

# Students' Union Complaints Procedure – Student Leaders & Student Groups

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### 1. Document Overview

#### 1.1 Purpose

- 1.1.1 This Students' Union Complaints Procedure outlines the steps and possible sanctions in place should a student leader or Society and/or Sports club members displays inappropriate behaviour.
- 1.1.2 This process is not applicable to Part Time Officers or Executive Officers. For complaints against these roles, an email must be submitted to [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk) and will be dealt through the democratic, governance or employment process as appropriate.
- 1.1.1 This document makes reference to the University of Leicester's [Senate Regulations](#).

#### 1.2 Scope

- 1.2.1 The Students' Union Complaints Process can be applied when a student leader or Society and/or Sports Club member displays inappropriate behaviour and/or acts outside the conduct of their role within an affiliated Students' Union activity or setting.
- 1.2.2 The Code of Conduct & Matrix can be applied to behaviour ranging from minor harm to the point of [breaching University of Leicester Senate Regulation 11](#). Where the latter is reached, the complaint/disclosure is beyond the scope of this document and the

reporting student will be informed that the disclosure will be escalated to the [University of Leicester's Conduct Office](#) and/or appropriate external authority for further action.

### **1.3 Risk Management**

1.3.1 Throughout this process, a risk assessment will be completed and reviewed regularly by the appointed caseworker to safeguard all affected parties.

### **1.4 Review**

1.4.1 This Complaints and Disciplinary process will be reviewed annually to ensure that it best represents the student community. This process will be as follows:

1.4.1.1 Stage 1) Review held with staff with oversight for the code

1.4.1.2 Stage 2) Review held with incoming Students' Union Executive Officers

1.4.1.3 Stage 3) Changes carried through and revised process formally adopted by the Students' Union

### **1.5 Length of Process Disclaimer**

1.5.1 The Students' Union will endeavour to work within the time-frames outlined.

1.5.2 When the process takes longer than outlined due to unavoidable circumstances, the reporting and reported students will be notified of the nature of the delay in writing.

### **1.6 Conflicts of Interest**

1.6.1 The Students' Union Complaints and Disciplinary Process should be fair to all involved.

1.6.2 All parties involved with the process (including but not limited to the Caseworker, Panel and Appeals Panel members) must confirm that there is no conflict of interest between them, the reporting student and the reported student.

## **2. Disclosure and Options Conversation**

## 2.1 Process

- 2.1.1 All formal complaints/disclosures must be submitted in writing via [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk). This will be acknowledged by the Students' Union within 2 working days.
- 2.1.2 A caseworker will be appointed who will be responsible for all communications to the reporting student(s), reported student(s), and witness(es).
  - 2.1.2.1 The caseworker must be a full-time member of Students' Union staff and must not be a member of the Conduct Panel.
- 2.1.3 The caseworker will invite the student to a meeting to outline the options available and the steps that could be taken for each of them. This conversation should openly assess all options available and the student must be empowered to make their own decision.
  - 2.1.3.1 If the caseworker assesses that there is an immediate risk of harm, the Students' Union will refer the case to the University of Leicester's concerned team and if required assemble the Students' Union safeguarding panel to take a temporary safeguarding action. (see 3. Safeguarding)
  - 2.1.3.2 If there is no immediate risk of harm, the options presented should include:
    - 2.1.3.3 Do nothing.
    - 2.1.3.4 Request the Students' Union to note the disclosure without further action.
    - 2.1.3.5 Attempt to resolve the issue directly with reported student.
    - 2.1.3.6 Attempt to have facilitated discussion with the reported student.
    - 2.1.3.7 Follow Students' Union's Complaints Procedure (see 4. Students' Union Complaints Procedure).
    - 2.1.3.8 Follow University's Complaints Procedure – requires starting with [Report and Support](#).
    - 2.1.3.9 Report to Police or appropriate authority.
- 2.1.4 Following this conversation, the reporting student must submit in writing how they wish to progress their disclosure or complaint to either their caseworker or [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk).
  - 2.1.4.1 Where deemed necessary for safeguarding purposes and authorised by the reporting student, the caseworker can summarise the complaint and submit to the reporting student to ensure accuracy
- 2.1.5 The rest of this document should be followed if the reporting student chooses to 'Follow Students' Union's Complaints Procedure'.

