

Student Activities Disciplinary and Complaints Procedure

Purpose:

ARU Students' Union expects all members and guests to engage positively and appropriately when acting as a representative of the Union. This includes individuals or groups engaged in affiliated society activities. The Union recognises that sometimes an individual or group's behaviour may fall short of the standards set out in the Union's values, rules and policies. This Procedure sets out how to make a complaint and the steps members or groups can expect the Union to take when dealing with such a complaint.

Scope

The following non-exhaustive list would be considered examples where the standard of behaviour of individuals or groups might fall below expectations and would fall within the scope of this Procedure:

- behaviour causing or likely to cause physical harm to others;
- any form of harassment, discrimination or bullying of others;
- drunken and disorderly behaviour;
- possession or sale of illegal drugs;
- bringing the Union or University into disrepute;
- theft or fraud;
- deliberate damage to property;
- breach of any terms of affiliation for Union recognised societies;
- breach of any Policies or Bye-Laws of the Union

What this procedure does not cover:

- Complaints involving criminal activity

Complaints

This section outlines the process for bringing complaints against any members, associate members or committee members of any society affiliated with ARU Students' Union. For complaints relating to the Students' Union or its staff, individuals should follow the SU formal complaints procedure which can be found online here:

<https://www.angliastudent.com/about/sufeedback/>

Stage One:

Submitting a complaint

Complaints must be received in writing or via email to the correct email address within 28 days of the date of the incident. Complaints must include the following details:

- Name
- Email Address
- Contact Number
- Date of incident
- Location(s) of incident
- Who was involved in the incident?
- Summary of the incident

These details should be sent to the Manager responsible for overseeing societies.

Next Steps

1. The Manager responsible for overseeing societies or their nominee will send confirmation, normally via email, that the complaint has been received. This will normally be within 5 working days of receipt of the complaint.
2. The Manager or their nominee will consider the contents of the complaint and determine, in their absolute discretion, whether the complaint shall be dealt with by the process set out in this Stage One or if it is of such a serious nature that Stage Two should be followed

immediately. If the complaint relates to criminal activity or an equally serious accusation, the Manager will pass the complaint on to the relevant authority. At this stage, this procedure will be suspended until the relevant authority reaches a decision.

3. The Manager will choose to deal with the complaint themselves or will appoint a member of ARU Students' Union staff to attempt to resolve the complaint within Stage 1 if the Manager feels it is not appropriate to investigate the complaint themselves.
4. The Manager or nominee will try to resolve the great majority of complaints informally in the first instance. This may involve meeting all involved parties together or separately. The staff member will not meet one on one with a complainee or complainant, a second member of SU staff will attend to minute.
5. At all times the staff member dealing with the complaint will take notes of all meetings and share these with those present. All parties are expected to take a positive approach to try to resolve the situation amicably and fairly.
6. If the complainant believes that their complaint has not been effectively resolved, they must make the staff member responsible for investigating the complaint aware within 10 days of these informal meetings. The complainant should provide reasons for taking the complaint further. The manager will then review the complaint and can proceed to the second, formal stage of the complaints procedure.

Stage Two:

Next steps:

1. The manager or their nominee will act as the Investigating Officer and will investigate the incident. The Investigating Officer will send a summary of the complaint to the individual(s) or group(s) named in the Complaint. Those named in the Complaint will be afforded an opportunity to respond to it in writing.
2. Where appropriate, the Investigating Officer will invite the parties involved to discuss the incident. These conversations will occur separately. At this stage, these are not disciplinary meetings and so individuals involved in the investigation cannot be accompanied, with the

exception of any declared accessibility requirements or if a group of individuals such as a recreational society committee are making the complaint or have been subject to a complaint.

3. The Investigating Officer will meet with other parties at their absolute discretion if they believe an individual may have been witness to or party to any incident relating to the complaint.

4. The investigation stage should take no more than 10 working days and the Investigating Officer will submit their findings to a Complaints Panel and copies will be shared with the complainant and the individual(s) named in the complaint.

5. The investigation period can be extended at the discretion of the Investigating Officer if there are exceptional circumstances, e.g. if the complaint is submitted during an assessment or holiday period. In the event this happens the Investigating Officer will write to all parties informing them of this extension and the reasons for it.

Complaints Panel

The Complaints Panel shall convene a Complaint Hearing to hear the complaint(s) and the Investigating Officer's findings. The Panel has the authority to determine if the complaint is upheld and any resulting sanctions.

