

Cardiff University Students' Union

Undeb Myfyrwyr Prifysgol Caerdydd

Complaints, Discipline and Appeals Procedures

Update to Bye Law Appendix 1 and associated Bye Laws

Introduction

Action

The actions being undertaken in approval of this update will be:

- Update the panel composition within the Discipline, Complaints and Appeals procedures
- Add clarity around a conflict of interest affecting the Appeals procedure that would normally be convened by the President

Explanation

The amendments made by Senate relating to the Complaints, Discipline and Appeals processes were welcome by the Board of Trustees, the updated policies have been approved and have become live.

The Board of Trustees did however pose two potential further amendments to further enhance these policies.

Amendment One

Firstly, whilst the Board agreed that student representation on the panel should be in the majority, they suggested that due to the close proximity that sabbatical officers have with the student population, it is not unreasonable to expect occasions where a conflict of interest may arise. This can arise where sabbaticals are aware of incidents or aware of or involved with individuals concerned. Board's suggestion is to widen the representation of students on these panels to include Student Trustees.

Similarly, in a small organisation, they deemed it reasonable for an External Trustee to play a similar role as a staff member if circumstances necessitated it, again where a conflict of interest existed.

Amendment Two

Secondly, the Board sought additional clarity around the action in the event of a conflict of interest.

As a result the highlight amendments are proposed:



Section A

Cardiff University Students' Union Complaints Process

Introduction

This document sets out the process for bringing complaints against the Union or any member of its staff (including the Officer Trustees) or any Student Member or Associate, Life or Honorary Member of the Union.

Where a complaint is made under this procedure about an employee of the Students' Union it will be discussed with the Human Resources Manager. If it is considered that the alleged actions by the member of staff may constitute misconduct it will be investigated and progressed in accordance with Company's Disciplinary Procedure.

Stage One

Where possible, 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.

If having pursued this approach, the complainant believes that their concerns have not been properly addressed, or where the complaint is particularly serious or confidential, then the complaint will progress to stage two, set out below.

Stage Two

Complaints received by the organisation will be investigated and led by the appropriate Head of Department in relation to the nature of the complaint. Complaints can be sent to any member of staff, officer or lodged with our general communication email address at studentsunion@cardiff.ac.uk

A panel will be convened by the Head of Department and will normally comprise of:

- Head of Department/External Trustee
- Two Sabbatical Officers/Student Trustees

Each individual above should declare any conflict of interest in relation to the matter or any of the individuals involved. Where a conflict of interest exists, consideration should be given to the appropriateness of a Trustee or Staff member's involvement in the panel.

Complaints Panel

The panel shall liaise or meet with the complainant in order to fully understand the nature of the complaint.

A summary of the complaint will be put to the individuals named by the complainant, prior to the panel meeting with them in order to understand any alternative perspective.

In both of these instances, all parties should be made aware that they have an opportunity to provide additional information to the panel after the initial meeting.

The panel will meet with other parties at their discretion where they believe an individual may have been witness to or party to any incident relating to the complaint.

Where the panel are meeting with students, any student is permitted to be accompanied by a fellow student for support.

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

If an individual (or representative of a student group) named by the complainant fails to attend a meeting with good cause, the meeting may be deferred. Should the panel feel that without reasonable cause, the individual fails to attend two arranged meetings, the panels investigation shall continue in their absence.

The panel shall:

- judge the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is inappropriate/in contrary to expected behaviour
- make a decision on any action as a consequence

In the period between a complaint being received and any decision of the Complaints Panel, the alleged offender shall, at the discretion of the Head of Department, have access to services or facilities suspended in so far as it is necessary in order to undertake an effective investigation. This should be considered in relation to the risk of harm or distress to staff or students or where it would be deemed feasible that ongoing access to a service or facility may impact upon an effective investigation.

