



## Complaints Policy for the University of Lincoln Students' Union (ULSU), Lincoln Students' Union Trading Ltd (LSUT) and Students' Union Management System Ltd (SUMS).

### POLICY

#### 1. Interpretation

- (a) Words and phrases used in this Complaints Policy have the same meaning as are given to them in the ULSU's Articles of Association (available at <http://lincolnsu.com/about-us/governance>) unless the context otherwise requires.
- (b) In this policy the following definitions apply:
  - (i) A 'clear day' does not include a Saturday, Sunday, Bank Holiday or Official University holiday (Concessionary Day).
  - (ii) 'complainant' means the person making a complaint. Where applicable the term is to be read as being in the plural.
  - (iii) 'complainee' means the Student Member or the ULSU itself (as the case may be) against whom a complaint is made. Where applicable the term is to be read as being in the plural.
  - (iv) 'members' are Student Members of the ULSU.

#### 2. Written Complaints against ULSU Group (ULSU, LSUT or SUMS)

- (a) The ULSU group aims to ensure that there is a fair and systematic approach in the enforcement of policy and procedure adopted by its officers, staff, contractors and constituent bodies. To further this aim, any registered student of the University of Lincoln or member of the public who believes they have been affected by the activities of the

University of Lincoln Students' Union or Lincoln Students' Union Trading (LSUT) (Engine Shed, Tower Bar or The Swan) or the Students Union Management System (SUMS) who wishes to complain about:

- (i) any matter related to the activities or operation of ULSU, LSUT or SUMS, or
- (ii) unfair disadvantage arising from non-membership of ULSU, other than for matters of a disciplinary nature;

may complain by forwarding a written complaint to the Chief Executive, save where the complaint is frivolous or vexatious in the opinion of the Chief Executive. If a complaint is considered as such, then the complaint will be logged, and the complainant informed of the reason, and their right to appeal as covered by Paragraph 6

- c) A formal complaint cannot be made about the outcome of a disciplinary process or the way in which a disciplinary process has been undertaken. The appeals process in the disciplinary procedure must be followed in this regard.
- d) Excluding any complaint that falls under paragraph 3,4 or 5, upon receipt of the complaint the Chief Executive will acknowledge receipt of the complaint within 5 working days. The Chief Executive will refer the complaint to a senior manager for investigation. Upon completion of the investigation the Senior Manager who led the investigation will write a written report in summary for submission to the Chief Executive. The investigation should take no longer than 28 days from the initial complaint being made. If the investigation exceeds this time the Chief Executive will write to the Complainant to inform them of the delay. If the Chief Executive is in agreement with the findings and proposed actions (which allows the Chief Executive to remedy the complaint with any means at their disposal), then the Chief Executive will either respond to the complainant or delegate the Senior manager to respond to resolve the complaint. The Complaint will be informed of

their right to appeal the decision by writing to the Deputy Chair of the Board of Trustees as detailed in Paragraph 3 (c).

3. **Written Complaints against a Member**

- (a) Upon receipt of a written complaint from any person against a member, the Chief Executive will decide whether the complaint could lead to student member disciplinary measures being taken. If this is the case he/she shall refer the complaint to the President, or his/her Deputy in matters where the President has a conflict of interest. The Student disciplinary procedure will then deal with the matter as detailed in the Disciplinary procedures for member(s), Committees, Societies and sports clubs. (available at <http://lincolnsu.com/about-us/governance>). If, subject to paragraph 3(b), the Chief Executive does not believe that the complaint will result in disciplinary action then the complaint will be logged and no action taken. The complainant will be informed of the reasoning for no action being taken and their right to Appeal under paragraph 6.
- (b) Following receipt of further information, the Chief Executive may revisit his/her decision taken under paragraph 3(a) as to whether to refer a complaint to the Panel or to deal with it under the procedure "Disciplinary procedures for member(s), Committees, Societies and sports clubs."

4. **Complaints about ULSU Group Employees**

- a) If a complaint relates to an individual ULSU Group employee, other than a Student Trustee or a Sabbatical Trustee (Student Leader), this policy shall not apply and the Chief Executive will deal with such a complaint under the ULSU Group's internal disciplinary procedures as appropriate. In this event the complainant will be informed, and the Chief Executive will resolve the complaint using any means at their disposal, at the discretion of the Chief Executive. The complainant will not be informed of the outcome of the disciplinary process unless sanctioned by the Chief Executive Officer. The decision of the Chief Executive Officer on this matter is final.

## 5. **Complaints about Sabbatical Trustees**

- a) If a complaint relates to a Sabbatical Trustee (Student Leader), the Chief Executive, depending the nature of the complaint( i.e. it does not breach the code of conduct of office or the Terms and Condition of Office), may dismiss the complaint as a formal complaint and advise the complainant to use the democratic accountability processes found in the Bye-Laws to seek redress. In all cases the complainant will be informed of their right to appeal under paragraph 6.
- b) If the Chief Executive Officer accepts the complaint against the Sabbatical Trustee, then this policy shall not apply and the Chief Executive Officer will deal with such complaint under the Sabbatical Trustee Terms of Office document. In this event the complainant will be informed and the Supervising Trustee, advised by the Chief Executive, will resolve the complaint using any means at their disposal. The complainant will not be informed of the outcome of the disciplinary process unless sanctioned by the Supervising Trustee. The decision of the Supervising Trustee on this matter is final.

## 6. **Appeal**

If the complainant is dissatisfied with the decision of the Chief Executive to not progress a complaint or with the outcome of a complaint (Paragraph 2 (D), he/she may request that the issue is referred to the Trustee Board by writing to the President clearly stating the grounds for appeal, within 5 clear days of the date of the correspondence sent by the Chief Executive or Senior Manager resolving the complaint. If the President believes that the grounds outlined are legitimate, he/she shall ask the Chief Executive to raise the appeal at the next scheduled meeting of the Board of Trustees, and shall inform the appellant of this decision. If the President finds that the grounds of frivolous or vexatious, and no new evidence has come to light, then the President may refuse the appeal. His/her decision is final in this instance.

- e) The Trustee Board may take the following actions:
  - (i) make any decision, or order any remedial action in respect of the complaint; and/or

- (ii) instruct the Chief Executive to make changes to policies and procedures; and/or
- (iii) recommend to the Chief Executive that disciplinary action is taken against any Student Members or Trustees.

Following the scheduled Board meeting where the appeal was discussed, within 5 works days, the President will write to the appellant to inform them of the outcome of appeal.

## **9. University Appeal**

- a) If, and only if, the complainant or the complainee believes that the procedure set out in this Complaints Policy has not been followed correctly, he/she may request that the issue is referred to the University in accordance with the Code of Practice. Such a request is to be made to the University Registrar by the complainant or complainee (as applicable) within 5 clear days of the date of the letter sent by the Chair under paragraph 8(d).
- b) The Registrar or nominee will review the documentation about the complaint and the consideration of it by the Complaints Panel and/or Appeal Panel and will determine whether the procedures of this Complaints Policy have been properly followed in all the circumstances. Exceptionally, the Registrar may convene a meeting(s) with relevant individuals before reaching a determination.

*V10: JB, 06/18*