

## **Byelaw K: Statutory Complaints Procedure**

### **1. Purpose**

This Byelaw has been established to provide further details of the procedure for how members may complain if they are dissatisfied by their dealings with the Union or if they feel they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union. This is under Article 20 of the Constitution.

The Board may determine that other complaints procedures are appropriate for specific circumstances, such as in relation to the provision of services, or in connection with elections. The Chief Executive will ensure that any complaints procedures in force are widely published and available.

### **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; the Union 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 the Union. 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 elected representatives, which should be raised through the political accountability framework provided by Student Executives and referenda.
- 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. Informal Complaints**

In the first instance, any complaint will be investigated by a Full-time Officer or staff member appointed by the Chief Executive. The intention will be to resolve any issue amicably, and work with all parties concerned to identify a mutually agreeable outcome.

### **4. Raising a Formal Complaint**

Students should submit the complaint in writing, in the first instance, to the President. One Full-time Officer, 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 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 Full-time Officer 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).

#### 5. Investigation of the Complaint

The designated Full-time Officer 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 Full-time Officer will write to the complainant with a summary of the Investigation Report.

The delegated Full-time Officer will, generally, ask the complainant whether they would like a face-to-face meeting during the investigation process. The Full-time Officer may require members, staff, and trustees to support the collection of evidence in the investigation process.

#### 6. Complaint Outcomes

The Full-time Officer 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 complaint may be:

- i. Upheld: whereby the Union will seek to adopt an appropriate solution or remedy, and issue an apology where appropriate. It may not always be appropriate for the complainant to be informed of all the details of any decision, for example in matters related to staffing.
- ii. Partially upheld: whereby the Union will seek to adopt a mutually agreeable solution or remedy. Again, it may not always be appropriate for the complainant to be informed of all the details of any decision,
- iii. Not upheld: whereby the Union determines that there is no case to answer, and will provide a clear rationale for the decision.

The Full-time Officer 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.

#### 7. Appeals

The complainant has a right to appeal on three grounds, and must have evidence that the Full-time Officer 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.

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 (or another appointed Trustee where a conflict of interest is identified), 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 individual(s) 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.

8. 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.