

# **York St John Students' Union Complaints Procedure**

## **1. Introduction**

This Complaints Procedure is the formal procedure for dealing with disputes with the Students' Union, in particular complaints arising from disputes between a Full/Associate Member or Opted Out Student and elected officers, staff and/or the Students' Union itself.

The procedure allows any student, group of students or other member of York St John University ('the University') to make a formal complaint(s) against the Students' Union relating to their treatment by the Students' Union, or anyone acting on the Students' Union's behalf. The procedure shall also cover complaints made by individuals that feel they have been unfairly disadvantaged by reason of having exercised their right to opt out of membership of the Students' Union.

This Complaints Procedure shall be interpreted to comply with the terms of the Education Act (1994).

Where time limits for action are defined, they are to be considered as maximum limits; all complaints and appeals will be dealt with in confidence and as promptly as possible. Where there is good reason why a time limit cannot be met, the complainant(s) will be informed immediately if such a situation becomes apparent (this is more likely to occur during University non-teaching periods).

Efforts should be made in every case to resolve the complaint(s) informally with the individual(s) at the source of the grievance before this procedure is invoked.

## **2. Application**

This procedure shall apply in all instances except where the operational policies and procedures of the Students' Union, as approved by the relevant Students' Union Committee or the University's Board of Governors, allows for variation. If there is no operational policy or procedure, this section shall apply absolutely.

Members of staff located within the Students' Union but ultimately employed by the University will be subject to the complaints procedures of the University.

## **3. Making a Complaint**

Complaints may be made about:

- (a) The services and facilities provided by the Students' Union, or
- (b) Behaviour of an individual or group within the Students' Union, in so far as their behaviour or actions are related to poor or inadequate service.

### **3.1 Valid Complaints**

Complaints shall be considered valid if the complainant using the complaint form:

- (a) Provides details of their name, address and contact telephone number (if any).
- (b) Provides details of the event or occurrence, which gave rise to the complaint.
- (c) Raises the complaint within 28 days of the event or occurrence giving grounds for complaint.

(d) Indication is given of the outcomes expected as a result of the complaint.

### **3.2 Persons to whom Complaints shall be addressed**

Complaints shall be addressed to:

The President,  
York St John Students' Union, Lord Mayor's Walk, York YO31 7EX

If the complaint is against the President then it should be addressed to:

The Vice President Education and Welfare,  
York St John Students' Union, Lord Mayor's Walk, York YO31 7EX

The President will acknowledge receipt of the complaint in writing within 5 working days, or in the case of a complaint against the President, the Vice President Education and Welfare will acknowledge receipt of the complaint.

## **4. Investigation of Complaints**

All valid complaints shall be investigated and the results of that investigation communicated to the complainant within 10 working days of receipt of the Complaint Form by the President.

The President will investigate all complaints about the General Manager, elected officers and Students' Union committee members and committee functioning.

The President may delegate responsibility for the investigation into the complaint to either Vice President or the following where appropriate;

(a) The **General Manager** will normally be asked to investigate complaints about staff (including student staff), commercial and non-commercial services.

(b) The **Vice President Student Activities** will normally be asked to investigate complaints about a Club or Society, or an individual/group within that Club or Society.

(c) The **Vice President Education and Welfare** will normally be asked to investigate complaints about the President.

### **4.1 Guidelines for Investigations of Complaints**

(a) Investigations shall be conducted by the President or by that person chosen by the President (see above).

(b) No person involved in the investigation of any complaint shall have a direct or vested interest in the outcome of the same.

(c) All parties to the complaint shall be given an opportunity to submit written and oral statements and present appropriate evidence, including evidence of mitigating circumstances.

(d) All parties to the complaint may be assisted by a representative or friend, without charge or cost to the Students' Union.

(e) An employee (including student staff) may be suspended from work on full pay, normally for no more than 20 working days, if the Students' Union considers that the individual's continued presence at work will jeopardise the proceedings.

#### **4.2 Outcome of an Investigation**

The outcome of an investigation shall be determined immediately after all parties to the complaint have presented their case and any supporting evidence.

