

**Imperial College Union  
Board of Trustees / 24 May 2023**

**Union Complaints & Disciplinary Bye-laws Review**

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Purpose: To approve the amended Bye-law H and Bye-law G

**1. Background Information & Context**

The College has recently finished its review of the Student Disciplinary Procedure. As such, it is now an opportune time to carry out a review of the Union’s complaints & disciplinary (C&D) procedures.

Currently, the C&D processes of the Union are governed by the [Bye-law H \(Discipline\)](#) and [Bye-law G \(complaints\)](#). Below are the definitions of the two processes:

**Discipline:** a process in which a member of the Union is investigated for an alleged misconduct, which can result in Union sanctions on the member or referral to College.

**Complaints:** a process through which a member can complain against an aspect of the Union, which can trigger a formal internal investigation that may result in recommendations for the Union.

This review will focus on the disciplinary procedure. However, this is also an opportunity to improve the complaints process, should there be any gaps spotted.

A green paper detailing the issues and recommendations went to Union Council on 9<sup>th</sup> May as part of the student consultation. All recommendations were well-received.

The non-operational recommendations are laid out in the section below.

**2. Issues and Recommendations**

**a. Bye-law H (Discipline)**

<b>Issue</b>	<b>Context</b>	<b>Recommendation(s)</b>
Inconsistent judgement and enforcement of cases and sanctions	There is currently no guidance on how to operationalise and enforce the Bye-law.	Produce a Union Disciplinary Procedure that will supplement the bye-law and act as guidance.
Limited available sanction	The sanctions available are inflexible and jumps in scale of severity.	Review the sanctions and ensure they are flexible and that there is no gap in their severities.
Community service as a sanction	One of the available sanctions in the summary sanction section is up to 40 hours of Union service. In the past the College has also asked the Union to carry out community service on their behalf.	Replace community service by restorative sanctions (e.g. educational course, recommendation to mental health services).
Suspensions are issued only by the Governance	The College regularly asks the Union to immediately suspend the membership	The President can issue suspension, but it must be

and Membership Committee (GovCom)	of a student that has been suspended from College. Currently, this is done by asking the GovCom chair to carry out 'chair's action'.	immediately reported to the GovCom chair who has the power to overturn the decision.
Removal from elected roles or exclusion from standing in elections	Currently, this can only be issued in the case of interpersonal violence, abuse, or sexual misconduct.	These sanctions should be available for all cases as appropriate.
Referral to a non-existent form	Clause 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."	In the Bye-law itself, there should only be a stipulation that the Union must provide a mechanism to raise complaints. The actual mechanism should be stated in the Procedure.
Referral to a non-existent Union Code of Conduct	Clause 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."	Rectify to refer to the College's students Code of Conduct/Ethics
No guidance for the Investigating Officer to judge the level of the complaint	Initial judgement of the case level relies on the Investigating Officer's moral compass. There is also no concrete definition of 'non-minor' offenses.	Create an example matrix as part of the Procedure document.
No standardisation of judgement and disciplinary sanctions	There is no guidance for the President or disciplinary panel on what sanctions may be appropriate for each case.	Create an example matrix as part of the procedure document.
Sole reliance on the President for the judgement and enforcement of disciplinary procedures	The President normally makes the initial judgment on all disciplinary cases and triggers any sanctions through notifying relevant people.	The President submits a termly report to the GovCom chair, summarising the disciplinary cases since the last report and any resulting actions. The Investigating/Complaints Officer of each case must also complete a pro forma document.
Intersection between Votes of No Confidence (VoNCs) and disciplinary allegations	In the past, VoNCs and allegations of disciplinary offenses have intersected and have been dealt with on an ad-hoc basis.	The Procedure should address the process that should be followed when VoNCs and disciplinary allegations intersect.
Removal from role on the basis of non-commitment	Unclear whether non-commitment to an elected role constitutes a disciplinary case.	The example matrix should address whether non-commitment to an elected role constitutes a disciplinary case.

