

Byelaw K: Statutory Complaints Procedure

1. Establishment

RHSU has established a process for ensuring that members who may be dissatisfied by their dealings with the Union, or who may feel they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union, are able to draw this to the attention of RHSU and seek an appropriate remedy, under clause 18 of the Constitution.

2. Principles of the Complaints Procedure

The Complaints Procedure sets expectation that all complaints are:

- i. Taken seriously, and proceed in a timely fashion.
- ii. Consistent with principles of natural justice.
- iii. Raised no later than three months after which the matter causing complaint occurred.
- iv. Made by an aggrieved party; RHSU will not usually accept complaints made anonymously or on behalf of others.

This Complaints Procedure is appropriate for use by all students who are dissatisfied with their dealings with RHSU. The Complaints Procedure sets out how:

- i. Students will submit complaints.
- ii. Complaints will be investigated.
- iii. Complaint outcomes are determined.
- iv. Appeals may be submitted.
- v. Appeals will be heard.

The Complaints Procedure is not appropriate for complaints regarding:

- i. Political decisions taken by Officer Trustees, which should be raised through the political accountability framework in Byelaw D.
- ii. Elections or referendums, except for a complaint that there is no confidence in the whole democratic process.
- iii. Disciplinary matters, which are set out in Byelaw L.

3. Raising a complaint

Students should complain in writing, in the first instance, to the President. One Officer Trustee, appointed by the President and supported by a member of staff appointed by the Chief Executive, will determine probable cause for an investigation. In any event, the Officer Trustee will write to the complainant to confirm receipt of the complaint and any action taken.

The President will refer any complaint about the President to another Officer Trustee with no conflict of interest.

The President will refer complaints about staff to the Chief Executive, for processing in line with appropriate employment practices. If a complaint is made about the Chief Executive, the President will be supported in their investigation by an external Trustee (usually the Vice Chair of the Board).

4. Investigation of the complaint

The designated Officer Trustee will, after finding probable cause for investigation, work with an appointed member of staff to produce an Investigation Report. The Investigation Report will concisely summarise the facts of the complaint and, if the complaint is upheld, a

recommendation as to an effective remedy. In any event, the Officer Trustee will write to the complainant with a summary of the Investigation Report.

The delegated Officer Trustee will, generally, ask the complainant whether they would like a face-to-face meeting during the investigation process, but it would not be usual to convene a hearing meeting. The Officer Trustee may require RHSU members, staff, and trustees to support the collection of evidence in the investigation process.

5. Complaint outcomes

The Officer Trustee who worked on the complaint will be guided by precedent and will securely store their Investigation Report for an appropriate time period, under the guardianship of the Chief Executive.

The Officer Trustee may conclude that an appropriate complaint outcome is the commencement of disciplinary procedures. A complainant should have no expectation that they will be involved in disciplinary processes, as this may include confidential practices.

6. Appeals

The complainant has a right to appeal on three grounds, and must have evidence that the Officer Trustee running the investigation:

- i. Conducted the investigation process in a way that was procedurally irregular.
- ii. Was not able to consider evidence that has now become available.
- iii. Has not identified an effective remedy to an upheld complaint.
- iv.

The complainant may not appeal because they disagree with a complaint not being upheld, unless they also have one or more of the grounds for appeal. The complainant should submit their appeal in writing to the Chief Executive, who will determine whether grounds for appeal exist.

The Chief Executive will, after finding grounds for appeal, make arrangements for a panel of the Board to consider the appeal. The panel will include three trustees, none of whom will have had previous knowledge of the complaint.

The panel will consider a case presented by the Officer Trustee who ran the investigation, and disputed by the complainant. The appeal may not require a hearing, and the panel may determine that it will conduct the process at a distance.

7. External review

Complainants have the right to request that the College review the complaints process. The College will not reinvestigate the complaint, but will report on the confidence that can be placed in the complaints procedure being fair and appropriate.

The delegated Officer Trustee will make the external review process known at the conclusion of the appeals stage.

The College will appoint a named individual to act in this capacity on an annual basis.