The person(s) conducting the investigation shall determine:

- (a) All findings of fact, and
- (b) Any mitigating circumstances, and
- (b) Any appropriate further action

The person(s) investigating will also report back to the complainant, detailing the outcome of the investigation.

#### **4.3 Justified Complaints against a Service or Facility**

In the event of a complaint which is upheld against a service or facility, the following procedure shall apply:

- (a) The person(s) conducting the investigation shall consider how to prevent any future instances of the event or occurrence, which gave rise to the complaint, and propose remedial action to the President.
- (b) The person investigating the complaint (if not the President) will inform the President immediately of the outcome of the investigation. The President will confirm in writing the outcome of the investigation to all parties to the complaint within 10 working days of receipt of the original complaint form.

#### **4.4 Justified Complaints against a Person or Group**

In the event of a complaint which is upheld against a person or group, the following procedure shall apply:

- (a) If the person(s) conducting the investigation consider that there has been a breach of the Constitution, Staff/Student Protocol, Equal Opportunities Policy or the University Code of Conduct then the Disciplinary Procedure will be invoked.
- (b) The complainant shall not have a right to demand that the Disciplinary Procedure is invoked, or that sanctions should be imposed.
- (c) The person investigating the complaint (if not the President) will inform the President (or the Vice President Education and Welfare in the case of a complaint against the President) immediately of the outcome of the investigation. The President (or the Vice President Education and Welfare in the case of a complaint against the President) will confirm in writing the outcome of the investigation to all parties to the complaint within 10 working days of the receipt of the original complaint form.

#### **4.5 Complaints which are not upheld**

Where complaints are not upheld, they shall be deemed unsubstantiated complaints and the following procedure shall apply:

(a) The person investigating the complaint (if not the President) will inform the President immediately of the outcome of the investigation. The President will confirm in writing the outcome of the investigation to all parties to the complaint within 10 working days of the receipt of the original complaint form.

(b) The complainant will be informed by the President of their right to appeal through the University procedures.

#### **4.6 Vexatious Complaints**

Anyone found to be making a vexatious complaint will have their Membership withdrawn and may be subject to the Disciplinary Procedures of the Students' Union.

**YORK ST JOHN STUDENTS' UNION  
COMPLAINTS FORM**

The York St John Students' Union Complaints Procedure is the formal procedure for dealing with disputes with the Students' Union, in particular complaints arising from disputes between a student/other member of the University and elected officers, staff and/or the Students' Union itself. The procedure allows any student, group of students or other member of York St John University to make a formal complaint(s) against the Students' Union relating to their treatment by the Students' Union, or anyone acting on the Students' Union's behalf. The procedure shall also cover complaints made by individuals that they feel they have been unfairly disadvantaged by reason of having exercised their right to opt out of membership of the Students' Union. This Complaints Procedure shall be interpreted to comply with the terms of the Education Act (1994). All complaints and appeals will be dealt with in confidence and as promptly as possible. Efforts should be made in every case to resolve the complaint(s) **informally** before this procedure is invoked.

**1. DETAILS OF COMPLAINANT**

**Name of complainant:**.....

**Date complaint made:** .....  
(This must be within 28 days of the event/occurrence giving rise to the complaint)

**Course/Year:**.....

**Term-time address:**.....  
.....

**Home address:**.....  
(if different)  
.....

**Telephone no:**..... **E-mail:**.....

**2. DETAILS OF THE COMPLAINT**

Please give details of time, place, venue, witnesses and other relevant details. You may attach another sheet of paper if there is insufficient on the back of this form.

**3. DESIRED OUTCOME OF THE COMPLAINT**

Please outline what your ideal outcome of the complaint would be, giving as much detail as possible

**Signature of Complainant:**..... **Date:**.....

Please send completed form to:  
The **President**, York St John Students' Union, Lord Mayor's Walk, York, YO31 7EX.  
If the complaint is against the President then it should be addressed to:  
The **Vice President Education and Welfare** c/o of the Students' Union address above.  
The President will acknowledge receipt of the complaint in writing normally within 5 working days.

**Office Use Only:**  
DATE RECEIVED:  
INVESTIGATOR:  
REFERENCE NUMBER:  
DATE CLOSED: