



UNION MEMBERSHIP AND DISCIPLINE

A. COMPLAINTS PROCEDURE

Introduction

- M A 1 This section details how the Union will deal with any complaint received by a member or other person arising from their dealings with USSU (including its clubs, societies, publications and trading services).
- M A 2 Any complaint concerning the conduct of an election or referendum should be raised with the Returning Officer or with the Deputy Returning Officer, in accordance with the election rules, and not via this procedure.

Publication of complaints procedure

- M A 3 The Union will publish, on its Web site and elsewhere, details of the complaints procedure, including details of how to register a complaint and where it should be sent.
- M A 4 A complainant should address their complaint as indicated in the published procedure. If any officer, representative or member of staff receives what appears to be a formal complaint, they should forward it to the correct destination.

Initial complaint handling

- M A 5 When a complaint is received, the responsible member of staff will enter the details in a log, and forward the complaint to the President (who may delegate to another sabbatical officer) and Union Director (who may delegate to another senior staff member) for initial consideration: these two are the 'complaint handlers' for the case.
- M A 6 The complaint handlers will first consider whether the complaint should at first be dealt with on an informal level, or proceed directly to the formal stages below. At this stage they will formally acknowledge receipt of the complaint and notify the complainant how it is to be dealt with.

Informal consideration

- M A 7 At an informal level, the complaint handlers will investigate and evaluate the complaint; this may include obtaining written or verbal evidence from the complainant, witnesses or any other relevant person.
- M A 8 Throughout the investigation of any complaint, the complaint handlers and anyone else involved must operate with due regard for the confidentiality of the individual(s) involved; any breach of this confidentiality will be treated with the utmost seriousness and may involve disciplinary action being taken.
- M A 9 They may then either:
- a) prepare a written response to the complainant, stating that no action is proposed as a result of the complaint;
 - b) prepare a written response to the complainant, detailing what action has been taken, or proposed, as a result of the complaint.

- c) decide that the matter requires to be referred to the formal stages below, the nature of which depends upon the nature of the complaint. In this case the complainant will be informed of the process to be followed.

M A 10 They may also prepare recommendations to be made to any relevant part of the Union.

M A 11

- a) If a complainant is dissatisfied with the outcome of their complaint then they will have 20 working days from the date of the Union's response to request a review of this outcome giving reasons why they are dissatisfied.
- b) If anyone to whom a recommendation is addressed is dissatisfied, they may request a review in the same way.

Review

M A 12 If a review is requested, it will be carried out by a panel made up of:

- a) Union Director or nominee
- b) President or nominee
- c) One further member of Operations Committee

M A 13 The possible outcomes of the review are the same as in A 9 above.

Formal procedure

M A 14 If the complaint handlers, or the review, decide that a more formal process is required to address the matter, they may institute one or more of the following processes, according to the nature of the complaint:

- a) A complaint about the conduct of one or more particular member(s) of Union staff (including a student in their capacity as a member of staff, but not including a sabbatical officer) may only be referred to the relevant manager, who is responsible for adherence to the staffing procedures of the Union and/or University as employer.
- b) A complaint about a Union Media outlet should be dealt with in accordance with the Appendix on Union Media.
- c) A complaint about a matter of Union Policy, or the way it or the Constitution is interpreted or implemented, should be dealt with by a relevant elected officer or union committee/Council.
- d) A complaint about the nature or level of services provided by any part of the Union should be dealt with by a relevant elected officer, staff member or union committee/Council.
- e) A complaint about the conduct of one or more particular students, acting as members of, volunteers in or representatives of the Union or a Union club or society, or one or more elected officers, should be dealt with in accordance with the Discipline Procedure described in section B of this appendix.

M A 15 Throughout the procedure, the complaint handlers will ensure the complainant is informed of the progress of the matter.

B. DISCIPLINE PROCEDURE

Misconduct by a Union member

- M B 1 The following may be considered misconduct by any Union member while on Union-managed premises, at a Union-organised event or an event organised by a recognised Union Society/Club, or elsewhere while on Union business, or representing the Union, or Society/Club, in an official capacity, including as a volunteer:
- a) conduct detrimental to the reasonable enjoyment of Union facilities by other members of the Union
 - b) action that is or could be detrimental to the social life or good standing of the Union
 - c) verbal or physical abuse or harassment of another person in a wilful manner
 - d) wilful or negligent damage to, loss of, or unauthorised removal of, Union property or property under its control
 - e) breach of the current Union Equal Opportunities Policy or other policy regarding behaviour on Union premises or at Union events
 - f) in the case of an elected or appointed officer, breach of any duties or responsibilities of the post under the Constitution and Appendices.

Initial complaint handling

- M B 2 A complaint from a student or other person, which has been referred under A 14(e) in the Complaints Procedure, where misconduct by a member is alleged, will be referred to a discipline panel by the original complaint handler or review panel. The original complainant will, where appropriate, act as a witness.
- M B 3 A complaint brought by the members or officers of a Union society, club or representative association, where misconduct by a member of that body is alleged, may be referred directly to a discipline panel.
- M B 4 A complaint brought by a sabbatical officer or senior Union staff member, where misconduct by a member is alleged, may be referred directly to a discipline panel.

Composition of discipline panels

- M B 5 When a matter is referred to a panel under this procedure, a panel will be appointed consisting of either three (or five) Union members as follows:
- a) One sabbatical officer
 - b) One (or two) members of Activities Committee
 - c) One (or two) other members of Council.
 - d) In addition, the Union Director or member of staff nominated by her/him will act as adviser to the panel, without a vote.

- M B 6 When a number of similar cases arise together, such as similar allegations against a number of members or several allegations against the same member, these should be heard by the same panel of members.
- M B 7 The members of the panels must not include anyone who is concerned with the matter under consideration, or has a personal relationship with either a complainant, witness or accused member.

Confidentiality

- M B 8 Throughout the operation of this procedure, the complaint handlers, panel members and anyone else involved must operate with due regard for the confidentiality of the individual(s) involved; any breach of this confidentiality will be treated with the utmost seriousness and may involve disciplinary action being taken.

Secretary of discipline panels

- M B 9 A member of Union staff (with no involvement in the case) will be appointed by the Union Director as Secretary to the panel.

Presenter

- M B 10 Where the case arises from a complaint as in B 2 above, the complaint handlers shall together act as Presenter. The original complainant(s) shall act as witness(es).
- M B 11 Where a complaint is brought by a society etc. under B 3 above, an officer of the society etc. shall act as Presenter, usually together with the Activities Officer.
- M B 12 Where a complaint is brought by an officer or staff member under B 4 above, that person shall act as Presenter, optionally together with another officer or staff member.

Preparation for hearing

- M B 13 When a matter is referred to a panel under this procedure, the Secretary will ensure that the accused member(s) are notified of this as soon as possible, as well as providing a copy of this Procedure.
- M B 14 The Presenter will prepare written details of the case against the accused member, including witness statements, statements by the accused member, details and results of any investigation, etc.
- M B 15 The Secretary will ensure that the accused member(s) are fully informed of the accusations being considered, and of the procedures to be followed in the case.
- M B 16 The Secretary will ensure as far as possible that a hearing date is set that is acceptable to presenters, accused members, panel members and witnesses.
- M B 17 At least 5 clear days' notice of the date and time of any hearing should be given to all those involved, unless all agree to a shorter notice.

- M B 18 At least 3 clear days before the hearing date, the Presenter will provide to the Secretary a detailed summary of the case for the Union, including details of witnesses, and the accused member will similarly provide details of the case they intend to put in their defence or mitigation.
- M B 19 The Secretary will ensure that each accused member is informed of the details of the case against her/him, that they should provide details of their own case, and that they are entitled to bring a friend or representative to the hearing.

