance with paragraph 3.1 above.

5.4 The Appeals Committee at the end of its investigation will either uphold the appeal in whole or in part, make recommendation for any remedies to be applied or dismiss the appeal.

5.5 The Appeals Committee will take no more than 28 working days from the start of its investigation to reach its decision. The final decision shall be notified in writing to the appellant by the chair of the Appeals Committee.