

Member to Members' Complaints Procedure

1. Purpose:

This procedure aims to address serious misconduct cases that have not been resolved through frontline means. In cases that do not allege serious misconduct, all complaints should attempt to be resolved through frontline resolution. It applies to student members, registered students who choose not to be members, and life or honorary members. The goal is to ensure a fair process and provide support, including well-being and mental health services.

2. Scope:

This procedure applies to alleged misconduct, of a serious nature by any:

- Student member,
- Any registered student who has exercised the right not to be a member,
- Life or Honorary member.

Please note that any complaints regarding elections fall under a separate policy.

It is The Union's intention to have a full and fair procedure for all and throughout will refer to support services for well-being and mental health support as required.

This procedure is applicable in cases involving misconduct within the following contexts:

- Union venues
- Union activities, such as clubs, societies, and affiliated groups/forums

3. Responsibilities:

The responsible persons frequently mentioned in the procedure are as follows:

- Complaints Facilitator: Responsible for overseeing the procedure.
- Students: Responsible for filing complaints and participating in the process.
- Investigation Panel: Responsible for examining complaints and making decisions.

4. Materials/Resources Needed:

The resources that will be needed within the scope of this procedure are as follows:

- Access to a complaints submission system or email.
- Support services including Student Advice & Support Office, Student Union Advice, Counselling Service, Chaplaincy, and the Student Helpline. You can find the details below.

5. Support:

AUSA appreciates this may be a distressing time for any individuals involved. Use of the below services is advised for any individual going through this process. Arrangements are available in a confidential and safe setting with:

- [Student Advice & Support Office](mailto:student.support@abdn.ac.uk) – student.support@abdn.ac.uk
- [Student Union Advice](mailto:ausaadvice@abdn.ac.uk) – ausaadvice@abdn.ac.uk
- [Counselling Service](mailto:Counselling@abdn.ac.uk) – Counselling@abdn.ac.uk
- [Chaplaincy](mailto:chaplaincy@abdn.ac.uk) – chaplaincy@abdn.ac.uk
- [Gender-Based Violence support](#)
- Student Helpline – FREE and open 24 hours
 - Student Helpline freephone number (UK) 0808 196 2707
 - Outside of UK 00353 1518 0277
 - Student Helpline WhatsApp - Text "Hi" to 00353 87 369 0010

6. Procedure Steps:

6.1. How to File a Complaint

If you believe your complaint should be addressed through this procedure, you can either use the provided online form click [here](#) or email: SUcomplaints@abdn.ac.uk

6.2. Behaviour Expectations

All members are subject to this procedure and the SU [Code of Conduct](#) when engaged in any Students' Union activity or on any Students' Union premises. Members are encouraged to familiarise themselves with the Members Code of Conduct and what the breaches may include e.g.

- Harm to others including threats, physical and/or mental harm. Physical, verbal, or other types of abuse, bullying, or harassment, either in person or online; including on the phone or on social media.
- Damage to property or Union reputation,
- Breach to Students' Union Code of Conduct,
- Possession, sale, or use of illegal drugs,
- Any criminal activity that is a Police matter.

6.3. Complaint Stages

This procedure consists of four stages:

- Initial Consideration: Complaint submission and review by the Complaints Facilitator.
- Investigation: Examination of the complaint by an investigation panel.
- Disciplinary Procedure: A formal process if necessary.
- Appeals: The option to appeal a decision with which you disagree.

6.3.1. Initial Consideration: On receipt of the complaints form for an alleged breach, the Complaints Facilitator will refer to the appropriate Head of Department for an initial review (see appendix 1):

Actions available to the Head of Department are:

- A. Dismiss the matter and close complaints form.
- B. Proceed to investigation.
- C. Consider temporary suspension.
- D. Refer to disciplinary panel.
- E. Refer to another organisation e.g. police or University of Aberdeen.

6.3.1.1. Temporary Suspension: Pending investigation, a member may be temporarily suspended from Union premises, services, activities, clubs, or society at this stage while the investigation takes place.

Reasons for temporary suspension may include:

- Safeguarding of both individual and others - where deemed necessary to protect all individuals involved.
- Alleged breach of the Union Code of Conduct
- Alleged breach of University Code of Practice (Non-Academic) Code of Practice on Student Discipline (Non-Academic)
- Investigation by a court of law.

6.3.2. Investigation: If stage 1 escalates to an investigation the process is as follows.

The Head of the Department will meet with the individual that the complaint relates to Within 5 working days during term time (unless otherwise agreed).

The Head of the Department will meet, or request a witness statement, with other relevant parties to the complaint within 5 working days during term time whenever possible (unless otherwise agreed). At all meetings, interviewees have the right to be accompanied by another member, student, Union staff member, friend, or family member. Any person accompanying must be notified to the Complaints Facilitator at least 24 hours in advance.

