



## York St John Students' Union Complaints Procedure

### 1. Introduction

This Complaints Procedure is the formal procedure for dealing with disputes with the Students' Union. 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 any member of staff or officer 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. Finally, the procedure shall be used in cases where a member of the public or other external party has a dispute with the related to the service provided by the Students' Union or actions of an individual employed by 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 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 that can be used to handle an instance, this Complaints Procedure shall apply.

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. Scope of the Procedure

Complaints may be made about:

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

Complaints should be made within 28 days of the event or occurrence, unless there are exceptional circumstances that have prevented the complaint being raised within this time period in which case these circumstance should be detailed.

### **3.1 Making a Complaint**

Complaints shall be addressed to:

The President of the Students' Union, York St John Students' Union, Lord Mayor's Walk, York YO31 7EX; or emailed directly to them.

If the complaint is against the President of the Students' Union then it should be addressed to:

The Deputy Chair of the Trustee Board, York St John Students' Union, Lord Mayor's Walk, York YO31 7EX; or emailed directly to them.

Complaints should be made using the form annexed hereto but shall be considered valid if the complaint is made in writing and the complainant:

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

The President of the Students' Union or Deputy Chair of the Trustee board will acknowledge receipt of the complaint in writing within 10 working days of 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 20 working days of receipt of the Complaint Form by the President of the Students' Union.

The President of the Students' Union will investigate all complaints about the Chief Executive Officer, elected officers and Students' Union committee members and committee functioning.

The President of the Students' Union may delegate responsibility for the investigation into the complaint to either of the other Presidents or Chief Executive Officer where appropriate.

The Chief Executive Officer will normally be asked to investigate complaints about staff (including student staff) and Students' Union services.

The President of Education will normally be asked to investigate complaints about the President of the Students' Union.

The Complainant shall be entitled to require that their complaint is investigated and reported on by an independent person appointed by the board of trustees.

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

- (a) Investigations shall be conducted by the President of the Students' Union or by that person chosen by the President of the Students' Union (see above).
- (b) Investigations shall be conducted fairly and 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.

#### **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 leading the investigation shall determine:

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

#### **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 conducting the investigation shall consider how to prevent any future instances of the event or occurrence, which gave rise to the complaint, and propose effective remedial action as appropriate.
- (b) The person investigating the complaint will inform the President of the Students' Union immediately of the outcome of the investigation. The President of the Students' Union will confirm in writing the outcome of the investigation to all parties to the complaint within 20 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 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 Students' Union Disciplinary Procedure will be invoked.
- (b) Although the union shall ensure that a complainant is provided with an effective remedy, the complainant shall not have a right to demand the Students' Union Disciplinary Procedure is invoked, or that sanctions should be imposed.
- (c) The person investigating the complaint will inform the President of the Students' Union (or the President of Education in the case of a complaint against the President of the Students' Union) immediately of the outcome of the investigation. The President of the Students' Union (or the President of Education in the case of a complaint against the President of the Students' Union) will confirm in writing the outcome of the investigation to all parties to the complaint within 20 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 will inform the President of the Students' Union (or the President of Education in the case of a complaint against the President of the Students' Union) immediately of the outcome of the investigation. The President of the Students' Union (or the President of Education in the case of a complaint against the President of the Students' Union) will confirm in writing the outcome of the investigation to all parties to the complaint within 15 working days of the receipt of the original complaint form.

(b) The complainant will be informed by the President of the Students' Union (or the President of Education in the case of a complaint against the President of the Students' Union) of their right to appeal through the University procedures.

## York St John Students' Union Complaints Form

This Complaints Procedure is the formal procedure for dealing with disputes with the Students' Union. 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 any member of staff or officer 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. Finally, the procedure shall be used in cases where a member of the public or other external party has a dispute with the related to the service provided by the Students' Union or actions of an individual employed by 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 space on 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:

(use additional sheet if required)

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

Please send completed form to:

The **President of the Students' Union**, York St John Students' Union, Lord Mayor's Walk, York, YO31 7EX; or emailed directly to them.

If the complaint is against the President of the Students' Union then it should be addressed to:

The **Deputy Chair of the Trustee Board**, York St John Students' Union, Lord Mayor's Walk, York, YO31 7EX; or emailed directly to them.

The President (or Deputy Chair of the Trustee Board) will acknowledge receipt of the complaint in writing normally within 5 working days of receipt of the complaint.

**Office Use Only:**

DATE RECEIVED:

INVESTIGATOR:

REFERENCE NUMBER:

DATE CLOSED: