

# Union Complaints Procedure

## Complaints against Students

- 1.0 *Adoption of the Policy*
- 2.0 *Policy Summary*
- 3.0 *Confidentiality*
- 4.0 *Submitting a Complaint*
- 5.0 *Stage One – Informal Process*
- 6.0 *Stage Two – Formal Process*
- 7.0 *Stage Three – Disciplinary*
- 8.0 *Appeals*



## 1.0 Adoption of the Policy

This policy was adopted by the Union of Students Executive Team in May 2022 and will be reviewed every two years. The Union does reserve the right to review this policy more frequently if there is justification to do so.

This policy works alongside our Standing Order 6 and 7.

## 2.0 Policy Summary

- 2.1 Any Student at the University of Derby is entitled to complain about unfair or unreasonable treatment following this process
- 2.2 This process applies to both students and external people wishing to complain about:
  - 2.2.1 Students who are valid Elected Representative – Part Time Officers, Programme Representatives, Sport Committee Members, Society Committee Members, Sport Council Members, Society Council Members
  - 2.2.2 Students who hold a valid Union Membership from a Sports Club, Society and Student Led Service
  - 2.2.3 Students who are carrying out a Volunteering opportunity through the Union.
- 2.3 The aim of this process is to clarify the stages to follow if groups and/or individuals are found to be in breach of the student, volunteering or sport code of conduct or union policies and procedures.
- 2.4 This policy aims to ensure, that if it is believed that a breach of conduct is suspected to have occurred, there is a fair and systematic approach to investigating these matters and taking appropriate corrective action.
- 2.5 Standards of Conduct are, though not exclusively, those defined by the Union's policies, legal requirements and Student, Volunteering and Sport Code of Conduct.

## 3.0 Confidentiality

- 3.1 The Union cannot guarantee anonymity of those submitting a complaint, particularly in cases where there has been a disclosure which poses a risk to the reporting student or a risk to others and when the law has been broken: terrorism, drug trafficking and money laundering
- 3.2 In cases where anonymity is requested the Union will discuss the potential impact on its ability to manage the complaint effectively and agree a process with the student submitting the complaint.
- 3.3 In cases where the Union attempts to retain anonymity, it cannot be held accountable for instances where this cannot be achieved due to the nature of the complaint, or the evidence provided.
- 3.4 It is the responsibility of all parties to ensure that the details of the case including (but not limited to) the allegation, the parties involved, and the potential outcomes are kept confidential. Failure to protect the confidentiality of the case could result in dismissal of the case and/or disciplinary action against those involved, including Union employees.

## 4.0 Submitting a Complaint

- 4.1 The Union of Students complaints process does not commence until it has received a completed Complaints Form (appendix A).
- 4.2 The completed Complaints Form should outline the reason for your complaint, providing detailed answers to each section of the form.
- 4.3 When completed this should be sent electronically to [complaints@derbyunion.co.uk](mailto:complaints@derbyunion.co.uk). This will be managed by a senior employee either the Head of Membership or Head of Engagement who will manage the process throughout its duration. The selected employee will acknowledge receipt of the complaint within three working days.
- 4.4 The senior employee responsible for managing the complaint will select an appropriate officer trustee with no connection to the complaint or individuals associated with it. This officer trustee, with the support of the senior employee will review the complaint and determine if:

- a. The complaint should be managed through Stage One of the complaint's process.
  - b. The complaint is not suitable for Stage One and will be escalated to Stage Two of the complaints process.
  - c. The complaint does not meet the criteria for the process and is dismissed.
- 4.5 The senior employee responsible for managing the complaint will contact you with details of how the complaint is being managed and which Union staff member has been appointed to manage the stage it has been allocated.
- 4.6 The Union reserves the right to dismiss any complaints related to events that have allegedly taken place more than three months before the date of submission. This decision will be made based on the severity of the allegations.
- 4.7 Any complaints alleging sexual assault will be referred directly to our SVLO adviser who will provide support and guidance, including information regarding your potential reporting options. These complaints will not be handled by the complaints procedure due to their complex and potentially criminal nature.
- 4.8 Should a complaint raise a safeguarding concern, the Union retains the right to report this to the University.