No stipulation regarding online activities	For example, when a member has been suspended from a club or society, it is unclear whether that includes the club or society's online presence (e.g. group chats).	The Procedure or sanctions should address members' online activities. The CSP suspension process should also be reviewed surrounding this topic.
Initiation of investigations	Currently, the Union only initiate a disciplinary investigation if a member comes forward with a complaint.	Union can initiate an investigation on the grounds of reasonable suspicion.
Only members can raise a complaint	If a member commits an offense against a non-member (staff, public), it is difficult for the Union to trigger a disciplinary investigation.	Anyone can raise a disciplinary complaint against a Union member.
Union pausing investigation due to College investigation	The Union must pause investigations on a case if the College begins to investigate that case.	Indicate in the Procedure that a single case can be split into an internal case and also a referral to College. Add guidance on this in the example matrix.
No stipulation regarding Union Awards	In the new College disciplinary procedure, an awarding panel will be made aware if a student being considered has committed a disciplinary offense which was upheld.	Add ineligibility for Union Awards (for a fixed period of time or indefinitely), and the Union Awards panel being made aware of the upheld disciplinary outcome, as possible sanctions.

### b. Bye-law G (Complaints)

Issue	Context	Recommendation(s)
Referral to a non-existent form	Clause 2: "The Union shall provide a complaints form on the official Union website to raise complaints against the Union."	In the Bye-law itself, there should only be a stipulation that the Union must provide a mechanism to raise complaints. The actual mechanism should be stated in the Procedure.

### c. Others

Issue	Context	Recommendation(s)
Training for the President and disciplinary panel members	Currently there is no training (e.g. how to decide appropriate sanctions, unconscious bias) for the President or disciplinary panel members	Implement a training session on at the start of the year for all disciplinary panel members designated by GovCom.

### **3. Union Disciplinary Procedure**

The Union Disciplinary Procedure should be owned by the Management Committee. It will be drafted with the following purposes:

- Specify the mechanism through which members can raise a complaint
- Detail the process for Summary Procedures
- Detail the process for Union Disciplinary Panel
- Detail the process for Appeals Panel
- Include an example matrix which guides the Investigating Officer in their initial judgement
- Specify the information that should be provided to the various parties and their timing
- Include an example matrix which guides the Investigating Officer/Union Disciplinary Panel in their decision on the appropriate penalties
- Clarify the intersections between the Venue, CSP, and membership disciplinary processes
- Specify the record-keeping procedures
- Include or refer to separate documents for the operationalisation of penalties

# Imperial College Union

## Bye-Law H Discipline

Further proposed changes/updates as tracked changes

Last Approved September 2021

## H. Discipline

0. This Bye-law shall apply to all Members and Associate Members except:
  - 0.1. Trustees of the Union, acting in their capacity as a Trustee, shall be dealt with in accordance to bye-law B (Trustees). Complaints should be directed to the Chair of the Board of Trustees, or the President in the case of a complaint against the Chair of the Board of Trustees.
  - 0.2. Members of 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.
  - 0.3. Permanent Union staff shall 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 Chair of the Board of Trustees are responsible to the Board of Trustees for the discipline of the Managing Director.
1. Outside of the electoral process, the Union may only discipline individual Members and Associate Members within the provisions of this Bye-law.
2. The Disciplinary Procedure does not provide for disciplinary action against Clubs, Societies & Projects. Disciplinary procedures related to Clubs, Societies & Projects are detailed in the Clubs, Societies and Projects Strike Policy.
3. For matters related to the Union's licensed premises:
  - 3.1. The Designated Premises Supervisor (DPS) for the Union's licensed premises, or their appointed nominee, has the right to take whatever reasonable action necessary to uphold the Union's license within the premises. This includes the right to warn or ban – temporarily or permanently – anyone from the Union's licensed premises.
  - 3.2. The process laid out in the ICU Licensing Disciplinary Investigation Process should be followed.
  - 3.3. 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.
  - 3.4. Members receiving summary punishment from the DPS may also be subject to disciplinary action within this Bye-law if there is a suspected breach of the College's Student 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.
4. For disciplinary matters regarding severe misconduct, for example assault or sexual misconduct, or other matters that may be investigated by the police, the Union may instead refer the matter directly to the College Registry.
5. The Union shall provide a mechanism for Members, Associate Members, or non-Members to raise allegations of misconduct against Members or Associate Members. Anyone who

uses this form to raise a complaint shall be referred to as the 'reporting party', and those they have raised a complaint against shall be referred to as the 'responding party'.

6. A case for disciplinary action shall exist if there is an allegation, or the Union has reasonable suspicion, that a Member or Associate Member is alleged to have breached the College's Code of Conduct .
7. Cases will be dealt with by a Union nominee, hereby referred to as the 'Investigating Officer', who shall normally be a member of the Union's Governance and Membership Committee.
8. The Investigating Officer shall make an initial judgement, referring to guidance in the Union Disciplinary Procedure, to proceed as either:
  - 8.1. No action needed
  - 8.2. Level 1 – Summary Procedure
  - 8.3. Level 2 – Union Disciplinary Panel
  - 8.4. Level 3 – Referral to the College
9. 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.
10. In cases where a disciplinary matter is being investigated by the Police, the Union shall defer to the College's disciplinary procedures and inform them of such an investigation.
11. In cases of serious misconduct where there is a safeguarding concern, cases with police involvement, or at the request of the College, the Union President or the Union Governance and Membership Committee can suspend Member(s) concerned from all Union activities and spaces pending the conclusion of investigations. In the case that the Union President issued the suspension, the Chair of the Governance and Membership Committee must be made aware of the suspension and has the power to overturn the decision.
12. The Investigating Officer shall inform the reporting party of any safeguarding measures that are directly necessary for them to know, within the bounds of confidentiality. This should be done as soon as possible after a decision to take a safeguarding measure is made, usually before the responding party is informed where possible and appropriate.
13. The President shall submit a termly report to the Chair of the Governance and Membership Committee, summarising the disciplinary cases since the last report and any resulting actions.

### **Level 1 - Summary Procedure**

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. This shall be done in accordance with the relevant process laid out in the Union Disciplinary Procedure.

14. Where a Member or Associate Member has been disciplined under the Summary Procedures on a previous occasion, the Investigating Officer may decide that any further allegations of misconduct will be considered by a Union Disciplinary Panel.

### **Level 2 - Union Disciplinary Panel**

15. In the circumstance that the Investigating Officer decides a Union Disciplinary Panel is appropriate, they will convene a disciplinary panel and the relevant process laid out in the Union Disciplinary Procedure shall be followed.

### **Level 3 - Referral to the University**

16. 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.

17. In such cases, the Investigating Officer shall inform the reporting party of this decision, explain the reasoning behind the referral, and signpost them to relevant support.

### **Appeals**

18. A Member or Associate Member penalised under the Union Disciplinary Procedure may lodge an appeal only on the grounds of:

18.1. Procedural irregularity in any part of the disciplinary process, or

18.2. 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.

19. An appeal, including a statement of the grounds on which the appeal is being made, must normally be submitted by the individual 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 responding party. A request for an appeal received after this time will be considered only where there is a demonstrable valid reason.

20. An initial evaluation of the appeal will be made by the Union President, or nominee, normally within 5 College days to determine if there are valid grounds for the appeal to be considered. If there are no valid grounds, the responding party will be written to and advised that this is the case.

21. 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.

22. Appeals against Union Disciplinary Panel decisions shall be considered by an Appeals Panel. in accordance with the Union Disciplinary Procedure.

23. 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.

24. The 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 panel hearing the appeal shall be final and there shall be no further opportunity for appeal against



that decision within the Union.

## **Penalties**

25. If the breach of discipline is admitted by the responding party or is found to be proved, on the balance of probabilities, one or more of the following penalties may be imposed.

26. In respect of Summary Procedure:

26.1. The Investigating Officer may impose the following penalties:

26.1.1. A written reprimand and a warning about future behaviour;

26.1.2. A requirement to give an undertaking as to their future good conduct within the Union;

26.1.3. A requirement to provide a written apology;

26.1.4. A requirement to pay for any damage to property they may have caused or to recompense the Union for any loss it may have suffered arising from the Member's misconduct, up to £500;

26.1.5. A revocation of or reduction in financial responsibility.

26.2. The Investigating Officer may impose the following penalties after consultation with the Governance and Membership Committee:

26.2.1. Attendance at appropriate training (whether Union or external);

26.2.2. Dismissal from some or all elected posts in the Union;

26.2.3. Suspension from any part of the Union or its facilities, including any online activities, for up to three months;

26.2.4. Suspension from membership of a Club, Society, or Project for up to three months;

26.2.5. Expulsion or suspension of the eligibility to be considered for any Union Awards;

26.3. Any restorative sanctions appropriate to the case.

27. In respect of a Union Disciplinary Panel, any of the above and the following:

27.1. A charge to meet the cost in whole or in part of any funds lost through damage or mismanagement;

27.2. Expulsion or suspension from any part of the Union or its facilities, including any online activities;

27.3. Expulsion from or suspension of membership of a Club, Society, or Project;

27.4. Revocation of membership of the Union.

28. In cases of interpersonal violence, abuse, or sexual misconduct, the following sanctions must be imposed and may be overturned only in the case of a successful appeal:

- 28.1. Dismissal from all elected posts in the Union;
- 28.2. Permanent exclusion from holding elected roles;
- 28.3. Permanent exclusion from participating in all elections as a candidate;
- 28.4. Permanent exclusion from positions that involve direct interaction with children (e.g. tutoring).

# Imperial College Union

## Bye-Law G Complaints

Last Approved September 2021  
TRACKED CHANGES HERE ARE PROPOSED FURTHER UPDATES

## G. Complaints

1. This ~~Bye-law~~ exists to provide a clear and transparent set of procedures for the Union's ~~dealings-of~~method of resolving complaints made to the Union regarding the Union.
2. The Union shall provide a ~~complaints form on the official Union website~~mechanism 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:
  - 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 bye-law~~Bye-Law H - Discipline.
5. There are three stages in the Union complaints procedure:
  - 5.1. Stage one – Local Resolution
  - 5.2. Stage two – Formal Stage
  - 5.3. Stage three – Appeal

### Stage One – Local Resolution

6. A complaint should be resolved in stage one where the nature of the complaint is minor and/or pertains to a specific area of the Union. Such complaints are informal but should be logged on the Union's complaints system for reporting purposes.
7. 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.
8. Complaints at the local level should normally be provided with a response within 10 ~~C~~college days to report how the issue has been considered ~~or~~and to advise the member of how it will be resolved.
9. Where the local resolution stage has been completed and a member remains dissatisfied with the outcome, they can escalate their complaint to Stage 2.

### Stage Two – Formal Stage

10. If the complaint has not been resolved to the satisfaction of the complainant through the local stage, ~~or~~or the complaint is of a serious enough nature, or if an individual wishes to raise a substantial complaint, a formal complaint should be submitted ~~through the official complaints form~~within 10 Ccollege days following the outcome from stage one (if the issue was originally considered in stage one).
11. The individual will be required to provide details of the nature of their complaint ~~on the formal complaint form~~, along with supporting documentary evidence. The complainant should also specify their desired outcome from this procedure.

12. 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.
13. 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 complainant 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 Union Complaints procedure, the complainant will be informed accordingly.
14. The Union will respond to the complainant within 10 College days of receipt of the formal complaint.
15. Complaints received after the deadline will normally be rejected and the complainant advised accordingly. However, the Union may choose to investigate a complaint submitted after the deadline where the complainant is able to demonstrate valid reasons for being unable to submit the complaint within the appropriate timeframes.
16. The Union Governance and Membership Committee will annually appoint complaint handlers, one (or more) of whom will be specified as the responsible authority to deal with ~~the complaint~~complaints, depending on ~~its~~their 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.
17. If the complaint is regarding the Managing Director, the Chair of the Board of Trustees will nominate a responsible authority for dealing with the complaint.
18. The responsible authority considering the complaint may conduct an investigation themselves or appoint another member of staff to investigate the complaint.
19. The responsible authority or their nominee will conduct a review of the supporting evidence provided by the complainant and may talk to the key people involved and collate additional items of evidence.
20. 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.

### **Stage Three – Appeal**

21. If the complainant 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.
22. The appeal can be made on the following grounds:
  - 22.1. That there is new material supporting evidence which, for valid reasons, the complainant was unable to provide during the formal stage of the complaint;
  - 22.2. That there has been material procedural irregularity in the conduct of the complaints procedure;
  - 22.3. That the outcome of the formal stage was unreasonable.
23. The complainant 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 appeal review.

24. The Managing Director (or nominee) will evaluate the request for ~~the review~~appeal to ensure that it falls within the grounds for review~~appeal~~ set out in this procedure and inform the complainant of this review within 5 College days of receipt of the appeal.
25. If the decision is to proceed with the review~~appeal~~, the Managing Director (or nominee) will establish a Panel to meet the complainant, any individuals named in the complaint, and the responsible authority before concluding the review of the complaint.
26. 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~~staff member from the Senior Management Team. The Complaints Appeal Panel composition will be decided by the Chair of the Governance and Membership Committee ~~Chair~~.
27. No member of the Complaints Appeal Panel can have been involved in any previous stages of the complaint.
- ~~28.~~ A record of the proceeding of the Complaints Appeal Panel should be kept ~~of any such meetings~~.
- ~~28-29.~~ -A complainant may be accompanied for moral support by either; a full member of the Union, or a current member of staff at the College. Complainants may not normally be accompanied by a solicitor or barrister acting in a professional capacity. In addition, the member may be accompanied by a support person, ~~(e.g. including, but not limited to;~~ a sign language communicator, note taker or interpreter.)
- ~~29-30.~~ The Managing Director (or nominee) will normally provide a final written response to the complainant 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.