

## **Club and Society Member Relations Procedures Complaints Procedure**

### 1. Introduction

- 1.1 The procedure aims to ensure that member concerns and complaints are taken seriously and investigated fully and objectively in a fair, timely and effective manner. Any member invoking this procedure is expected to engage positively with the process and behave in a courteous and professional manner towards everyone involved.
- 1.2 The details of any complaint will be shared with the member(s) complained about.

### 2. Scope

- 2.1 This procedure applies to all club/society members and covers incidents that may occur on or off campus.
- 2.2 Complaints covered by the policy include, but are not limited to:
- Internal member disputes.
  - Alleged misconduct or inappropriate behaviour against members, students or staff.
  - Misconduct by Associate Members which would fall under the following policies if the member were a student: Student Anti-Bullying and Harassment Policy, Equality and Diversity Policy, Student Sexual Misconduct Policy.
  - Breach of any Students' Union Policy or Procedure.
  - Complaints about an action/inaction of a member, including committee members.
  - Complaints arising from the misuse of social media.
- 2.3 The procedure can be used for individual and collective concerns or complaints.
- 2.4 Student members can avail of the University's Student Complaints Procedure, where relevant, for complaints about student members.

### 3. Frivolous or Vexatious Complaints

- 3.1 A member who makes a complaint which is found to be frivolous (i.e. a complaint which has no reasonable chance of success) or vexatious (i.e. where there can be no additional remedy in addition to one that the member has already been offered, or where the complaint is found to be mischievous) following investigation under this procedure, shall be deemed to be in breach of the Club/Society Member Conduct Procedures. The onus is on the member to present sufficient evidence to warrant investigation under the procedure.

### 4. Suspension of Investigation

- 4.1 If the complainant behaves inappropriately, the Club/Society may suspend the investigation into their complaint and the member will be advised accordingly. The member will be advised of any consequences of this decision on the complaint and the conditions which must be met to reinstate the complaint. The member may also be referred for investigation under the Conduct Procedure.

### 5. Collective Complaints

5.1 The Club/Society will accept complaints from one member (the Lead Member) as representative of a group of named members where the issue(s) raised is (are) the same or substantially the same in each case. Complaints by un-named members will not be accepted. The Lead Member must provide evidence that he/she is acting on behalf of and with the consent of the other named members.

## 6. Stage 1

6.1 The majority of complaints should be resolved satisfactorily at Stage 1.

6.2 Members should raise a written complaint with the Club/Society Treasurer within 10 working days of the incident occurring. Complaints must not contain any insulting or abusive language.

6.3 The Treasurer should advise the member that the complaint is being dealt with as a Stage 1 complaint and provide them with a copy of this procedure and the 'Principles for Participants'. If the complaint is about another person, the Treasurer should advise that person that a complaint has been received about them, the nature of the complaint and that it is being dealt with under Stage 1 of the procedure. They shall also be provided with a copy of this procedure and the 'Principles for Participants'.

6.4 The Treasurer should record the details of the complaint on a central complaints register and advise the Clubs and Societies Coordinator.

6.5 The Treasurer should seek to resolve the matter within 5 working days. This may involve reviewing written evidence and meeting with the complainant and the member who has been complained about as well as any relevant witnesses etc.

6.6 At the conclusion of Stage 1, the Treasurer shall write to the member who complained to inform them that Stage 1 has concluded, setting out the terms of any resolution or agreement reached and advising the member of the right to make a Stage 2 complaint if they feel dissatisfied.

6.7 Where the complaint has been about an individual, the Treasurer shall also write to the person against whom the complaint has been made advising that Stage 1 of the procedure has concluded and setting out any resolution or agreement reached.

6.8 The Treasurer should update the complaints register and advise the Clubs and Societies Coordinator of the outcome.

## 7. Stage 2

7.1 If, having pursued the matter through Stage 1, the member remains dissatisfied with the response, they should put the complaint in writing to the Club/Society's President/Chair/Captain and should provide sufficient details to afford a reasonable understanding of the complaint, the impact upon the member, and the remedy sought. Copies of any correspondence exchanged during the previous stage and any other relevant documentation should also be attached. The written complaint must normally be submitted within ten working days of the outcome of the previous stage (and normally not later than 25 working days after first becoming aware of the incident or issues giving rise to the complaint).

7.2 The Clubs and Societies Coordinator must be informed that a Stage 2 complaint has been received and the complaints register should be updated.

7.3 Where a complaint has been made about the Club/Society Executive Committee, this should be referred to the Clubs and Societies Coordinator as appropriate.