Membership

The complaints panel should comprise of:

- A Manager or Senior Manager from a different department within ARU Students' Union
- Two Full-Time Executive Officers

The President and CEO of the Students' Union will not sit on the panel in order to make them available should there be an appeal.

Participants

In addition to the Members of the Complaints Panel, the following people may be asked to attend the Panel Hearing:

- A staff member from the department responsible for overseeing societies
- A member of ARU staff

- Any students or non-students outlined as witnesses to the complaint

Where the panel are meeting with students or associate members, any individual can be accompanied by an ARU student or nominee, depending on accessibility requirements, for support. This does not include a legal representative.

In the case of a complaint made against a society member, the committee members of that group will not attend the panel but will be made aware of any relevant penalty that their group may need to uphold against that member. If they are selected to accompany an individual at the complaints panel however then this individual can be granted observer status.

Next steps:

1. The Panel will make reasonable attempts to arrange a Panel hearing at a time that is mutually convenient for all parties. At all times, the individual(s) or group subject to the complaint will receive the date for the Complaints Panel. The individual will attend the panel, give a statement and answer questions from the panel.
2. If the individual(s) or group named by the complainant fail to attend the Complaints Panel, the panel may be deferred. Should the panel feel that without reasonable cause, the individual(s) or group failed to attend two arranged panels, the rescheduled Complaints Panel shall continue in their absence.

The panel shall:

- judge the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is inappropriate/in contrary to expected behaviour
- judge the evidence provided by the Investigatory Officer
- make a decision on any action as a consequence
- dismiss the complaint if there is no case to answer
- hear from the individual(s) or group subject to the complaint for any further information in their defence

3. In the period between a complaint being received and any decision of the Complaints Panel, the alleged offender(s) shall, at the discretion of the Student Activities Manager, have access to services or facilities suspended in so far as it is necessary in order to undertake an effective

investigation. This should be considered in relation to the risk of harm or distress to staff or students or where it would be deemed feasible that ongoing access to a service or facility may impact upon an effective investigation.

Sanctions

For **individual** members, associate members or committee members of SU affiliated societies:

If the panel finds there is a case to answer, the individual(s) may be subject to one or more of the following disciplinary sanctions:

- A written warning and:
- The individual(s) will need to submit a written apology to the Societies Forum and the complainant.
- The individual(s) may be banned from partaking in their society's activities, the length of the ban will be decided at the discretion of the panel. This ban includes competitions and events and the committee of that society must ensure that they uphold this ban or the committee may be made subject to disciplinary measures.
- If the individual(s) named in the complaint are society committee members, they may be removed from their role as committee members. If the individual(s) are members or associate members, their membership to the society may be manually expired.
- If the offence is found to be serious enough by the panel, the individual student(s) must be referred to the Student Disciplinary Code of the University. Once the University are notified of this, the individual(s) will become subject to Anglia Ruskin University's Disciplinary Procedures.
- If the offence is found to be serious enough by the panel, the individual(s) may be referred to ARU Students' Union's Disciplinary Procedure for Members of the Union, as per Bye Law 8, which could result in full and permanent revocation of Union membership.

For **groups** such as affiliated society committees:

- A written warning and:
- The committee will need to submit a written apology to the Societies Forum and the complainant.

- A suspension of any or all of the privileges of membership of ARU Students' Union affiliated societies, e.g. access to room bookings, competitions, events etc. and their society accounts frozen.
- The grant of the society can be withdrawn. If no grants are available, the society may receive a fine of up to £100 from their membership account. The panel may remove the society from any leagues/ external activities they have entered and freeze their accounts until further notice.
- If the panel believes that a serious offence has taken place, the individual student(s) must be referred to the Student Disciplinary Code of the University. Once the University are notified of this, the individual(s) will become subject to Anglia Ruskin University's Disciplinary Procedures
- If the panel believes that a serious offence has taken place, the individual(s) may be referred to ARU Students' Union's Disciplinary Procedure for Members of the Union, as set out in the Bye Laws, which could result in full and permanent revocation of Union membership.

The Complaints Panel shall provide a written explanation of the decision to the individual(s) or society involved.

Appeals

Any individual(s) or groups can submit an appeal against the decision of the Complaints Panel. Appeals can only be lodged on the following grounds:

- The Complaints process has not followed the correct procedure; and/or
- New information has become available that for good reason could not be presented at the time of the original investigation or Complaints Panel; and/or
- The actions applied as a result of the investigation are disproportionate

An appeal must be submitted in writing to the Students' Union President within 7 working days following receipt of the outcome of the Complaints Panel.

The Students' Union President will follow the Students' Union Appeals Procedure.