

Student Opportunities Disciplinary and Complaints Procedure

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. This procedure does not cover complaints involving criminal activity.

Scope of the Procedure

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:

1. Behaviour causing or likely to cause physical, mental or emotional harm to others
2. Any form of harassment, discrimination or bullying of others
3. Drunken and disorderly behaviour
4. Possession or sale of illegal drugs
5. Bringing the Union or University into disrepute
6. Theft or fraud
7. Deliberate damage to property
8. Breach of any terms of affiliation, policies, byelaws or regulations of the Union or University.

Complaints

This section outlines the process for bringing complaints against any members, associate members, or committee members of any club or society affiliated with ARU Students' Union. For complaints related 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 (1): Part 1 – 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
- Individuals involved in the incident
- Summary of the incident

These details should be sent to the Assistant Student Opportunities Manager, or the Manager who at the time of the complaint is responsible for overseeing clubs and societies.

Stage One (1): Part 2 – Next Steps

1. The Manager responsible for overseeing clubs and 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 2 shall be followed immediately.
 - a. If the complaint relates to criminal activity or an equally serious accusation, the Manager will pass the complaint on to the relevant authority. If this occurs, the 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 most 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 always attend to minute.

5. At all times, the staff member dealing with the complaint will take notes of all meetings and share with those present. All parties are expected to take a positive approach to try and 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 working days of these informal meetings. The complainant must provide reasons for taking the complaint further. The manager will then review the complaint and can proceed to the second, formal stage of the complaint's procedure.

Stage Two (2): Part 1 – Formal Complaint

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 in writing.
2. Where appropriate, the Investigating Officer will invite the parties involved to discuss the incident. These conversations will occur separately.
 - a. At this stage, these are not disciplinary meetings and so the individuals involved in the investigation cannot be accompanied, except for any declared accessibility requirements or if a group of individuals 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. 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. If an extension is made, the Investigating Officer will write to all parties informing them of the 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 whether the complaint is upheld, and any resulting sanctions.

Membership

Membership of the panel should comprise of:

- A Manager or Senior Manager from a different department within ARU Students' Union from which the complaint arose from
- 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 clubs and 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 club or 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, then this individual can be granted observer status.

Complaints Panel – Next Steps

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.

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 Investigating Officer.
- Decide on any action as a consequence to the complaint.
- Dismiss the complaint if there is no case to answer.
- Hear from the individual(s) or group(s) subject to the complaint for any further information in their defence.

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 Opportunities 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 Union affiliated clubs and 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 Committee Forum and the complainant.
- The individual(s) may be banned from partaking in their club or society's activities, the length of the ban of which will be decided at the discretion of the panel. This ban includes competitions and events, and the committee of the society must ensure that they uphold this ban. Failure to do so may lead to the committee being made subject to disciplinary procedures.
- If the individual(s) named in the complaint are club or society committee members, they may be removed from their role as committee member. 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 club or society committees:

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

- A written warning and:

- The committee will need to submit a written apology to the Committee Forum and the complainant.
- A suspension of any and/or all the privileges of membership of ARU Students' Union affiliated societies, e.g., access to room bookings, competitions, events, etc. and their activity accounts frozen.
- The grant of the club or society can be withdrawn. If no grants are available, the club or 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 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.

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

Appeals

Any individual(s) or group(s) 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.