- 7.4 The member shall receive an acknowledgement from the President/Chair/Captain within five working days of receipt and the complaints register should be updated.
- 7.5 Where, in the opinion of the President/Chair/Captain, it appears that the member has not attempted to resolve the issues using Stage 1 of this procedure, or has made insufficient attempts, or has given insufficient time to resolve the issues before submitting a Stage 2 complaint, the member will be advised that they are required to attempt to resolve the issues at Stage 1. Informal resolution will also be encouraged where it would, in the opinion of the President/Chair/Captain, be a more efficient and effective way of addressing the member's issues. The Clubs and Societies Coordinator must be advised of this outcome and the complaints register should be updated.
- 7.6 Subject to the President/Chair/Captain being satisfied that the member has taken all reasonable steps to resolve the matter at Stage 1, the written complaint shall be referred to the Secretary (Investigating Officer) along with clear and concise terms of reference for the investigation and the documentation supplied by the complainant. The complainant shall be advised that the complaint is being dealt with under the conduct or the complaints procedure and shall be advised that it has been passed to the Investigating Officer. The complainant shall be provided with the 'Principles for Participants'. The Clubs and Societies Coordinator must be advised of the investigation and the complaints register should be updated.
- 7.7 The Investigating Officer shall investigate the complaint and may:
- i. Seek to resolve the complaint on the basis only of the written documentation submitted by the member and any evidence gathered at Stage 1 of the process.
  - ii. Meet with the member and any person(s) against whom the complaint has been made.
- 7.8 Guidance for completing an investigation is set out in the 'Guidance for Completing an Investigation' document.
- 7.9 The Investigating Officer shall be entitled to call for such papers, examine such witnesses, and conduct such other relevant enquiries as appear to be necessary. Any such witness will have the right to be accompanied to the meeting as set out in the 'Principles for Participants'.
- 7.10 The Investigating Officer shall prepare a report of all the evidence presented, normally within 15 working days of receiving the complaint, and may include recommendation(s) to the President/Chair/Captain as appropriate.
- 7.11 If the Investigating Officer uncovers emails/text/other evidence which would suggest that there is a member conduct issue, then the Investigating Officer will recommend that the Club/Society Member Relations Conduct Procedure should be invoked, and that the member's conduct should be investigated under the alternative procedure.
- 7.12 The Investigating Officer shall forward a copy of this report to the complainant, who shall advise them that they are permitted to make a written response within five working days of receipt and before a decision is made by the President/Chair/Captain. The purpose of permitting the member to see the report before a decision is made is to ensure that all issues in the complaint have been addressed and that it is factually accurate. It is not for the member to question the conclusions or recommendations of the report, at this stage. In the circumstances where the Investigating Officer recommends that the Member Relations Conduct

Procedure should be invoked the complainant must not receive a copy of the Investigating Officer's report. The only information that may be shared is confirmation that alternative proceedings have been invoked.

- 7.13 Following receipt of the member's response, the Investigating Officer may make further enquiries, where necessary, and may amend or make additions to the report. The Investigating Officer's report, with any further comments from the member, or any other parties, shall be forwarded to the complainant and the President/Chair/Captain, who shall make a decision. Where issues of a confidential nature come to light as part of an investigation, e.g. personal information relating to a member, these may not be documented in full in the report, and may limit how much detail can be given on any proposed action following the outcome of an investigation.
- 7.14 The member shall be informed by the President/Chair/Captain of their decision in writing normally within five working days of the decision being made. The decision shall indicate what action is proposed to resolve the complaint, or the reasons for not upholding it, as well as their right of appeal. Some elements of the complaint may be upheld and some may not; the decision letter shall set out the decision in relation to each element. The President/Chair/Captain will also inform the person against whom a complaint has been made (or any other person, as deemed appropriate) of the outcome of the Stage 2 investigation. The complainant must not be advised of the specific details of any actions to be taken, including those taken against any other member, but can be advised that their concerns will be addressed.
- 7.15 The Clubs and Societies Coordinator must be advised of the President/Chair/Captain's decision and the complaints register should be updated.

