

7. Complaints

- 7.1 Complaints can be made by the following people:
- 7.1.1 All members of the Union have the right to make a complaint about the Union, its officers, staff, and its affiliated student groups.
 - 7.1.2 It may also be the case that complaints are made about members of the Union, whose behaviour whilst representing the Union in whatever manner is perceived to have been unacceptable, by representatives of the University, Union staff, other organisations or members of the general public.
- 7.2 The SU must provide an appropriate way for complaints to be made.
- 7.2.1 The SU must communicate this through a dedicated page on the SU website.
 - 7.2.2 The SU must provide a template form for the complaints procedure.
 - 7.2.3 The SU must have a number of staff to help members complete the complaints process who will then not take part in the investigation process.
- 7.3 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.
- 7.4 A formal complaint may be made on the grounds of the following:
- 7.4.1 Breach of the Union Equality and Diversity policy
 - 7.4.2 Contravention of and Union policy, bye-law or other governing document
 - 7.4.3 Acts of gross negligence
 - 7.4.4 Bringing the Union into disrepute.
- 7.5 Receipt of the complaint will be acknowledged in writing within 5 working days
- 7.6 Complaints shall be considered valid if the complainant
- 7.6.1 Provides details of their name address and contact telephone number
 - 7.6.2 Provides details of the event or occurrence which gave rise to the complaint.
 - 7.6.3 Is a student registered on a course at the University or a partner institution at the start of the complaints procedure

Investigation

- 7.7 All valid complaints shall be investigated and the results of that investigation communicated to the complainant within 30 working days of receipt of the complaint.
- 7.8 The President shall be responsible for the overseeing the investigation of complaints, but may delegate responsibility to another officer for the investigation where appropriate.
- 7.9 A UNSU member of staff will conduct the investigation; this person will be appointed to the role by the Chief Executive Officer, and provide the President (or other appointed Officer) where appropriate.

Investigation procedure

- 7.10 There are two routes an investigation may take to reach a resolution
- 7.10.1 Where the complaint is about a Union member or student group, the investigation and disciplinary procedure shall follow the procedure outlined in bye law 7.
- 7.10.2 Where the complaint is about a member of Union staff, the complaint will fall under the Union's HR procedures
- 7.11 No person involved in the investigation of any complaint shall have a direct or vested interest in the outcome of that investigation.
- 7.12 The following must be gathered as part of the investigation
- 7.12.1 Interview all persons concerned with the complaint;
- 7.12.2 Statements from any witnesses
- 7.12.3 Any other evidence that is appropriate to the complaint
- 7.13 The individual charged with investigating a complaint will have 10 working days after acknowledgement of receipt of the complaint to provide the President (or other appointed Officer) with a full investigation report and recommendations for further action. The following recommendations can be made:
- 7.13.1 That there is no case to answer
- 7.13.2 That there is insufficient evidence to proceed
- 7.13.3 That the offence is at a low-level (2 or less), and the Officer can implement sanctions accordingly
- 7.13.4 That a disciplinary panel must be convened to hear the case
- 7.14 For more information on conducting an investigation, see APPENDIX A.

Disciplinary procedure

- 7.15 Notice of a disciplinary hearing must be sent out to all of the accused, in writing, at least 7 days in advance of a meeting. This notice must include the following:
- 7.15.1 Date of the hearing
- 7.15.2 Time of the hearing
- 7.15.3 Location of the hearing
- 7.15.4 Charges being levelled against the student(s)
- 7.15.5 The investigation report (with details of the complainant removed where appropriate)
- 7.16 Relevant witnesses should be invited to the hearing to be questioned by the panel at the chair's discretion

