

G. Complaint Bye-Law

1. This bye-law exists to provide a clear and transparent set of procedures for the Union's dealings of complaints made to the Union regarding the Union.
2. The Union shall provide a complaints form on the official Union website for students to raise complaints against the Union
3. Any member, associate member, or visiting user of the Union's services can make a complaint if they are:
 - 3.1. Are dissatisfied in their dealings with the Union outside of the electoral process,
 - 3.2. Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union, or
 - 3.3. Are dissatisfied with the conduct or performance of the Union
4. Complaints against any individuals are not provided for by these procedures, but are instead provided for in the Disciplinary Procedures
5. There are three stages in the student complaints procedure:
 - 5.1. Stage one- Local Resolution
 - 5.2. Stage two – Formal Stage
 - 5.3. Stage three- Appeal
6. Stage One – Local Resolution
 - 6.1. The first step is for a member to raise a complaint, either by email or face to-face to with relevant staff in the department or service concerned.
 - 6.2. Complaints at the local level should normally be provided with a response within 10 college days to report how the issue has been considered or to advise the member of how it will be resolved.
 - 6.3. Where the local resolution stage has been completed and a member remains dissatisfied with the outcome, they can escalate their complaint to Stage 2.
7. Stage Two – Formal Stage
 - 7.1. If the complaint has not been resolved to the satisfaction of the student through the local stage, the complaint is of a serious enough nature, or if a student wishes to raise a substantial complaint, a formal complaint should be submitted to the Union within 10 college days following the outcome from stage one.
 - 7.2. The student will be required to provide details of the nature of their complaint on the formal complaint form, along with supporting documentary evidence. The student should also specify their desired outcome from this procedure.
 - 7.3. Upon receipt of a formal complaint, an initial evaluation will be undertaken by the Complaints Officer, who shall be an appointed member of Union staff, to check that the complaint has been submitted under the correct procedures and within the deadline.

- 7.4. If the complaint has been submitted directly to the formal stage and it is considered that it could be reviewed at the local stage first, it will be referred to the student for this to be done. If the Union Complaints Officer or nominee does not consider that it is appropriate for the matter to be dealt with under the Student Complaints procedure, the student will be informed accordingly.
- 7.5. The Union will respond to the complainant within 10 days of receipt of the formal complaint.
- 7.6. Complaints received after the deadline will normally be rejected and the student advised accordingly. However, the Union may choose to investigate a complaint submitted after the deadline where the student is able to demonstrate valid reasons for being unable to submit the complaint within the appropriate timeframes.
- 7.7. The Union Board of Trustees, or relevant sub-committee, will annually appoint complaint handlers one (or more) of whom will be specified as the responsible authority to deal with the complaint, depending on its nature and origin. Complaint handlers must be Union staff members or Officer Trustees. The specified complaint handler must not be a person against whom the complaint is made.
- 7.8. If the complaint is regarding the Managing Director, the Chair of the Board will nominate a responsible authority for dealing with the complaint
- 7.9. The responsible authority considering the complaint may conduct an investigation themselves or appoint another member of staff to investigate the complaint.
- 7.10. The responsible authority or their nominee will conduct a review of the supporting evidence provided by the student and may talk to the key people involved and collate additional items of evidence.
- 7.11. A report will be produced which outlines the process followed, the evidence considered, the conclusions drawn and any recommendations which emerge from the investigation. Appended to the report will be the evidence that has been considered in coming to the decision regarding the complaint.

8. Stage Three – Appeal

- 8.1. If the student is dissatisfied with the outcome from the formal stage (Stage 2), they can request an appeal by writing formally to the Managing Director within 10 college days of receipt of the outcome of Stage 2.
- 8.2. The appeal can be made on the following grounds:
 - 8.2.1. That there is new material supporting evidence which, for valid reasons, the student was unable to provide during the formal stage of the complaint;
 - 8.2.2. That there has been material procedural irregularity in the conduct of the complaints procedure;
 - 8.2.3. That the outcome of the formal stage was unreasonable.
- 8.3. The Student must include details of why they remain dissatisfied and what resolution they are seeking and should include any relevant evidence which they wish to be taken into consideration in their request for a review.

