

Trustee Board Procedures for dealing with complaints & discipline

Remit

1. This policy is in-keeping with the Union Constitution and Bye-Laws at the time of it being passed. Any future amendments to the Constitution or Bye-Laws that conflict with this policy shall take precedence over this policy.
2. Complaints, disciplinary cases and appeals should be received in accordance with the Bye-Laws and it falls to the relevant authority to enact these procedures.
3. Throughout this policy the term 'case' will refer to a specific complaint, disciplinary or appeal that is being enacted in accordance with these procedures.
4. Complaints may be referred to the Trustee Board in the following manner:
 - a. A complaint about a Trustee (from anyone – Bye-Law E1.1)
 - b. A complaint about the Managing Director (from the President and Trustee Board Chair - Bye-Law E1.3 & Constitution rule 81)
 - c. A complaint about the conduct of the Returning Officer in the Major Elections (from anyone - Bye-Law F6)
5. Disciplinary cases may be referred to the Trustee Board in the following manner:
 - a. A disciplinary case regarding a Trustee (from anyone – Bye-Law E1.1)
 - b. A disciplinary case regarding the Managing Director (from the President and Trustee Board Chair – Bye-Law E1.3 & Constitution rule 81)
6. Appeals cases may be referred to the Trustee Board in the following manner:
 - a. An appeal from a disciplinary case (from the appellant on the decision of the Governance Committee - Bye-Law E51.3)
 - b. An appeal from a censure or dismissal (from the appellant on the decision of Governance Committee - Bye-Law E52.2)
7. Complaints may be referred to the Governance Committee in the following manner:
 - a. A complaint against a candidate in Major Elections (from the Returning Officer - Bye-Law F4)
8. Disciplinary cases may be referred to the Governance Committee in the following manner:
 - a. A disciplinary case against a candidate in Major Elections (from the Returning Officer – Bye-Law F4)
 - b. A disciplinary case against a Member or Associate Member not suited for Summary Punishment (from the President – Bye-Law E39)
9. Appeals cases may be referred to the Governance Committee in the following manner:

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- a. An appeal from a disciplinary case (from the appellant on the decision of the President – Bye-Law E51.2)
 - b. An appeal from a censure or dismissal (from the appellant on the decision of Council – Bye-Law E52.1)
10. There may be other types of complaint against non-Members which is considered by the Trustee Board, or at the Trustee Board’s discretion, the Governance Committee. Whilst the Trustee Board may not ‘discipline’ any such persons, they may have the power to ban – definitely or indefinitely – or take any other such lawful sanction as they see fit against such persons.

Powers

11. The Trustee Board may exercise all powers of the Union given to it in the Constitution and Bye-Laws.
12. The Governance Committee may exercise all powers given to it in the Constitution, Bye-Laws and delegated to it in its Standing Orders, and as set out in any Trustee Board policy – including this one.
13. Both the Trustee Board Chair and Governance Committee Chair may refuse to hear a case if they believe it to be unnecessary. This action must be reported to the Trustee Board and the decision may be overturned by the Board.
14. Both the Trustee Board Chair and Governance Committee Chair may nominate a subset of their Membership to consider a case (as defined earlier), as long as that subset then takes their recommendation to the whole Trustee Board or Governance Committee to ratify the decision. A subset that considers a case must be at least three persons, all of whom have no vested interest in a case.

Hearings

15. All cases shall give five clear College days’ notice to the appellant, defendant, complainant and any other person deemed by the Chair of the Trustee Board, or Chair of the Governance Committee respectively to have an involvement in the case that a meeting of the Trustee Board, Governance Committee or subset thereof will be held to hear the case. Evidence to be presented at the hearing will be made available at this stage.

16. The hearing of a case will follow the procedure set out below, where the following terms are used:
 - a. **The Hearing** – the process of the Panel convening and the procedure as defined below being followed.
 - b. **The Panel** – the Trustee Board, Governance Committee, or subset thereof
 - c. **The Chair of the Panel** – a person nominated by the Trustee Board Chair or Governance Committee Chair respectively who is on the Panel.
 - d. **Proposer** – The person(s) in brackets for all points 4a, 4b,5,7,8 above. For 4c,6,9:
 - i. 4c. The Returning Officer
 - ii. 6a, 6b. The Chair of the Governance Committee
 - iii. 9a, 9b. The President
 - e. **Respondent** – The person(s) for all points 4a,4b,5,7,8 above whom is the subject of a complaint or disciplinary proceedings other than on a starred line. For 4c it is the complainant and for 6,9 it is the appellant.
17. Hearings shall be minuted by the Secretary to the Trustee Board (or their assistant), with minutes approved by the Chair of the Panel
18. The Proposer and/or Respondent may involve a representative who is a Member of the Union or a member of College or Union staff if they so wish, and the representative may attend and speak for the person they represent, but are not subject to the five clear College days' notice requirement. The representative must be made known to the Secretary to the Trustee Board at least one clear College day before the meeting.
19. No other person is allowed to witness a Hearing without the consent of the Respondent and the Chair of the Panel.
20. Hearings shall follow this procedure:
 - a. The Chair of the Panel introduces all those present, explains the purpose of the hearing and how it will be conducted.
 - b. The Proposer or his/her representative will put the case in the presence of the Respondent, his/her representative and will call any witnesses in support of the case.
 - c. Both the Proposer, his/her representatives and any witnesses may be questioned by the Respondent or their representative and by the Panel on the information given by them.
 - d. The Respondent or his/her representative shall put the case in the presence of the Proposer and may call any witnesses in support.

- e. Both the Respondent, his/her representative and any witnesses may be questioned by the Proposer and by the Panel on the information given by them. Witnesses will withdraw after giving evidence.
- f. The Proposer or his/her representative may then make a closing statement followed by the Respondent or his/her representative.
- g. Both parties will then withdraw while the Panel, together with the secretary to the Panel deliberate in private to consider the evidence given. This will not be minuted.
- h. The Panel may recall the parties to clarify evidence or seek further information. If recall is necessary, both parties shall be recalled.
- i. Once the Panel has come to a decision, the proceedings shall close.

Outcomes

21. A Panel may come to any decision empowered to the Trustee Board or Governance Committee (whichever the Panel is recommending to) as set out in the Constitution and Bye-Laws. These powers are not limited to (in the case of the Trustee Board), but are detailed in:
 - a. Bye-Law E15, E17, E19, E43 (Penalties for Disciplinary)
 - b. Bye-Law F4 (Major Elections)
22. If the Panel is a subset of the Trustee Board or the Governance Committee, they will recommend their decision to the Trustee Board or Governance Committee respectively with full minutes of the proceedings within three clear College days. The Trustee Board or Governance Committee will then announce their decision to the Respondent and the Proposer as soon as possible, in writing.
23. If the Panel is the Trustee Board or the Governance Committee, they will announce their decision to the Respondent and the Proposer as soon as possible, within three clear College days in writing, but may verbally announce the decision as appropriate at the end of the Hearing.
24. Should – in the case a hearing is devolved to a subset of the Trustee Board or Governance Committee – the recommendation of the subset fail to be ratified by the whole Trustee Board or Governance Committee, the Trustee Board or Governance Committee may make a decision without a further hearing (as defined below) should there be consensus to make a decision. The Trustee Board or Governance Committee are also within their right to hold a further hearing without the case being devolved to a subset.

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25. The minutes of a hearing and outcome will be made available upon request to any Member, except any part of the minutes that would if public breach the College or Union Staff-Student Protocol, or contain confidential information, as determined by the Chair of the Trustee Board.