Procedure at hearing

- M B 20 'Parties' below refers to the Presenter and the accused member(s) and any friend/representative of an accused member.
- M B 21 The Panel will initially review papers, discuss procedure, and elect a Chairperson.
- M B 22 The Presenter will be invited to present the detailed case against the accused member(s). Witnesses and evidence may be presented.
- M B 23 The accused member(s) and/or representative(s) shall then be invited to respond. Witnesses and evidence may be presented.
- M B 24 Each party may cross-examine the opposing party's presentation and witnesses. Members of the Panel may also question each party.
- M B 25 The Panel can deliberate in private in between each interview, but the main deliberation must be made after all the evidence has been given
- M B 26 The Presenter, and then the accused member(s), will be invited to sum up their respective cases.
- M B 27 All those other than Panel members and the Secretary then withdraw, after being told how the decision will be communicated.
- M B 28 The members will consider the evidence in order to reach a decision on each accusation. Each decision should be made by vote of panel members, with the Chairperson only voting in case of a tied vote. Where the Panel finds the accusation is proved on the balance of probabilities, they will then consider imposing a penalty as laid out in the next section.
- M B 29 If necessary, the Committee may recall the parties or any witnesses to obtain clarification.
- M B 30 They may also adjourn until a time to be decided, in order to obtain further clarification from elsewhere, or to allow further consideration of their findings. The parties will be invited to attend the reconvened hearing.
- M B 31 When communicating their decision, the Panel will give reasons which will be recorded as part of the findings.
- M B 32 The decision, reasons, penalty (if any) and right to appeal shall then be communicated to the accused member(s) in writing as soon as possible after the hearing by the Secretary.

Possible penalties

- M B 33 The following penalties may be imposed by the Panel where a case is found against any individual member:

- a) A written reprimand (censure) sent by the Panel on behalf of the Union and/or warning as to future conduct.
- b) A requirement to send an apology to anyone affected by the misconduct.
- c) A ban from entering or attending any or all Union-managed premises or Union-organised events for a specified period.
- d) Payment of recompense up to the full cost of restoring any damage done.
- e) A fine not exceeding £50.
- f) A report made to the authorities of the University, with a view to a case being taken under the University's Disciplinary Procedures.
- g) Removal, for a specified period or indefinitely, of some or all of the privileges of membership of the Union.
- h) Termination or suspension of any Union Officer or Representative positions held by the student, provided that this complies with the Constitution and Appendices relating to elections and termination of office.
- i) Recommendation to Union Council that any Officer or Representative position be terminated or suspended, or that a procedure for no-confidence be initiated.

M B 34 The following penalties may be imposed by the Panel where a case is found against a Union club/society/association:

- a) A written reprimand (censure) sent by the Panel on behalf of the Union and/or warning as to future conduct.
- b) Requirement to send an apology to anyone affected by the misconduct
- c) Payment of recompense up to the full cost of restoring any damage done.
- d) A fine of up to £50, and/or withdrawal of any or all Union funds standing in the name of the society.
- e) Withdrawal of recognition as a Union society, or of certain benefits of recognition, for a specified period or indefinitely, or until specified conditions are complied with.

Right to appeal

M B 35 If an accused member or group wishes to appeal against a finding or penalty of the Panel, they should write to the Secretary stating the reasons for the appeal.

M B 36 An appeal may only be submitted on the following grounds:

- a) The Panel misjudged the facts before it
- b) New evidence has come to light since the hearing(s)
- c) The Panel was faulty in its procedure
- d) The penalty imposed was out of proportion to the offence

M B 37 An appeal will be heard by an appeals panel, which is composed in the same way as the original panel but contains no members who were on that panel.

M B 38 The panel will be convened in the same way, and with the same rules for advance notice, as for the original panel.

Procedure at appeal hearing

- M B 39 The parties to an appeal are the accused member making the appeal and any friend/representative of that member (“the appellant”) and the Chair or other member of the original discipline panel (“the respondent”).
- M B 40 In general, the procedure for an appeal shall follow the procedure for the original panel hearing. However, for the most part, the appeal will review the evidence available to the original panel, and the record of the proceedings, rather than hearing witness evidence already heard in the original hearing.
- M B 41 The Panel will initially review papers, discuss procedure, and elect a Chairperson.
- M B 42 The appellant will first introduce the grounds of the appeal, referring to the original case presented against them and the record of the hearing.
- M B 43 The respondent will present the case arrived at by the original panel.
- M B 44 Either party or the Panel may call witnesses to clarify matters or consider evidence not dealt with at the original hearing.

Possible appeal decisions

- M B 45 The appeal panel may overturn, in whole or in part, the decision of the original panel, and the penalties open to the appeal panel are the same as for the original panel.

Appeal decision final

- M B 46 There is no further right to appeal within the procedures of the Union.