- 7.17 A panel must be convened, to include:
- 7.17.1 President (or other appointed Officer), who will chair the panel.
 - 7.17.2 4 students, who must have no direct or vested interest in the outcome of that investigation.
 - 7.17.3 UNSU Staff investigator, who shall have full speaking rights, but no voting rights at the hearing
 - 7.17.4 UNSU Staff Minute taker
- 7.18 The hearing should follow the following format
- 7.18.1 The UNSU Staff investigator will provide training for the panel
 - 7.18.2 The UNSU Staff investigator will then present the findings of the investigation to the panel
 - 7.18.3 The panel will then discuss any additional facts they need to find to help with their decision-making. They should formulate questions for relevant people accordingly.
 - 7.18.4 The accused will be invited to make a statement before than panel and answer any questions the panel may have.
 - 7.18.5 The panel may then request to question witnesses
 - 7.18.6 The panel will then convene to make a decision, based on the guidance in APPENDIX A
 - 7.18.7 The accused will be called to hear the decision of the panel and informed of the appeals process.
- 7.19 Minutes of the hearing should be distributed to all within 48 hours of the meeting, and published on the SU website where appropriate.

Appeals

- 7.20 Students/Student Groups that are unhappy with the outcome of the hearing and/or the sanctions applied may appeal to UNSU's Board of Trustees.
- 7.21 Appeals must be submitted in writing to UNSU's Chief Executive within 7 days of the hearing.
- 7.22 Appeals will only be heard on the following grounds
- 7.22.1 Misdirection as to the facts
 - 7.22.2 Procedural irregularity
 - 7.22.3 Imposition of a penalty too severe for the offence.

- 7.23 New evidence is not grounds for an appeal.
- 7.24 Appeals should be considered at the next scheduled Board meeting following submission of an appeal request.
- 7.25 If the next scheduled meeting falls less than seven days after you submit an appeal request, consideration of your appeal will be delayed until the following meeting, to ensure that the Trustees have adequate time to consider your complaint.
- 7.26 The decision of the Board of Trustees is final and binding on all parties.

APPENDIX A

Further Guidelines on Conducting an Investigation

Introduction

- 1 It is vital that an investigation is conducted properly and thoroughly, in order to ensure that the good reputation of UNSU and of the University is upheld, and that the complainant and the accused are able to have confidence in UNSU's systems and processes.

Process

- 2 The President or another Sabbatical Officer will normally lead an investigation; however, they will always be supported and guided by an experienced member of staff, who will have overall responsibility for the quality of the investigation, and of the resultant Investigation Report.
- 3 In conducting the investigation, the following would normally be the procedure:
 - a. Compile a list of witnesses, to include the complainant, the accused; and others present to witness the event / action / behaviour. For example, should complaint relate to the behaviour of a sports team whilst playing away, witnesses would include the UNSU team, the host team, staff (e.g. coaching or facilities) at the host venue, transportation provider etc.
 - b. Explore the potential of acquiring visual evidence, e.g., photographic, CCTV etc.
 - c. Contact every potential witness by email (or in writing if email is not possible) to ask for their account of the events / actions / behaviours in writing.
 - d. Interview key witnesses (complainant / accused) face-to-face where possible, and where not, then on the telephone or via written statement. Ensure each interview is independently minuted or recorded (if on the telephone use a conference call, or call on 'speakerphone'. Ensure the interviewee is aware that the discussion is being minuted or recorded).
- 4 An Investigation Report should then be prepared, outlining
 - a. The key points of the complaint;
 - b. The investigation process (i.e. interview list; additional list)
 - c. A summary of the interviews (i.e. main points, areas of disagreement etc.)
 - d. Recommendation (as per 0 of the Bye Law)

7. Complaints Bye-Law

Date of this revision: 29 June 2020
 Date of next revision: 30 September 2021

Revision date	Previous revision date	Summary of Changes	Changes marked
25/08/17	Unknown	Separation of Complaints bye-law from the Disciplinary bye-law passed by Board of Trustees on 15/12/16	
05/02/2018	25/08/2017	As agreed at Board of Trustees o 15/12/17. Changes made at: 7.2 to include methods of communications, 7.6.3 Changes sentence of time limit after which a an occurrence for complaint may be made to the requirement for student to be on a registered course; and 7.7 changes the period during which a complaint must be investigated and resolved from 15 to 30 days.	
15/11/2018	05/02/2018	Update branding.	
29/06/2020	15/11/2018	Change revision date to fit with Revision status of the Students' Union Constitution	

Owner

Name	Email Address	Title	Date of Issue	Version
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