A minute taker for the SU may also be present at all meetings.

Once the initial investigations are completed, the Complaints Facilitator will provide an indication of the timescale when the investigation will be complete.

Notes of all meetings and witness statements will be held with the outcome being detailed. Documents will be retained, as required, for use at further stages in the procedure. All documentation will be destroyed after 7 years in line with GDPR Policy.

6.3.2.1. Investigation Outcome: Further to the investigation the Head of Department may:

- A. Dismiss the issue.
- B. Caution the individual, in writing, on future conduct
- C. Assist parties to agree on expected conduct.
- D. Recommends Mediation
- E. Exclude or suspend the individual from Students' Union premises, services, activities, Clubs/Societies
- F. Require compensation in the event of property/equipment damage.
- G. Refer the matter for a disciplinary meeting held by the Student Union.
- H. Refer the matter to the University or external organization.

The final investigation outcome will normally be made and provided in writing within 5 working days from the final investigation meeting. Including the right to appeal.

6.3.3. Disciplinary Panel: After reasonable investigation and if there is a potential case to answer, a disciplinary panel, as appointed by the Complaints Facilitator, will review the investigation within 15 working days (invite to be issued 10 working days prior and all relevant documentation 5 working days prior). A minute taker is to be present.

6.3.3.1. Panel Diversity:

AUSA's Panel Diversity policy prioritizes equal representation by applying gender and racial balance. This approach, in line with the organization's Diversity Statement, promotes an inclusive environment for richer discussions and more inclusive decisions by ensuring fair participation and diverse perspectives.

The disciplinary panel will consist of another member of the SMT team (Excluding the Chief Executive), an Elected Officer, and a Representative from the University of Aberdeen appointed by the Complaints Facilitator.

The individual should be advised in writing:

- The alleged misconduct or performance issue.
- Any appropriate evidence from the investigation (subject to GDPR).
- Any other information they plan to talk about.
- The date, time, and location of the hearing.
- Information on the individual's right to be accompanied to the hearing.
- The possible outcomes.

The meeting will follow a set format:

- State the alleged misconduct.
- Request a statement from the individual and if they wish to challenge the allegation.
- Review evidence including supporting documentation (provided 5 working days prior to meeting).
- Opportunity to question the individual/~~witnesses~~.
- Questions from the individual to the panel.
- Final statements.
- Break to review findings.

The outcome will be discussed (and later confirmed in writing):

Options available to the panel include:

- Caution includes different levels:
 1. **Verbal Caution:** Initially, individuals are issued a verbal warning, indicating concern about certain behaviors or actions. This serves as an informal notification, highlighting areas of improvement without formal documentation.
 2. **Written Warning:** In cases where the behavior persists or escalates, a written warning may be issued. This documented notice outlines specific issues, expectations, and potential consequences if the behavior continues.
 3. **Final Written Warning:** Should the behavior persist despite prior warnings, a final written warning becomes necessary. This formal notice emphasizes the

severity of the situation, delineating clear consequences if the behavior remains unchanged.

- Exclude the individual from Union premises, services, activities, Clubs/ Societies for an appropriate period as determined by the panel.
- Remove the right to stand as a candidate for all or any of the positions in Union Leadership and ordinary elections, by-elections, or NUS conference delegate elections.
- Refer the matter to the University.
- The individual must be advised of the right to appeal within 5 working days.

6.3.4. Appeals: An appeal must be submitted in writing through the complaints e-mail address SUcomplaints@abdn.ac.uk, within 10 working days, in the event of the following grounds for appeal:

- Procedure has not been followed correctly.
- Substantial new evidence is available.
- The reasons or outcome of the investigation/disciplinary meeting is considered too severe for the offense.

The grounds of the appeal must be stated to the Complaints Facilitator, with details of the new information, who will appoint a new individual to consider the appeal and will notify in writing.

Where agreement is made for an Appeal, a further panel will proceed:

The process will follow as per the disciplinary meeting e.g.

- Further investigation should be considered and conducted if required.
- The appellant has the right to be accompanied.
- All written statements and minutes will be provided in advance unless restricted due to Data Protection.
- Consider a different outcome if appropriate.

6.3.4.1. Appeals Outcome:

The panel may:

1. Uphold the appeal or in part.
2. Make recommendations for adjustments.
3. Consider the outcomes as per the investigation or disciplinary meeting.
4. Dismiss the appeal.

The outcome will be issued within 5 working days of the Appeal meeting. The decision is final.

7. Records

- All records are kept in accordance with the Students' Union Privacy Policy.

8. References

- Code of conduct

9. Revision History

- Version number 1 February 2024