### 3. Safeguarding

#### **3.1 Safeguarding Panel**

- 3.1.1 The Students' Union has a duty to prioritise the safety of its members and to safeguard students. At any point during the complaints process, a safeguarding panel can be created to assess all available information where it has been assessed that there is an immediate or potential risk of harm.
- 3.1.2 The safeguarding panel will consist of:
  - 3.1.2.1 One member of the Students' Union's Executive Officer Trustee Team
  - 3.1.2.2 One relevant manager or deputy manager from the Students' Union
- 3.1.3 Members of the safeguarding panel cannot also be a Caseworker or part of the main panel in this case
- 3.1.4 Any decision made by the safeguarding Panel must be communicated to the reported student and reporting student within 2 working days.

#### **3.2 Temporary Exclusions**

- 3.2.1 The safeguarding panel may temporarily exclude students from:
  - 3.2.1.1 Memberships of societies and/or sports clubs
  - 3.2.1.2 Holding any leadership positions within the Students' Union and affiliated societies and/or sports clubs
    - 3.1.2.1 Attending events organised by affiliated societies and/or sports clubs, Students Union and partners.
- 3.2.2 The decision to exclude a student is not deemed to be a judgement on the part of Students' Union on the innocence or guilt of anyone involved in the process.
- 3.2.3 This safeguarding panel will make this decision under the following circumstances:
  - 3.2.3.1 If the reported student has gone through a university process, with enough evidence presented to the union as a result of this to highlight safeguarding-based cause for concern decision.
  - 3.2.3.2 The Students' Union can also temporarily exclude students from memberships and/or leadership positions within the Students' Union and affiliated student group, pending the outcome of any disciplinary case between students which is ongoing.

### **3.3 Temporary Exclusions Appeals**

- 3.3.1 Students may submit an appeal within ten working days of receiving the outcome to the Students' Union's Chief Executive Officer on the following reasons:
  - 3.3.1.1 Incorrect process being followed by Safeguarding Panel.
  - 3.3.1.2 Additional evidence being raised, provided reasonable explanation for delayed submission.
    - 3.3.1.2.1 Evidence may not be accepted if a reasonable explanation for delay isn't provided or the evidence doesn't present any new information.
  
- 3.3.2 The Students' Union will assemble an appeal panel consisting of the following individuals who were not involved in the original safeguarding panel.
  - 3.3.2.1 Member of the Senior Management Team (or Management if SMT are not available).
  - 3.3.2.2 Member of the Students' Union's Executive Officer Team not involved in the original safeguarding panel decision
  
- 3.3.3 The appeal panel will meet within five working days of receiving the appeal and reach one of the following outcomes:
  - 3.3.3.1 Process has been followed, and the decision of the original panel stands.
  - 3.3.3.2 The new evidence is not accepted, and the decision of the original panel stands.
  - 3.3.3.3 Process hasn't been followed, and the case must be sent back to the original panel to be reconsidered in its entirety.
  - 3.3.3.4 The new evidence is accepted, and the case must be sent back to the original panel to be reconsidered in its entirety.

## 4. Students' Union Complaints Procedure

### 4.1 Investigation and Evidence Gathering

- 4.1.1 The reporting student and reported student will be contacted in writing to provide their version of events and name(s) of any witnesses or provide any additional information from the original complaint.
- 4.1.2 All students will be provided with information on relevant support services.
- 4.1.3 The caseworker will make all parties aware that all information provided will be shared with the Panel, reporting student and reported student.
  - 4.1.3.1 Information will not be anonymous unless under exceptional safeguarding circumstances.
- 4.1.4 There should be reasonable attempts to obtain all relevant evidence suggested by reporting and reported parties, and any other leads of enquiry the Students' Union deem appropriate.
- 4.1.5 Following the investigation stage, the reported and reporting parties will be provided with all evidence gained and have an additional opportunity to provide new evidence.
- 4.1.6 The caseworker will ensure that names are removed, where not deemed necessary, from all evidence.

