



## **UNIVERSITY OF LINCOLN STUDENTS' UNION (ULSU)**

### **COMPLAINTS AGAINST ULSU OR ITS MEMBERS**

#### **POLICY**

##### **1. Interpretation**

- (a) Words and phrases used in this Complaints Policy have the same meaning as are given to them in the ULSU's Articles of Association (available at <http://lincolnsu.com/about-us/governance>) unless the context otherwise requires.
- (b) In this policy the following definitions apply:
  - (i) A 'clear day' does not include a Saturday, Sunday, Bank Holiday or University holiday.
  - (ii) 'complainant' means the person making a complaint. Where applicable the term is to be read as being in the plural.
  - (iii) 'complainee' means the Student Member or the ULSU itself (as the case may be) against whom a complaint is made. Where applicable the term is to be read as being in the plural.
  - (iv) 'members' are Student Members of the ULSU.

##### **2. Written Complaints against ULSU**

(a) ULSU aims to ensure that there is a fair and systematic approach in the enforcement of policy and procedure adopted by its officers and constituent bodies. To further this aim, any registered student of the University of Lincoln who wishes to complain about:

(i) any matter related to the activities of ULSU; or

(ii) unfair disadvantage arising from non-membership of ULSU, other than for matters of a disciplinary nature,

may complain to the Panel by forwarding a written complaint to the Chief Executive.

(b) If a complaint relates to an individual ULSU employee (other than a Student Trustee), this policy shall not apply and the Chief Executive Officer will deal with such complaint under the ULSU's internal disciplinary procedures as appropriate.

### 3. **Written Complaints against a Member**

(a) Upon receipt of a written complaint from any person against a member, the Chief Executive will decide whether the complaint could lead to disciplinary measures being taken. If this is the case he/she shall refer the complaint to the President, or his/her Deputy in matters where the President has a conflict of interest. A disciplinary panel will then deal with the matter as detailed in Standing Order 1002 of the ULSU's Standing Orders (available at <http://lincolnsu.com/about-us/governance>). If, subject to paragraph 3(b) the Chief Executive does not believe that the complaint could lead to disciplinary measures being taken, the complaint will be referred to a complaints panel as formed in accordance with paragraph 4 (the **Panel**).

(b) Following receipt of further information, the Chief Executive may re-visit his/her decision taken under paragraph 3(a) as to

whether to refer a complaint to the Panel or to deal with it under the Standing Order 1002.

- (c) Where a student has a concern about the manner in which any of the above processes have been discharged, they can write to the Deputy Chair of the Trustees (a Non-Student Trustee), who will look into the matter and respond in writing within 15 clear days.

## **COMPLAINTS PANEL**

### **4. Duties**

- (a) The Panel will hear written complaints referred to it against the ULSU (as outlined in paragraph 2 above) and against a member (as outlined in paragraph 3 above).
- (b) Following receipt of a written complaint from any person against a ULSU member or against the ULSU, save where the complaint is frivolous or vexatious, the Chief Executive shall use all reasonable endeavours to schedule a Panel hearing for a date falling between 5 and 10 clear days following receipt of the complaint. The Panel shall consist of:
  - (c) **Voting members:**
    - (i) the ULSU President, or his/her Deputy when the President has a conflict of interest (**Chairperson**).
    - (ii) Two other randomly drawn members of the Executive Committee, provided they are not and/or their area of responsibility is not, the subject of the complaint.
    - (iii) In the event that any of the above voting members are unable for any reason to sit on the Panel, the Chief Executive may appoint a Student Trustee in their place, by randomly selecting from any of those Student Trustees willing to sit on the Panel.

- (d) **Non voting members:**
- (i) The Chief Executive or, in his/her absence, a member of ULSU staff nominated by the Chief Executive, who is to advise the Panel on procedural and constitutional aspects only.
  - (ii) A member of ULSU staff appointed by the Chief Executive to take minutes.

## **HEARING A COMPLAINT AGAINST THE ULSU OR ITS MEMBERS**

### **5. Procedure**

- (a) The complainant shall send a letter outlining the complaint to the Chief Executive who shall then convene a Panel hearing in accordance with paragraph 4. At least five clear days prior to the hearing, the Chief Executive shall:
  - (i) advise the complainant and complainee in writing of the date, time and venue of the hearing; and
  - (ii) post a notification of the hearing on the ULSU's website (<http://www.lincolnsu.com>).
- (b) The Panel shall hear evidence from the parties in open session, unless at any point during the hearing the Chairperson shall determine in his/her absolute discretion to change to closed session. The following rules shall apply to the conduct of the hearing:
  - (i) The complainant and the complainee each have the right to be accompanied by a third party who must be a Student Member of ULSU. The third party may not speak at the hearing.
  - (ii) If the complainee is a member, they shall be allowed to give evidence in their defence;
  - (iii) If the complainee is a recognised club, society or committee, their chairperson/president (or vice chair or

