

Complaints and Disciplinary Policy

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REVIEW HISTORY			
Date	Version	Name	Notes

Policy Statement

Roehampton Students' Union is committed to ensuring that all Members, visitors, and stakeholders are treated fairly and that concerns are resolved promptly and transparently. This Policy sets out how the Union receives and investigates complaints, and how it addresses breaches of the Members' Code of Conduct through a fair disciplinary process. The Union aims to resolve matters informally wherever possible, while providing clear and accessible routes for formal escalation where needed.

Complaints and Disciplinary Policy

1. Purpose

- 1.1. This Policy sets out how Roehampton Students' Union ('the Union') manages complaints and disciplinary matters involving its Members, services, activities, elected Student Officers, and staff. It ensures that all concerns are handled fairly, promptly, transparently, and in line with the Union's values, the Education Act 1994, and relevant legislation.
- 1.2. The Union aims to resolve concerns informally wherever possible and to provide a clear route for escalating matters where informal resolution is not appropriate or has been unsuccessful.

2. Scope

Who can make a complaint

- 2.1. Any person who has had dealings with the Union may submit a complaint if they are dissatisfied with the Union, its services, activities, officers, or Members.
- 2.2. Any Roehampton student has a right to make a complaint if they feel they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union, in accordance with the Education Act 1994.

What complaints are in scope

- 2.3. A complaint will be considered in scope if it relates to the conduct of the Union or of someone acting on its behalf, and is not excluded under the Matters Out Of Scope section.
- 2.4. Complaints must be submitted within 20 working days of the incident giving rise to the complaint, unless there are exceptional circumstances.

Matters out of scope

- 2.5. The following matters are out of scope of this Policy and are addressed elsewhere:
 - 2.5.1. Internal employment matters relating to staff or Sabbatical Officers, including performance, grievances, and disciplinary action against the individual (handled under the Union's HR Policies).
 - 2.5.2. Complaints relating to elections (Bye-Law 4 and relevant election rules).
 - 2.5.3. Complaints relating to political direction or policy decisions (Bye-Law 5).
 - 2.5.4. Complaints made on behalf of others, unless reasonable adjustments are required.
- 2.6. For the avoidance of doubt, complaints about the conduct or actions of any individual in their dealings with members, service users, or others - including staff and Sabbatical Officers - remain in scope of this Policy.

Anonymous complaints

- 2.7. Anonymous complaints will not ordinarily be investigated. However, the Union reserves the right to act on information received anonymously where it identifies a risk to Members or to the Union.

Referral to external bodies

- 2.8. The Union may refer a matter to the University, police, relevant regulators, or other agencies in line with relevant policies where a complaint suggests, including but not limited to:
- 2.8.1. A potential criminal offence;
 - 2.8.2. A safeguarding risk;
 - 2.8.3. Significant welfare concerns;
 - 2.8.4. Potential serious reputational harm; or
 - 2.8.5. A matter requiring regulatory attention.

Vexatious and repeat complaints

- 2.9. The Union may decline to consider a complaint that is manifestly unreasonable, malicious, or repeatedly submitted without new evidence. Before doing so, the Union will normally warn the complainant and give an opportunity to clarify their submission.

3. Principles

- 3.1. The Union handles all complaints and disciplinary matters in accordance with the following principles:
- 3.1.1. **Accessibility:** clear routes for raising concerns, with reasonable adjustments available for those with disabilities or additional needs.
 - 3.1.2. **Fairness:** impartial decision-making, evidence-based findings, and proportionate outcomes.
 - 3.1.3. **Confidentiality:** information shared only where necessary and in line with the Union's Privacy Notice and data protection law.
 - 3.1.4. **Timeliness:** complaints will be acknowledged and resolved within reasonable timelines, with any delays promptly communicated.
 - 3.1.5. **Support:** all parties will be signposted to appropriate support, including the Union Advice Service and University wellbeing teams.

4. Submitting a Complaint

- 4.1. Complaints should be submitted in writing using the Union's online form. Alternative formats are available upon request.
- 4.2. The Union will acknowledge receipt within five working days.
- 4.3. In most complaints, informal resolution will be the starting point. The Union may determine that informal resolution is inappropriate and treat a submission as a formal complaint from the outset.