### 4.2 Disciplinary Panel Overview

- 4.2.1 Once the relevant statements and evidence has been compiled the Students' Union will form a Disciplinary Panel. The panel will be responsible for:
  - 4.2.1.1 Assessing all given statements and evidence provided by reporting, reported and witnesses
  - 4.2.1.2 Reaching a decision on the balance of probability of the complaint and whether the complaint is upheld
  - 4.2.1.3 Communicating the recommended sanctions to the caseworker in line with the guidance (See 6. Disciplinary Panel Guidance)

### 4.3 Disciplinary Panel

- 4.3.1 The members of the panel will be communicated to the reporting student and reported student.
- 4.3.2 The panel will consist of the following individuals;
  - 4.3.2.1 Staff member from Students' Union or relevant member of University Staff
  - 4.3.2.2 A Students' Union Manager or Deputy Manager

- 4.3.2.3 Relevant Executive Officer\*
- 4.3.3 Should the relevant Executive Officer be unavailable, student representation will be chosen in this order:
  - 4.3.3.1 Alternative Executive Officers
  - 4.3.3.2 Part Time Officers
  - 4.3.3.3 Member of Union Council
- 4.3.4 The Students' Union champions diversity. To ensure our panels reflect this, all panels within the process (where possible) must strive to meet the following criteria:
  - 4.3.4.1 At least one female
  - 4.3.4.2 At least one male
  - 4.3.4.3 At least one person self-identifying as part of the BAME community
  - 4.3.4.4 At least one person self-identifying as part of LGBTQ community

#### **4.4 Panel Meeting Process**

- 4.4.1 The first meeting of the Panel should take place within ten working days of receiving the reporting student's account.
  - 4.4.1.1 All delays will be communicated in line with guidance in 1.5
- 4.4.2 Following the meeting, the panel will decide whether to:
  - 4.4.2.1 Request additional information and reconvene.
  - 4.4.2.2 Meeting with the reporting, reported student or witnesses, as the panel deems appropriate.
  - 4.4.2.3 Reach a sanction (if applicable)
- 4.4.3 The Panel is expected to make a decision within fifteen working days from the first panel meeting subject to receiving all required information relating to the case.
  - 4.4.3.1 All delays will be communicated in line with guidance in 1.5
- 4.4.4 The decision of the panel including all sanctions imposed will be communicated to the reported student by the case worker via email. The decision will also be communicated by the caseworker, via email, to the reporting student.
- 4.4.5 Both the reported and reporting student will have a maximum of 10 working days to submit an appeal against the process.

## 5. Appeals

### 5.1 Grounds for Appeal

- 5.1.1 Students may submit an appeal within ten days of receiving the outcome to the Students' Union's Chief Executive Officer on the following reasons:
  - 5.1.1.1 Incorrect process being followed by Safeguarding Panel
  - 5.1.1.2 Additional evidence being raised, provided reasonable explanation for delayed submission.
- 5.1.2 The Students' Union will assemble an appeal panel consisting of the following individuals who were not involved in the original panel
  - 5.1.2.1 Member of the Senior Management Team (or Management if SMT are not available)
  - 5.1.2.2 Member of the Students' Union's Executive Officer Team
- 5.1.3 The appeal panel will meet within five working days of receiving the appeal and reach one of the following outcomes:
  - 5.1.3.1 Process has been followed, and the decision of the original panel stands.
  - 5.1.3.2 The new evidence is not accepted, and the decision of the original panel stands.
  - 5.1.3.3 Process hasn't been followed or new evidence is accepted, and the case must either be sent back to the original panel to be reconsidered in its entirety or that appeals panel will consider the case as it deems appropriate.
- 5.1.4 The appeal panel has the power to overturn decision made by the original Panel. The decision of the appeal panel is final and is not open to further appeals