## 5.0 Stage One – Informal Process

- 5.1 The Union of Students aims to resolve all complaints swiftly and informally where possible.
- 5.2 Any complaints that appear resolvable informally will automatically go to Stage One, unless there is sufficient evidence to demonstrate that attempts to resolve the complaint informally have taken place. This will be determined by the appointed officer trustee based on the evidence provided.
- 5.3 In most cases this informal discussion should resolve any difficulties identified. If the student group or individual fails to improve, or sustain improvement, it will be escalated to Stage Two of the process.
- 5.4 Possible outcomes of a complaint at Stage One could include;
- a. Informal discussion,
  - b. Mediation
  - c. Or by another way that is deemed appropriate. Outcomes will be organised by the coordinator responsible for that area, unless they are highlighted as being too familiar with any of the parties involved.
- 5.5 If a resolution cannot be reached and the complaint remains unresolved then it will be escalated to Stage Two of the process.
- 5.6 The Union reserves the right to automatically escalate complaints to Stage Two of the process if, but not exhaustive of:
- The complaint is of a potential serious and/or criminal nature such as
    - Complaints alleging the use of drugs
    - Complaints alleging sexual violence or misconduct
    - Complaints alleging to harassment and/or discrimination
    - Complaints alleging serious assault
  - There is sufficient evidence to support the complaint being escalated to Stage Two in the first instance and/or there is evidence to support the informal process potentially worsening the situation.
  - Additional evidence is provided during the informal process that increases the severity of the complaint and/or demonstrates a potential risk to others if the complaint is not handled formally.
- 5.7 If you are dissatisfied with the outcome of Stage One of the process, you are eligible to submit an appeal following the steps outlined in 8.0.

## 6.0 Stage Two – Formal Process

- 6.1 If the informal procedure has been followed but the student group or individual fails to improve, or sustain improvement, or the complaint has been escalated past Stage One the formal procedure should commence.

- 6.2 If a complaint is moved to Stage Two of the process for any of the reasons outlined in 6.1 an independent investigator will be appointed by the senior employee managing the process. The investigator will be an appropriate Union of Students employee of manager level or above who has had no prior involvement in the complaint.
- 6.3 The senior employee managing the process will contact you within three working days of this decision being made, outlining the next steps, and introducing the employee who has been appointed as the investigator for the complaint. The Union will have 15 working days from this date to complete the investigation and inform all parties of its outcome.
- 6.4 The investigator will contact all parties highlighted in the complaint and any witnesses listed in the complaint during the investigating process.
- NB: The investigator will not share the original complaint or any personal information with the student/students the complaint is about or any witnesses, but they will briefly outline what the complaint is about to them.**
- 6.5 The investigation may include interviewing witnesses, taking witness statements, viewing social media communications, reviewing images and videos and viewing CCTV if available to do so.
- 6.6 The investigator appointed will collate all available factual evidence in a fair and unbiased manner, following the Complaints Procedure Investigator Guidance.
- 6.7 The Investigator will produce a Complaints Procedure Investigator Report that will be shared with the senior employee managing the process. This employee will be responsible for providing the report to the appointed officer trustee, who will decide on the outcome of the complaint.
- 6.8 The appointed officer trustee shall determine if:
- a. No further action should be taken, and the matter is closed.
  - b. The complaint is accepted in whole or in part, and a disciplinary hearing is arranged.
- 6.9 The student/students involved in the complaint will receive digital communication outlining the outcome of the complaint within 15 working days of Stage Two commencing. Alongside this the next steps (if any) will be shared with the relevant parties.

## 7.0 Stage Three – Disciplinary

- 7.1 If, following Stage Two of the process the appointed officer trustee determines there is a case to be answered they will refer your complaint to Stage Three of the process, a disciplinary. Information regarding Stage Three can be found in Standing Order 6, which will be shared with you in this communication.

## 8.0 Appeals

- 8.1 Any student/students submitting the complaint or student/students the complaint is related to are dissatisfied with the decision made at any stage of the process is eligible to appeal the decision within ten working days of receiving the outcome. The appeals form (Appendix B) should be completed and submitted to [appeals@derbyunion.co.uk](mailto:appeals@derbyunion.co.uk).
- 8.2 The following are the only permissible grounds for an appeal:
- That there was a procedural irregularity which materially affected the outcome of any step of the process.
  - That the decision reached was not supported by the evidence provided.
  - That additional evidence that could not previously be made available has emerged that may impact the decision that has been reached.
  - There is evidence to support the impartiality of the decision being compromised
- 8.3 The student will be advised within five working days whether the appeal has been accepted.
- 8.4 Further information on the appeals process can be found in Standing Order 7. This document will be attached to any communications regarding Stages One – Three.