Courses of Action

The panel may conclude, having considered appropriate representations from all parties, that a complaint is dismissed, partly upheld or fully upheld. As a result of a complaint being partly or fully upheld, the panel may apply one or more sanctions against the individual or group involved:

- a written reprimand; and/or
- a suspension of any or all of the privileges of membership of the Union, which for the avoidance of doubt shall not include the removal from office of any person elected by means of a cross-campus ballot; and/or
- a life ban which shall entail a total ban from Union premises at all times. This shall not interfere with academic commitments or external examinations taking place in the Union; and/or
- 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
- where the complaint is upheld against a student group, a suspension or privileges of affiliation; and/or
- where the complaint is upheld against a student group, individuals in positions of responsibility or the wider membership may be subject to action as an individual; or
- a dismissal of the allegations.

The complaints panel shall provide a written explanation of the decision to the individual and/or student group involved.

Timeframe

The panel should seek to ensure that an investigation takes place in a timely manner. This would normally involve seeking to come to a conclusion within the investigation and a communication of the outcomes to the individuals or groups involved within 21 days.

Appeals

An appeal may be made by the sanctioned individual or group on the grounds that:

- The Complaints process has not followed the correct procedure; and/or
- New information has become available that for good reason could not be presented during the Complaints Process at the time of the original investigation; and/or
- The actions applied as a result of the investigation are disproportionate

An appeal should be submitted in writing to the Students' Union President within 7 days of receipt of the outcome of the investigation.

Further Action

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 Company's Disciplinary Policy.

Section B

Cardiff University Students' Union Discipline Process

Introduction

This document sets out the process for the Union to investigate and take action with individuals or groups in relation to inappropriate conduct or behaviour and applies to all individuals who hold a Student or Associate, Life or Honorary Member membership of the Students' Union. All members of the Union are subject to this disciplinary code and standards of behaviour whilst:

- on Union premises; and/or
- engaged in any activity under the auspices of the Union including conduct whilst participating in any activity linked to affiliation student groups

Expected standards of behaviour

The Union expects members and guests of the Union to engage in a positive manner with students, staff and visitors to the University and Union when engaged in use of the services and activities provided or when recognisable as a representative of the organisation.

The following (non exhaustive list) would be considered instances of where the standard of behaviour of members is a concern and therefore may result in disciplinary action if found to have taken place:

- behaviour causing or likely to cause physical harm to others;
- any form of harassment, unlawful discrimination or bullying of others;
- drunken and disorderly behaviour;
- possession or sale of illegal drugs;
- bringing the Union into disrepute;
- theft or fraud;
- deliberate damage to property;
- breach of any terms of membership of the Athletic Union or Guild of Societies;
- breach of any Policies or Bye-Laws of the Union

Further to the list above, the Union would also make reference to the Rules of Behaviour as laid down within the Cardiff University Student Discipline Procedure.



Reports of alleged breaches of this code of conduct may be reported to any member of staff, officer or lodged with our general communication email address at studentsunion@cardiff.ac.uk

Initial Assessment

Upon being made aware of an alleged breach of behaviour, a Head of Department will be appointed to consider the matter. At the initial stage, this Head of Department will assess whether:

- The allegation relates to behaviour of a member of the Union
- The allegation relates to conduct by that individual whilst under the auspices of the Union
- The allegation appears to be an instance of behaviour that could be deemed as a breach of the standard of behaviour expected by members

Where all these criteria are met, an investigation panel will be formed. Where any of the above are not met, the matter will not be considered under the discipline process and the matter will be dismissed.

Investigation

An investigation panel will consider instances of the breach of standards of behaviour. The panel will be convened by an appropriate Head of Department in relation to the alleged breach and shall normally include:

- Head of Department/External Trustee
- Two Sabbatical Officers/Student Trustees

Each individual above should declare any conflict of interest in relation to the matter or any of the individuals involved. Where a conflict of interest exists, consideration should be given to the appropriateness of a Trustee or Staff member's involvement in the panel.

The investigation panel will seek to undertake an investigation into any alleged breach of standards of behaviour. In doing so the panel may seek information from members, Union or University staff or third parties.

A summary of the allegation will be put to the individuals identified, prior to the panel meeting with them in order to understand any alternative perspective.

The panel will meet with other parties at their discretion where they believe an individual may have been witness to or party to any incident or occurrence.