5. Stage 1: Informal Resolution

- 5.1. Early resolution of issues in an informal setting should be the starting point for most complaints, and the Union will seek to support all parties in achieving this.
- 5.2. Where a complainant is unhappy with any aspect of the Union's services or processes, the appropriate first step is to raise this directly with a staff member responsible for that area, explaining what went wrong and what action is sought.

- 5.3. Where the complaint concerns the conduct of an individual or group of individuals, a member of the Union's staff team will seek to understand what has happened and identify an appropriate resolution. This may include supporting the complainant to have their own informal conversation, or mediating on behalf of all parties to allow a way forward to be agreed.
- 5.4. If informal resolution has failed to resolve the matter, or if one party has refused to engage, or the complainant is not satisfied with the outcome, they may escalate to a formal complaint. When communicating the outcome of any informal process, the Union will include information on how to do so.

6. Stage 2: Formal Complaint

- 6.1. Upon receiving a formal complaint, the Union will appoint an Investigator and confirm this to the complainant within five working days. The Investigator must have no prior involvement in the matter and no conflict of interest. Where the Chief Executive has a conflict of interest, the Chair of the Board of Trustees will appoint a substitute.
- 6.2. Where the complaint does not concern a specific individual, the Union will act as the Responding Party and a senior member of staff will be appointed to respond.
- 6.3. The Responding Party will receive the full details of the complaint and will have ten working days to provide a written response and any evidence.
- 6.4. The Union aims to complete the investigation and issue an outcome within 20 working days. If more time is required, both parties will be updated with a revised timeline.
- 6.5. The outcome of the complaint investigation will be one of the following:
 - 6.5.1. Upheld – an appropriate resolution or action will be provided or taken.
 - 6.5.2. Referred – the complaint will be referred to another policy or procedure, including but not limited to an external procedure (e.g. University Student Disciplinary Regulations, internal HR policy). Where complaints relate to potential breaches of the Members' Code of Conduct, a referral to the Member Disciplinary Procedure section below may be made.
 - 6.5.3. Not Upheld – no further action will be taken.

7. Appeal of Complaint Outcome

- 7.1. Where a complaint has not been upheld, the complainant may appeal the outcome. Any appeal should be submitted within five working days of receiving the original outcome, unless there are exceptional circumstances. The outcome letter will set out the grounds and process for appeal.
- 7.2. An appeal must set out the reasons and must reference at least one of the following grounds:
 - 7.2.1. The formal complaint investigation was not conducted fairly or in line with this Policy; or
 - 7.2.2. There is new information which could not reasonably have been provided prior to the initial formal investigation.

7.3. Any appeal will be referred to the Chair and Deputy Chair of the Board of Trustees, who shall determine whether the appeal is upheld or not upheld:

7.3.1. If the appeal is upheld, the Chair and Deputy Chair will appoint an independent alternative Investigator to review the case. The alternative Investigator will review the original case files, identify any gaps, and conduct such further investigation as they consider necessary before reporting their findings and a recommended outcome to the Chair and Deputy Chair.

7.3.2. If the appeal is not upheld, the original decision and outcome shall stand.

7.4. Any decision on appeal shall be final.

8. Member Disciplinary Procedure

8.1. The Member Disciplinary Procedure provides a transparent framework for managing allegations of misconduct made against Members of the Union, and for ensuring that disciplinary action, where necessary, is applied fairly and consistently.

8.2. The Member Disciplinary Procedure may be initiated in either of the following circumstances:

8.2.1. A formal complaint has been upheld and the Investigator determines that there is sufficient evidence of a breach of the Members' Code of Conduct; or

8.2.2. The Chief Executive becomes aware of conduct that may constitute a breach of the Members' Code of Conduct, whether or not a formal complaint has been received.

8.3. Where the matter has not already been investigated under the complaint procedure, the Chief Executive will appoint an Investigator to gather evidence and produce a report before any Disciplinary Panel is convened.

8.4. Where a complaint has been referred to another policy, procedure, or body (including the police) in accordance with the Referral To External Bodies Section, any disciplinary action under this section may be paused pending the outcome of that procedure.

8.5. Where the Chief Executive considers it necessary to protect the safety or wellbeing of any person, or to ensure the integrity of an investigation, they may impose precautionary measures pending the outcome of the disciplinary process. Precautionary measures may include temporary suspension of access to Union premises or activities. Such measures are not sanctions and do not constitute a finding of misconduct. The Responding Party will be notified in writing and given an opportunity to make representations. Precautionary measures will be reviewed regularly and lifted as soon as they are no longer necessary.