- treasurer if the chairperson/president is unavailable) shall represent the club, society or committee;
- (iv) If the complainee is the ULSU itself, a member of the Union Executive Committee who has responsibility for the area of complaint will give evidence in ULSU's defence.
  - (v) The Chairperson shall ensure that both parties are given full opportunity to state their case and to question reasonably the evidence and statements made by the other party.
  - (vi) Members of the Panel shall be given the opportunity to pose questions of both the complainant and the complainee.
- (c) When all the evidence has been heard the Panel shall go into closed session to consider the merits of the complaint. If after discussion in closed session the Panel wishes to reconvene the hearing, the Chairperson shall recall both parties. The Chairperson may adjourn the hearing if in his/her opinion it is necessary to obtain further advice or evidence.
- (d) Once a decision is reached by the Panel, the Chairperson shall announce the result in open session and confirm this in writing to the complainant and the complainee, no later than two clear days after the hearing.
- (e) The Panel may:
- (i) make any decision, or order any remedial action in respect of the complaint; and/or
  - (ii) make recommendations to the Board of Trustees to change policies and procedures; and/or
  - (iii) recommend to the Chief Executive that disciplinary action is taken against any Student Members or Trustees.

## 6. **Appeal**

If either the complainant or complainee is dissatisfied with the decision of the Panel, he/she may request that the issue is referred to the complaints appeals panel (**Appeals Panel**) by writing to the Chief Executive stating the grounds for appeal, within 5 clear days of the date of the letter sent by the Chairperson under paragraph 5(d). If the Chief Executive believes that there are legitimate grounds for the appeal to be heard, he/she shall use all reasonable endeavours to schedule a hearing of the Appeals Panel (constituted in accordance with paragraph 7) no later than 10 clear days following receipt of the appeal letter.

## **COMPLAINTS APPEALS PANEL**

### **7. Membership**

The Appeals Panel shall consist of:

#### **(a) Voting members:**

- (i) Chair of Student Council who will chair the hearing but shall have a casting vote only;
- (ii) Three (3) members of Student Council, drawn by lot from such members of the Student Council who do not have a conflict of interest and agree to take part.

#### **(b) Non voting members:**

- (i) The Chief Executive or, in his/her absence, a member of ULSU staff nominated by the Chief Executive, who is to advise the Appeals Panel on procedural and constitutional aspects only.
- (ii) A member of ULSU staff appointed by the Chief Executive to take minutes.

### **8. Procedure**

- a) If the Chief Executive believes that there are legitimate grounds for the appeal to be heard and convenes an Appeals Panel

hearing in accordance with paragraphs 6 and 7, at least five clear days prior to the hearing, the Chief Executive shall:

- (i) advise the complainant and complainee in writing of the date, time and venue of the hearing; and
  - (ii) post a notification of the hearing on the ULSU's website (<http://www.lincolnsu.com>).
- b) The Appeals Panel shall hear evidence from the parties in open session, unless at any point during the hearing the Chairperson shall determine in his/her absolute discretion to change to closed session. The following rules shall apply to the conduct of the hearing:
- (i) The complainant and the complainee each have the right to be accompanied by a third party who must be a Student Member of ULSU. The third party may not speak at the hearing.
  - (ii) If the complainee is a member, they shall be allowed to give evidence in their defence;
  - (iii) If the complainee is a recognised club, society or committee, their chairperson/president (or vice chair or treasurer if the chairperson/president is unavailable) shall represent the club, society or committee;
  - (iv) If the complainee is the ULSU itself, a member of the Union Executive Committee who has responsibility for the area of complaint will give evidence in ULSU's defence.
  - (v) The Chairperson shall ensure that both parties are given full opportunity to state their case and to question reasonably the evidence and statements made by the other party.
  - (vi) Members of the Panel shall be given the opportunity to pose questions of both the complainant and the complainee.

- c) When all the evidence is heard the Appeals Panel shall go into closed session to consider the merits of the complaint. If after discussion in closed session the Appeals Panel wishes to reconvene the hearing, the Chairperson shall recall both parties. The Chairperson may adjourn the hearing if in his/her opinion it is necessary to obtain further advice or evidence.
- d) Once a decision is reached by the Appeals Panel, the Chairperson shall announce the result in open session and confirm this in writing to both parties no later than two clear days after the hearing. The minutes of the hearing shall be tabled for noting at the next meeting of the Union's Executive Committee.
- e) The Appeals Panel may:
  - (i) make any decision, or order any remedial action in respect of the complaint; and/or
  - (ii) make recommendations to the Board of Trustees to change policies and procedures; and/or
  - (iii) recommend to the Chief Executive that disciplinary action is taken against any Student Members or Trustees.

## 9. University Appeal

- a) If, and only if, the complainant or the complainee believes that the procedure set out in this Complaints Policy has not been followed correctly, he/she may request that the issue is referred to the University in accordance with the Code of Practice. Such a request is to be made to the University Registrar by the complainant or complainee (as applicable) within 5 clear days of the date of the letter sent by the Chairperson under paragraph 8(d).

- b) The Registrar or nominee will review the documentation about the complaint and the consideration of it by the Complaints Panel and/or Appeal Panel and will determine whether the procedures of this Complaints Policy have been properly followed and whether the outcomes are fair and reasonable in all the circumstances. Exceptionally, the Registrar may convene a meeting(s) with relevant individuals before reaching a determination.

V6: JB, 1/14