## 8. Stage 3 – Appeal

- 8.1 A member may appeal the outcome of Stage 2 on the following grounds:
- i. Procedural irregularity in the conduct of the investigation. (The member should demonstrate the impact of any such procedural irregularity on the outcome of Stage 2, and should submit any relevant evidence in support of the appeal).
  - ii. Evidence is available which was not reasonably available at the time of the original determination.
- 8.2 The appeal should be made by email to the Director of the Students' Union. All appeals must be within 10 working days of notification of the outcome of Stage 2 and should include the Investigating Officer's Report and the President/Chair/Captain's decision, as well as any other documentation the appellant seeks to rely on. Receipt of the appeal and the supporting documentation shall be acknowledged to the member within five working days of receipt of the appeal.
- 8.3 The Director of the Student's Union shall decide whether or not the member has met either one or both of the grounds above and may;
- i. Uphold the appeal on the basis of the written evidence presented, or
  - ii. Refer the appeal to an Appeal Panel which will comprise the Clubs and Societies Coordinator (Chair), a Sabbatical Officer of the Students' Union and one Students' Union staff member nominated by the Chair. No member of the Appeal Panel should have been involved in the case previously.
- 8.4 The Director of the Students' Union will advise the member whether their complaint has been upheld or whether the appeal has been referred to the Appeal Panel. If the appeal is referred to an Appeal Panel, the Director of the Students' Union will provide

the Panel with the documentation the member supplied in support of their appeal. Throughout the appeal process, the panel will follow the guidance set out in the 'Protocol for an Appeal Meeting' document. The Clubs and Societies Coordinator must be advised of the appeal and this outcome and the complaints register should be updated.

- 8.5 The Appeal Panel shall normally convene a meeting within 25 working days of receipt of the appeal.
- 8.6 Prior to the appeal meeting, the Panel may seek written evidence from any witness or person, who in their judgement may have relevant information to contribute. The panel shall only provide enough detail of the complaint (if any) to allow the witness to respond appropriately. The Panel should advise the witnesses that their written evidence may be provided to the complainant, if deemed relevant, as part of the appeal process. The Panel shall advise the witnesses that they may be required to attend the appeal meeting to give oral evidence, if their evidence will be considered by the Panel as part of the appeal. This may include evidence from any member about whom the complaint was made, if it is felt that the President/Chair/Captain cannot provide the evidence required in terms of the investigation report and their decision.
- 8.7 The member and the President/Chair/Captain are required to attend the appeal meeting and shall be given at least five days' written notice of the date, time and location of the meeting. They shall be informed of the membership of the Appeal Panel and will receive copies of all documentation to be considered by the Appeal Panel. This will include any documents submitted by the member as part of their appeal and any documents to be considered which were gathered under Paragraph 8.6. They shall also be provided with a copy of this procedure, the 'Principles for Participants', and the Protocol for an Appeal Meeting. The member shall be advised of their right to be accompanied.
- 8.8 Any other witnesses (including a member who has been complained about) who are required to attend the meeting will be given at least five days' written notice of the date, time and location of the meeting and shall be informed of the membership of the Appeal Panel. They shall be provided with a copy of this procedure and the 'Principles for Participants'. They should only be provided with a copy of any written evidence which they have provided.
- 8.9 The hearing may be deferred, pending the outcome of any other procedures already underway.
- 8.10 At the appeal meeting, the member will be given an opportunity to set out their grounds for appeal. If new evidence is presented, which was not reasonably available to the complainant at the time of the Stage 2 decision, it shall be considered. Other than such new evidence, only the grounds of appeal originally submitted by the member, shall be considered. The appeal meeting will not constitute a re-hearing of the complaint.
- 8.11 The witnesses will not be present for the full meeting. They will be called into the meeting individually to be questioned on their evidence. The appellant shall also be given an opportunity to question/examine any witnesses. Once the Panel and the appellant have asked any questions they have the witness will be required to leave the meeting.
- 8.12 Should the appellant fail to appear to the appeal meeting at the appointed time and without valid reason, the Panel shall have the right to reach a decision in their absence.

- 8.13 The Appeal Panel may either uphold the appeal or dismiss the appeal. Minutes shall be taken as a formal record of the hearing and retained. If the Panel cannot reach a majority decision, the Chair will have the casting vote.
- 8.14 The decision of the Panel shall be communicated in writing by email to the member, normally within five working days of the decision being made. A copy of the decision shall also be sent to the relevant Club's/Society's President/Chair/Captain along with any further recommendations of the Appeal Panel. The appeal decision may also be communicated to any person against whom a complaint has been made (or any other person, as deemed appropriate).
- 8.15 The Appeal Panel's decision is final.
- 8.16 The Clubs and Societies Coordinator must be advised of the appeal outcome and the complaints register should be updated.
9. Monitoring of Member Complaints
- 9.1 Clubs and Societies should retain a register (template available from the Clubs and Societies Coordinator) of member complaints. This register should only be accessible by the Club/Society's Executive Management Committee. Record retention should be discussed with the Clubs and Societies Coordinator on an annual basis.
10. Advice and Guidance
- 10.1 If required, please seek advice on the operation of these procedures from the Students' Union Clubs and Societies Coordinator.

## **April 2019**

[To be reviewed against the University Calendar when it is published at the beginning of each academic year]