Where the panel are meeting with students, any student is permitted to be accompanied by a fellow student for support.

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

If an individual (or representative of a student group) alleged to have breached these standards of behaviour fails to attend a meeting with good cause, the meeting may be deferred. Should the panel feel that without reasonable cause, the individual fails to attend two arranged meetings, the panels investigation shall continue in their absence.

The panel shall:

- judge the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is alleged
- confirm whether this contravenes the expected standards of behaviour of members or participants in activity

- make a decision on any action as a consequence

In the period between the initiation of this process and the decision of the panel, the alleged offender shall, at the discretion of the Head of Department, have access to services or facilities suspended in so far as it is necessary in order to undertake an effective investigation. This should be considered in relation to the risk of harm or distress to staff or students or where it would be deemed feasible that ongoing access to a service or facility may impact upon an effective investigation.

Courses of Action

The panel will conclude, having considered appropriate representations from all parties, whether an individual or group have been in breach of the expected standards of behaviour. Where this is deemed to be the case, the panel shall be permitted to apply appropriate action that may include:

- a written reprimand; and/or
- a 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
- 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
- a permanent or temporary suspension of any or all of the benefits of affiliation to the Union as a club or society; and/or
- a monetary fine may be applied only in a instance where there is a 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
- if the offence is committed by a member who is a Student and the offence is found to be serious enough, the Student may be referred to the Student Code of Behaviour of the University. Once the University are notified of this, the Student may become subject to University's Disciplinary Procedures; and/or
- dismissal of the allegations.

Timeframe

The panel should seek to ensure that an investigation takes place in a timely manner. This would normally involve seeking to come to a conclusion within the investigation and a communication of the outcomes to the individuals or groups involved within 21 days.

Appeals

An appeal may be made by the sanctioned individual or group on the grounds that:

- The Discipline process has not followed the correct procedure; and/or
- New information has become available that for good reason could not be presented during the Discipline Process at the time of the original investigation; and/or
- The actions applied as a result of the investigation are disproportionate

An appeal should be submitted in writing to the Students' Union President within 7 days of receipt of the outcome of the investigation.

Section C

Cardiff University Students' Union Appeal Process



Introduction

This process should be used to appeal against decisions made under the Complaints or Discipline process.

The grounds for appeal are:

- The Complaints or Discipline process has not followed the correct procedure; and/or
- New information has become available that for good reason could not be presented during the Complaints or Discipline Process at the time of the original investigation and/or
- The actions applied as a result of the investigation are disproportionate.

For the avoidance of doubt, the Appeals process will not reconsider existing evidence to re-assess the outcome of the original investigation.

Submitting an Appeal

Appeals should be submitted in writing to the Students' Union President (supresident@cardiff.ac.uk) within 7 days of the individual or group receiving written notification of the outcome of the Complaint or Discipline process.

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

Appeals Panel

A panel will be convened by the Students' Union President and will normally comprise of:

- Two Sabbatical Officers
- Director/Head of Department/External Trustee

Each individual above should declare any conflict of interest in relation to the matter or any of the individuals involved. Where a conflict of interest exists, consideration should be given to the appropriateness of a Trustee or Staff member's involvement in the panel. Should the President have a conflict of interest in participating in an appeal, an alternative Sabbatical Officer shall convene the panel.

The Panel

The panel will review the appeal submission and determine whether an appeal is permissible under the grounds listed above.

The panel may seek information from any relevant party in order to determine whether the any of the grounds above are substantiated.

In all cases that are appealed, when written notification of the decision of the panel is issued, if the appellant is an Student 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 Associate, Life or Honorary Members.

Timeframe

The Appeals panel will normally be convened within 21 days of the receipt of the appeal. The appeals panel would normally seek to reach a decision and communicate it to the appellant within 14 days of first meeting.

Where the appellant attends a meeting with the Appeals Panel, they shall be entitled to be accompanied by a fellow student member for support.

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

Outcomes

The Appeals Panel 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.

The Appeals panel shall have open to them, the same potential outcomes as the Complaints or Discipline Panels.