9. Convening a Disciplinary Panel

9.1. The complaint outcome and evidence will be shared with the Chair and Deputy Chair of the Board of Trustees, who will convene a Disciplinary Panel.

9.2. The Panel will include:

9.2.1. One Student Trustee;

9.2.2. One Sabbatical Officer; and

9.2.3. One Lay Trustee.

- 9.3. Where Student Trustees or Sabbatical Officers are unavailable due to conflict of interest or vacancy, substitutes may be drawn from the Union's Part-Time Officers, provided they have no prior involvement in the matter and no personal connection to any party. A majority of the Panel must be Student Trustees, Sabbatical Officers, or Part-Time Officers.
- 9.4. Panel members must declare any conflict of interest and must step down if they have prior involvement in the matter or a personal connection to any party. The Chair or Deputy Chair of the Board will appoint a substitute in such cases.
- 9.5. The Disciplinary Panel shall be supported by a Clerk who will ensure procedural compliance and provide administrative support, and who shall remain impartial throughout.

10. Pre-Hearing Process

- 10.1. The Investigator shall share with the Panel the complaint outcome and any evidence collected. The Disciplinary Panel must agree that there is sufficient evidence to proceed with disciplinary action under this Policy.
- 10.2. The Disciplinary Panel shall inform the Responding Party of the allegations and provide copies of any evidence to be considered.
- 10.3. The Responding Party shall be given five working days to provide a written statement in response to the allegations. If the Responding Party chooses not to submit a statement, the Disciplinary Panel shall proceed.

11. The Panel Hearing

- 11.1. The Disciplinary Panel shall give a minimum of five working days' notice of the Panel Hearing, which may be held online or in person as agreed between the parties.
- 11.2. The Responding Party may bring a Supporter to the Hearing (such as a friend or family member). The Supporter may not advocate on the Responding Party's behalf or address the Panel. Legal representation is not permitted.
- 11.3. The Investigator will present the case on behalf of the Union and respond to any questions from the Disciplinary Panel.
- 11.4. The Responding Party will be asked to present their case to the Disciplinary Panel and respond to any questions from the Panel.
- 11.5. The Disciplinary Panel may impose time limits on submissions and may adjourn a hearing to another date where appropriate.
- 11.6. Once the Chair of the Disciplinary Panel is satisfied that it has sufficient information to reach a decision, it will deliberate in private. Both the Investigator and the Responding Party (and any other attendees) must leave. The Clerk must remain at all times.
- 11.7. A majority of the Disciplinary Panel must be satisfied that, on the balance of probabilities, the case against the Responding Party is either substantiated or not substantiated.

12. Outcomes and Sanctions

- 12.1. Where a case is not substantiated, no further action will be taken.

- 12.2. Where a case has been substantiated, the Panel may, at its discretion, apply a range of sanctions including but not limited to:
- 12.2.1. A warning letter;
 - 12.2.2. Suspension from or termination of Union Membership;
 - 12.2.3. Removal from elected office or volunteer roles;
 - 12.2.4. A referral to University authorities; or
 - 12.2.5. Restorative action, which may include requiring the Responding Party to remedy damage caused – for example, meeting the reasonable cost of repair to Union property. Restorative action shall not include arbitrary monetary fines.
- 12.3. When determining sanctions, consideration will be given to the seriousness and circumstances of the misconduct, any mitigating or aggravating factors raised by the Responding Party, and any precedent established in similar cases.
- 12.4. Failure to comply with a sanction may result in further action by the Union.
- 12.5. The Responding Party will receive an outcome letter detailing the decision and any sanction imposed, usually within ten working days of the hearing. The outcome letter will set out the reasons for the Panel's decision in sufficient detail to enable the Responding Party to understand the basis on which it was reached and to consider whether to appeal.