- 8.4. The Managing Director (or nominee) will evaluate the request for the review to ensure that it falls within the grounds for review set out in this procedure and inform the student of this review within 5 college days of receipt of the appeal.
- 8.5. If the decision is to proceed with the review, the Managing Director (or nominee) will establish a Panel to meet the student, any individuals named in the complaint, and the responsible authority before concluding the review of the complaint.
- 8.6. The Panel will be drawn from a designated list of Complaints Appeal Members. The panel will comprise at least one Officer Trustee of the Union and one Senior Staff Member. The Complaints Appeal Panel composition will be decided by the Governance Committee Chair.
- 8.7. No member of the Complaints Appeal Panel can have been involved in any previous stages of the complaint.
- 8.8. A record should be kept of any such meetings. A student may be accompanied for moral support by either; a full member of the Union, or a current member of staff at the College. Students may not be accompanied by a solicitor or barrister acting in a professional capacity. In addition the member may be accompanied by a support, e.g. a sign language communicator, note taker or interpreter.
- 8.9. The Managing Director will normally provide a final written response to the student within 25 college days following receipt of the request for appeal. This response will give a clear explanation of their findings and, where there were proven grounds for review, an indication of how and when any remedy will be implemented.

H. Disciplinary Bye-Law

1. This bye-law shall apply to all Members and Associate Members except:
 - 1.1. Trustees of the Union, acting in their capacity as a Trustee, shall be dealt with in accordance to Section B (Trustees). Complaints should be directed to the Chair of the Board of Trustees, or the President in the case of the Chair of the Board of Trustees.
 - 1.2. Members of the College staff who are also registered students of the College shall be dealt with under the relevant College disciplinary procedure for staff, and not this policy. The Managing Director may exclude such individuals from Union premises and facilities pending College disciplinary action and shall inform their head of department if so doing.
 - 1.3. Permanent Union staff who will be disciplined within the provisions of Imperial College HR policy and their contractual agreement. The Managing Director is responsible through the President to the Board of Trustees for staff discipline in the Union. The President and the Board of Trustees Chair are responsible to the Board of Trustees for the discipline of the Managing Director
2. Outside of the electoral process, the Union may only discipline individual Members and Associate Members within the provisions of these Bye-Laws.
3. The Disciplinary Procedure does not provide for disciplinary action against Clubs, Societies & Projects. Disciplinary procedures related to Clubs, Societies & Projects are detailed in separate policies.
4. For matters related to the Union's licenced premises:
 - 4.1. The Designated Premises Supervisor (DPS) for the Union's licenced premises, or their appointed nominee, has the right to take whatever reasonable action necessary to uphold the Union's licence within the premises. This includes the right to warn or ban – temporarily or permanently – anyone from the Union's licenced premises.
 - 4.2. Any warning or ban from the DPS, or their appointed nominee, is separate from summary punishment and, therefore, cannot be appealed within the provisions of these bye-laws. Appeals should be made directly to the DPS.
 - 4.3. Members receiving summary punishment from the DPS may also be subject to disciplinary action within these bye-laws if there is a suspected breach of the Union's Code of Conduct. This may be instigated through or complaint against the member or the DPS may choose to refer a member for disciplinary action if they deem it necessary.
5. For disciplinary matters regarding severe misconduct, for example assault or sexual misconduct, the Union may instead refer the matter directly to the College Registry.
6. The Union shall provide a complaints form on the official Union website which members should use to raise allegations of misconduct of other members or associate members. A member who uses this form to raise a complaint shall be referred to as the 'reporting party'.
7. A case for disciplinary action shall exist if a Member or Associate Member is alleged to have breached the Union's Code of Conduct Bye Law.
8. Examples of misconduct pertaining to breaches of the Code of Conduct may be deemed to be either minor or major depending on the individual circumstances of the case. This will determine the application of the disciplinary procedure to the individual student case.

9. Cases will be dealt with by a Union nominee, hereby referred to as the 'investigating officer', who shall be a Union Staff Member or Officer Trustee.
10. The investigating officer shall make an initial judgement to proceed as either:
 - 10.1. No action needed
 - 10.2. Level 1 – Summary punishment
 - 10.3. Level 2 – Union disciplinary panel
 - 10.4. Level 3 – Referral to the College
11. Where the Union is made aware that the disciplinary matter is being investigated by the College and/or the Police, the Union shall suspend the disciplinary proceedings until the conclusion of a College and/or Police investigation.
12. In cases of serious misconduct, where there is a safeguarding concern or there is police involvement, the Union Board of Trustees, or delegated authority, will suspend member(s) concerned from all Union activities and spaces pending the conclusion of investigations.
13. At the request of the College, the Union Board of Trustees, or delegated authority, shall consider suspending members from all Union activities and venues pending the outcome of a College disciplinary investigation.
14. Level 1 - Summary Punishment
 - 14.1. Cases dealt with under the summary procedures shall normally be investigated by the investigating officer, or appropriate appointed nominee, who shall consider the original complaint and supporting evidence provided to them by the Complaints Officer.
 - 14.2. In all cases dealt with under the Summary Procedures, the member or associate member for whom misconduct is alleged (hereby referred to as the 'responding party') must be provided with a written statement of the allegations being made against them, and then with an opportunity to respond to the allegation and state their case prior to any decision being reached.
 - 14.3. The investigating officer shall normally conduct an interview with the responding party and, where appropriate, the reporting party; a full record of the discussions must be made, and those being interviewed given a chance to confirm they are an accurate reflection of the discussions. The investigating officer may also interview or collect written statements from witnesses named by either responding or reporting parties.
 - 14.4. The investigating officer shall consider all the evidence at hand and reach a decision of summary punishment. The student should be informed of the outcome in writing within five college days of the decision, and of their right to appeal against the decision.
 - 14.5. Where a student has been investigated on previous occasions and has received more than one penalty under the Summary Procedures, the investigating officer may decide that any further allegations of misconduct will be considered by a Union disciplinary panel.

15. Level 2 - Union disciplinary panel

- 15.1. In the circumstance that the investigating officer decides a Union disciplinary panel is appropriate, either because a member has requested it or the matter in question is deemed to warrant an investigation, they will convene a disciplinary panel.
- 15.2. The panel will be drawn from a designated list of disciplinary panel members. The panel will comprise members of the Union's Board of Trustees, including at least one Officer Trustee one student trustee, and one external trustee who will act as Chair.
- 15.3. The designated Disciplinary Panel members will be reviewed annually by the Board of Trustees, or delegated authority.
- 15.4. No person who is part to or is a potential witness at a hearing before the panel shall be a member of the panel.
- 15.5. The Union Complaints Officer will be appointed clerk to the panel.
- 15.6. The member will be written to giving 10 college days' notice of the date, time and location of the hearing and be invited to submit any further documentation they wish to be considered within 5 college days.
- 15.7. The responding party may be accompanied for moral support by either a full member of the Union, an advisor from the Union or a current member of staff at the College. With agreement from the Chair of the Panel, this individual may speak on behalf of the student. Students may not be accompanied by a solicitor or barrister acting in a professional capacity. In addition, the member may be accompanied by a support, eg a sign language communicator, note taker or interpreter.
- 15.8. If the responding party is expected at the disciplinary hearing and fails to attend without good cause, the panel will normally continue with the hearing (providing it is satisfied that the member has been properly informed about the arrangements). If the hearing continues, anyone whom the member has chosen to accompany them shall remain for the hearing.
- 15.9. The proceedings of the panel meeting shall be determined by the Chair, but generally include: a levelling of the charge by the investigating officer, an opening statement by the responding party, questions from the panel to anyone present, and an opportunity for the responding party to provide a closing statement.
- 15.10. Once the meeting has adjourned, which shall happen at the discretion of the Chair, all parties apart from the panel members and clerk shall leave at which point the panel shall consider the evidence and reach a decision. The decision shall be to either fully or partially uphold the allegations, or to reject them. The panel may not find there have been other breaches of the code of conduct apart from those that have been alleged and presented by the investigating officer. The panel shall also determine which, if any, penalties are appropriate.

15.11. Following the panel decision, the responding party shall normally be informed of this decision within 5 college days by the Complaints Officer. This correspondence shall include the minutes of the meeting proceedings, the details of the panel decision, details of any penalties, and information about the appeals process.

15.12. The reporting party shall be informed of the completion of the investigation and whether complaints were upheld. They shall not normally be informed of the details of any penalties applied against the responding party unless it is directly necessary for them to know.

16. Level 3 - Referral to the University

16.1. The investigating officer shall refer the case to the College at any point if it is deemed that the nature of the action is relevant to the College or a serious enough allegation that requires College intervention.

16.2. In such cases, the investigating officer shall inform all parties of this decision, explain the reasoning behind it, and refer them to relevant support

17. Appeals

17.1. A student penalised under the Student Disciplinary Procedure may lodge an appeal only on the grounds of:

17.1.1. Procedural irregularity in the conduct of the Student Disciplinary procedure, or

17.1.2. The availability of new evidence which could not reasonably have been expected to be presented prior to the consideration of the allegation and the application of the penalty.

17.2. An appeal, including a statement of the grounds on which the appeal is being made, must be submitted by the student concerned to the Union in writing within 10 college days of the date on which the written notification of the decision is sent to the student. A request for an appeal received after this time will be considered only where the student has been able to demonstrate a valid reason for not being able to meet the deadline

17.3. An initial evaluation of the appeal will be made by the Union President, or nominee, within five college days to determine if there are valid grounds for the request for appeal to be considered. If there are no valid grounds, the student will be written to and advised that this is the case

17.4. Appeals against a Summary Procedure will be considered by one of the Union's designated panel members who has had no previous involvement in the case.

17.5. Appeals against Union Disciplinary Panel decisions shall be considered by an Appeals Panel. The Appeals Panel will be drawn from a designated list of appeal panel members. The panel will comprise members of the Union's Board of Trustees, including at least one Officer Trustee, one student trustee, and one external trustee who will act as Chair.

17.6. The designated Appeal Panel members will be reviewed annually by the Board of Trustees, or delegated authority.

- 17.7. The Appeal Panel members will be reviewed annually by the Governance Committee.
- 17.8. The Union Complaints Officer will be appointed clerk to the panel.
- 17.9. The Appeals Panel will not consider the case afresh but shall consider whether the initial hearing and outcome were fair against the stated grounds of the appeal.
- 17.10. The person(s) or Appeals Panel considering an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously applied, or, if new evidence that is material and substantial has been established through the appeal process, to refer the case back for consideration by a newly constituted Union Disciplinary Panel. The decision of the person(s) or Panel hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the Union.

18. Penalties

- 18.1. If the breach of discipline is admitted by the student or is found to be proved, one or more of the following penalties may be imposed.
- 18.2. In respect of Summary Action:
 - 18.2.1. A written reprimand and a warning about future behaviour;
 - 18.2.2. A requirement upon the student to give an undertaking as to their future good conduct within the Union and College;
 - 18.2.3. A requirement upon the student to provide a written apology
 - 18.2.4. A requirement upon the student to pay for any damage to property they may have caused or to recompense the Union and or College for any loss it may have suffered arising from the student's misconduct;
 - 18.2.5. A requirement on the student to undertake specified tasks or services for the benefit of the Union up to a maximum of forty hours
 - 18.2.6. A revocation of or reduction in financial authority
- 18.3. In respect of a Union Disciplinary Panel, any of the above and the following:
 - 18.3.1. a charge to meet the cost in whole or in part of any funds lost through mismanagement
 - 18.3.2. expulsion or suspension from any part of the Union or its facilities for a fixed period
 - 18.3.3. permanent expulsion from any part of the Union's premises
 - 18.3.4. expulsion or suspension from membership of a club or society
 - 18.3.5. attendance at appropriate training (whether Union or external)
 - 18.3.6. Revocation of membership of the Union
- 18.4. In cases of interpersonal violence, abuse, and sexual misconduct, that is deemed non-minor following an investigation, the following sanctions must be imposed: dismissal from all elected posts in the Union, permanent exclusion from holding elected roles, participating in all elections as a candidate, and volunteering positions that involve direct interaction with children (e.g. tutoring). These sanctions cannot be overturned by Union Council.