## 6. Conduct Matrix Guidance

Severity of Breach		Likely Severity of Harm (injury to person and/or damage to reputation)			
		(1)	(2)	(3)	(4)
	Minor breach (1)	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
	Moderate breach (2)	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>
Major breach (3)	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>	

Harmful (1)	<ul style="list-style-type: none"> <li>• Minor or no harm caused to another individual(s).</li> <li>• No or low potential for reputational damage for either/both the Students' Union and University.</li> <li>• Consented humiliation of another individual(s).</li> <li>• Minor or little effect on other individual(s)'s wellbeing.</li> </ul>
Harmful (2)	<ul style="list-style-type: none"> <li>• Injury to another individual(s), possibly sought medical attention.</li> <li>• Potential or actual local level reputational damage to either/or the Students' Union and University.</li> <li>• Minor abuse of power as a student leader.</li> <li>• Non-consented humiliation of another individual(s).</li> <li>• Moderate impact on another individual(s)'s wellbeing.</li> </ul>

Harmful (3)	<ul style="list-style-type: none"> <li>• Injury to another individual(s), resulting in hospitalisation or deferral to a doctor.</li> <li>• Potential or actual regional level reputational damage to either/or the Students' Union and University.</li> <li>• Non-consented humiliation of another individual(s).</li> <li>• Abuse of power as a Student Leader.</li> <li>• Large impact on another individual(s)'s wellbeing. – Possibly sought professional help.</li> </ul>
Harmful (4)	<ul style="list-style-type: none"> <li>• Major injury</li> <li>• National level reputational damage to the Students' Union/University.</li> <li>• Extreme abuse of power as a student leader.</li> <li>• Extreme effect on another individual(s)'s mental health medical attention required.</li> </ul>
Minor Breach (1)	One to three minor breaches of this matrix code
Moderate breach (2)	Two or more breaches of this matrix code or outcome assessed to be at harmful level 2
Major Breach	Three or more breaches of this matrix code and/or outcome is judged at harmful levels 3 or 4.

## 7. Possible Sanctions

**7.1** The panel may select any of the below sanctions if deemed appropriate.

<b>1-2</b>	Warning.
	Letter of apology to be written if another student was involved.
	Training
<b>3 - 4</b>	Meeting with Students' Union lead to discuss the behaviour.
	Possible ban from celebration events
	Possible suspension (1-8 academic weeks) from role as Student Leader within the Students' Union.
<b>6 - 9</b>	Possible temporary ban on group membership
	Ban from celebration events
	Suspension (8-16 academic weeks) from role as Student Leader within the Students' Union.
	Removal from position at the Students' Union
<b>12</b>	Ban from celebration events
	Removal from position at the Students' Union.
	Ban on group membership
	Not able to be a Student Leader within the Students' Union in any form in future (elected or non-elected).
	Referral the University disciplinary process.

## 8. Definitions

### 8.1 Abuse of Power

- 8.1.1 Using position of power to exclude a member from social or competitive facets. If the person in power cannot prove that their decision is applicable through their code of conduct based on the opposing person's actions that can be deemed as unfair.
- 8.1.2 Unfairly treating a member in such a way and getting other committee members to agree can be seen as unfair treatment.
- 8.1.3 Using one's power to status to unfairly influence coaches or other members of staff to punish a member
- 8.1.4 Every resulting action undertaken by those in power is required to have proof of the infraction and appropriately come to a decision about their punishment, based on the

code of conduct of their club, the SU, Sports & Active Life or the University. Incidents that are not dealt with objectively, based on proof and are influenced by personal bias can be considered abuse of power

## **8.2 Wellbeing**

- 8.2.1 If a student feels forced to change from their normal day to day activities that could be deemed as proof that their wellbeing is affected. Not being able to go to socials to the same extent as before, feeling alienated from their friends, feeling bullied or harassed, although may not constitute conclusive evidence, should be considered contributory factors in the investigation.