13. Appeals against Disciplinary Decisions

- 13.1. The Responding Party may appeal within ten working days of receiving the outcome letter on the following grounds:
- 13.1.1. The decision or sanction is disproportionate;
 - 13.1.2. The procedure was not correctly followed when making the decision; or
 - 13.1.3. New evidence has come to light that was not reasonably available to the Disciplinary Panel and which may have materially affected the decision.
- 13.2. The Chair and Deputy Chair of the Board of Trustees will review whether the appeal grounds are met and, if so, will convene an Appeal Panel constituted in the same way as the Convening a Disciplinary Panel section above, subject to the same conflicts of interest provisions.
- 13.3. The Clerk shall share with the Appeal Panel the complaint outcome, the decision of the Disciplinary Panel, the appeal submission, and any evidence already considered.
- 13.4. The Appeal Panel shall give a minimum of five working days' notice of the Appeal Hearing, which may be held online or in person as agreed by all parties.
- 13.5. The Responding Party may bring a Supporter to the Appeal Hearing. The Supporter may not advocate on the Responding Party's behalf or address the Panel. Legal representation is not permitted.
- 13.6. The Chair of the Disciplinary Panel (or their nominee) shall attend the hearing and present on behalf of the Union, and respond to any questions from the Appeal Panel.
- 13.7. The Responding Party will be asked to present their case to the Appeal Panel and respond to any questions from the Panel.

- 13.8. The Appeal Panel may impose time limits on submissions and may adjourn the hearing to another date where appropriate.
- 13.9. Once the Chair of the Appeal Panel is satisfied that it has sufficient information to reach a decision, it will deliberate in private. The Chair of the Disciplinary Panel (or their nominee), the Responding Party, and any other attendees must leave. The Clerk must remain at all times.
- 13.10. The Appeal Panel will determine whether to:
- 13.10.1. Uphold the appeal and revoke the original decision and any penalty;
 - 13.10.2. Partially uphold the appeal and substitute a lesser or greater penalty; or
 - 13.10.3. Dismiss the appeal and confirm the original decision and penalty.
- 13.11. The Responding Party will receive an outcome letter detailing the decision and any sanction, usually within ten working days of the hearing.
- 13.12. The decision of the Appeal Panel shall be final within the Union's internal procedures.

14. External Review

- 14.1. In accordance with the Education Act 1994, the University may appoint an independent person to investigate and report on complaints where it considers this appropriate. The University does not re-investigate complaints itself but may review whether the Union's complaints process has been conducted fairly and in accordance with this Policy.
- 14.2. Complainants who remain dissatisfied following the completion of the Union's internal procedures may request such a review by contacting the University.

15. Support Available

- 15.1. Being involved in a complaint in any capacity can be difficult, including for the person complained about. Any individual involved in a complaint or disciplinary process, including where a suspension has been issued, will be provided with a named point of contact from the Union's staff team, who will check in with them, answer questions about the process, and signpost to relevant wellbeing services.
- 15.2. Students always have access to the Union's Advice Service for independent support throughout the process.

16. Data Protection and Record Keeping

- 16.1. The Union will keep confidential and accurate records of complaints and disciplinary matters in accordance with its Privacy Notice and data protection legislation. The Union's Privacy Notice sets out how personal data is collected, used, and shared in connection with complaints and disciplinary processes.

17. Review

- 17.1. This Policy will be reviewed by the Board of Trustees at least every two years, or sooner if required by changes in law, regulation, or the Union's governing documents.

18. Definitions

Term	Definition
Appeal Panel	A panel convened to review an appeal against a disciplinary decision, constituted in accordance with this Policy.
Balance of Probabilities	The standard of proof used in Union processes, meaning the Panel must decide whether something is more likely than not to have occurred.
Clerk	A trained staff member who ensures procedural compliance, provides administrative support, and remains impartial throughout proceedings.
Complainant	The person submitting a complaint.
Complaint	A written expression of dissatisfaction about the Union, its services, activities, Officers, staff, or Members.
Disciplinary Panel	A panel convened to consider allegations of misconduct and determine outcomes or sanctions.
Investigator	A Union staff member or external person appointed to investigate a complaint or disciplinary matter. The Investigator must have no prior involvement in the matter and no conflict of interest.
Member	Any individual who is a Member under the Union's Articles of Association or Bye-Laws.
Misconduct	Behaviour that may breach the Union's Members' Code of Conduct or other governing documents.
Panel	Refers to either the Disciplinary Panel or Appeal Panel, depending on context.
Responding Party	The Member, group, or (where no specific individual is concerned) the Union itself, who is the subject of a complaint or allegation.
Sanction	An action or penalty applied by a Panel where misconduct has been substantiated.
Supporter	A person who accompanies a student to a hearing (e.g. friend, family member, adviser). They may not speak on the student's behalf.
Working Days	Monday to Friday, excluding bank holidays and University closure days.