

Introduction

1. General Provisions

- 1.1 Any Member or Associate Member dissatisfied in their dealings with Aberystwyth University Students' Union (AberSU) or with their dealings with affiliated bodies (sports clubs, societies and volunteering concerns) shall have the right to complain.
- 1.2 All complaints should be dealt with promptly and fairly in the manner laid out in this document.
- 1.3 All complaints have the right to appeal if they are unhappy with their treatment.

2. Stage 1: Informal Complaint

- 2.1 In most cases complaints can be resolved by discussing the matter informally.
- 2.2 A Member (also referred to as 'the complainant') should bring the matter to the attention of an Officer Trustee (Full-time Officer) relevant to the area of complaint who will aim to resolve the matter through informal discussion.
- 2.3 Officers receiving complaints are responsible for addressing them promptly and fairly. The Officer will let the student know within 5 university days of receiving the complaint what steps (if any) will be taken to address the complaint and the timescale of these steps.
- 2.4 If the complaint is not resolved by the above steps, the complainant may bring the matter to the President, who will make their own investigations and come to a judgement on the complaint then inform the complainant as above. If the complaint is against a member of AberSU staff, then the President should pass on the matter to the Chief Executive Officer (CEO) in accordance with Officer/Staff Protocol. In this case the CEO is then responsible for informing the complainant of the outcome.
- 2.5 Officer Trustees may take the following actions at this stage:
 - a. Caution the Defendant
 - b. Dismiss the case based on evidence
 - c. Refer the case to the Board of Trustees
- 2.6 If the complaint is against the President then Member may address their complaint to the CEO who will refer the complaint to the Board of Trustees. The CEO will then be responsible for informing the student of the outcome of the complaint.
- 2.7 A written record will not normally be kept of an informal complaint other than that for the recipient's personal notes.

3. Stage 2: Formal Complaint

- 3.1 If the complainant is not satisfied with the outcome of the complaint under stage one, they may make a formal complaint in writing to the Board of Trustees.
 - a. If the complaint is against a Member or AberSU staff member then the complaint should be addressed to the President. They will then investigate the complaint and, if appropriate, call a Board of Trustees meeting.
 - b. If the complaint is against the President then the complaint should be addressed to the CEO. They will then call a Board of Trustees meeting.
- 3.2 If a formal complaint is made, the defendant shall:
 - a. Be given at least 7 university days' notice of when the meeting is taking place.
 - b. Be given the opportunity of attending the meeting in person or providing written representation.
 - c. Be accompanied, if they wish, by another member.
- 3.3 The Board of Trustees shall be composed of 5 Trustees, including:

- a. 3 or 4 Officer Trustees (subject to clauses 96-98 of the constitution – conflicts of interest)
- b. 1 or 2 Student Trustees (subject to clauses 96-98 of the constitution – conflict of interest)
- c. The CEO will be in attendance in a non-voting capacity to take minutes.

3.3 The Chair of the Board of Trustees shall be the President unless they are unavailable at which point the Board of Trustees will elect a chair at the start of the meeting.

3.4 The complainant will receive a full written response detailing the nature of the complaint, the findings of the Board of Trustees and the points covered in the meeting. The complainant should receive this within 4 university weeks of submitting a formal complaint.

3.5 The meeting shall decide to:

- a. Dismiss the complaint.
- b. Upheld the complaint and either:
 - i. Require costs to be paid to make good any financial loss incurred by AberSU. The Member shall be expelled from the Union until costs are paid.
 - ii. Expel the Member with immediate effect, for a time between one week and one year.

3.6 The defendant shall be informed of the Trustee's decision.

4. Appeals

4.1 This section covers both appeals against expulsion as a Member of AberSU and against the removal as an external trustee (as in accordance with clauses 64-65 of the constitution).

4.2 If dissatisfied with the decision of the Board of Trustees, the complainant may appeal their complaint to an Appeals Panel. The complainant should state the grounds for the appeal, which should meet one or more of the following criteria:

- a. That there were procedural irregularities in the investigation of the complaint.
- b. That fresh evidence can be presented which was not or could not reasonably have been made available to the investigation.
- c. That the finding of the investigation was inappropriate.

4.3 The complainant lodging the appeal (appellant) has the right to appeal against the decision of the Board of Trustees provided they lodged their appeal with the CEO within 14 university days of the receipt of written notice of the decision of the trustees.

4.4 If an appeal is lodged in time the decision of the Trustees shall not take effect until the judgement of the appeal panel is made.

Notification of hearing and exchange of information

4.5 The appellant shall be give at least 7 university day' notice of the date, time and place of the appeal hearing.

4.6 At least 4 days prior to the date of the hearing, the appellant shall:

- a. Confirm whether they will be attending the meeting and, if so, provide the name of any person accompanying them.
- b. Submit any fresh evidence that they wish to rely upon.

4.7 At least 2 days prior to the hearing, AberSU shall provide any fresh evidence they wish to rely upon.

4.8 No party shall, without consent of the other, rely on evidence not used in the original decision in points 4.3 and 4.4.

Composition of Appeals Panel

4.9 Composition of the appeals panel shall be:

- a. 2 members of AberSU (who, for the avoidance of doubt, are not Trustees of AUSU), appointed by the CEO.
 - b. a University nominee
 - c. A CEO of another Union, appointed by the Director of NUS Wales.
 - d. An Officer of another Union, appointed by the Director of NUS Wales.
- 4.10 Each member of the appeals panel shall be independent and shall not have had any substantive involvement in the matter under appeal. Their relationship to the appellant should not give rise to any conflict of interest.
- 4.11 The appeals panel shall elect one of their members to preside as Chair.
- 4.12 The appellant shall be entitled to be accompanied by a fellow member, of in the case of expulsion as a trustee, one other person of their own choice.
- 4.13 The President shall act on behalf of AberSU as the respondent of the appeal.

Appeals Panel Procedure

- 4.14 The appeals panel will consider the document, statements and other evidence produced to the original Trustee meeting. It will also consider any other documents provided as per points 4.6 and 4.7.
- 4.15 The appeals panel shall not cross examine or interview any witnesses.
- 4.16 The order of the proceeding of the appeal hearing shall be as follows:
- a. Submissions by or on behalf of the appellant
 - b. Submission by or on behalf of the original Trustee Board
 - c. Considerations of the evidence by the appeals panel
 - d. Closing submissions by or on behalf of the appellant
 - e. Closing submissions by or on behalf of the original Trustee Board
- 4.17 If the appellant, or their representative, is absent at the hearing then the appeals panel may proceed to consider the matter in the appellant's absence unless the panel is happy with the appellant's reasoning for not being present in which case a later hearing may be called.
- 4.18 Courses of action which the appeals panel may take:
- a. Uphold the appeal
 - b. Reject the appeal
- 4.19 Within 7 university days of the decision the CEO will notify the appellant in writing of the decision of the appeals panel.
- 4.20 Point 4.19 represents the end of the AberSU Complaints and Disciplinary Structure.