

# **Member Complaints Procedure and Member Disciplinary Policy and Procedures (Bye-law 3 of the Constitution)**



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## Document Version Control

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This Member Complaints Procedure and Member Disciplinary Policy and Procedures will be reviewed annually by our Board of Trustees.



## 1. Introduction

The Student Guild exists for the purpose of providing its Members with services and a representative function that will help them to get the most out of their learning experience whilst being a student at the Bloomsbury Institute. It is made up of 'Members' who have automatically joined the Student Guild through virtue of their student enrolment with the Bloomsbury Institute as well as 'Members' who have been duly elected to hold a particular position (such as Student Trustee or Student Representative).

All Members as well as the Student Guild's staff, are expected to be respectful to each other and work together for the benefit and development of themselves and the Student Guild. It is therefore only right that mechanisms must be in place to enable Members to raise a complaint where they feel the actions of the Student Guild, or of any of its Members, have fallen short in meeting these practices. Any Member of the Student Guild, or any student eligible for membership but who has exercised their right to opt-out of membership, shall be afforded the opportunity to complain about the services and functions of the Student Guild as well as about any other Member or the Guild Manager. Members and non-Members likewise have the right to bring a complaint or an allegation of misconduct against a Member.

This policy document is separated into two parts. The first part is our Member Complaints Procedures which enables Members (and those that have opted-out of membership) to complain about the services or functions of the Student Guild. Part two relates to our Member Disciplinary Policy and Procedures which allows Members and non-Members to bring a complaint or charge of alleged misconduct against a Member. This document forms Bye-law 3 of the Constitution.

## 2. Part One: Member Complaints Procedure

### 2.1 Treatment of Member Complaints

- 2.1.1 The Member Complaints Procedure is applicable for Members who wish to raise a complaint with regard to the Student Guild's services, functions and other Members. This policy does not apply to complaints from members of staff from the Bloomsbury Institute relating to services or functions of the Student Guild. Such complaints should be directed to the Board of Trustees via its Secretary ([guild.secretary@bil.ac.uk](mailto:guild.secretary@bil.ac.uk)).
- 2.1.2 Complaints relating to Student Guild members of staff should be referred to the Student Guild Board of Trustees via its Secretary ([guild.secretary@bil.ac.uk](mailto:guild.secretary@bil.ac.uk)) and should be dealt with in accordance with the Student Guild's Staff Disciplinary Procedures.
- 2.1.3 Complaints from Members relating to services or concerning the Guild Manager, should be made in writing to the Secretary of the Board of Trustees ([guild.secretary@bil.ac.uk](mailto:guild.secretary@bil.ac.uk)). Complaints concerning Members should be directed to the Student Guild Manager.
- 2.1.4 Complaints concerning elections should be directed to the Guild Manager ([guild.manager@bil.ac.uk](mailto:guild.manager@bil.ac.uk)) who shall consult the Election Policy Bye-law and follow the provisions for complaints within it. Only in instances where a matter raised that relates to



elections is subject to the conditions specified at 3.2.2, shall a complaint raised during elections be dealt with by the Member Complaints or Member Disciplinary Policy and Procedures.

- 2.1.5 Complaints about the Bloomsbury Institute are not covered by this policy. Members wishing to make a complaint about the Institute should follow the procedures set out in the Institution's Student Complaints Policy and Procedures.
- 2.1.6 It is anticipated that most complaints will be made by individual Members. However, complaints from groups of Members will be considered. The individuals within the group should confirm in writing their support for the complaint and identify one person who will act as spokesperson for the group and be the group's correspondent for the complaint.
- 2.1.7 Anonymous complaints will not be considered by the Student Guild since complaints require a full investigation to enable resolution and this is not possible with an anonymous complaint. In addition, there would be problems communicating the outcome of an anonymous complaint.
- 2.1.8 All parties are expected to make reasonable efforts to resolve matters on an informal basis before moving to the formal (in writing) stage.

## 2.2 Responsibilities

We will ensure that each party involved in a complaint is given an equal opportunity to present their case.

All parties involved in a complaint are expected to act courteously, fairly and reasonably towards each other and to comply with the requirements of the procedures by completing complaints' documentation, adhering to any deadlines, responding appropriately to any requests for information or attendance at meetings and undertaking any reasonable action required in pursuance of a satisfactory remedy.

We will investigate all complaints brought under the formal part of the procedure. However, we reserve the right to refuse to consider any student complaints which are thought, after initial investigation, to be unreasonable, vexatious or malicious. Examples of such complaints include:

- complaints that are obsessive, harassing or repetitive
- insistence on pursuing complaints that have no merit or unreasonable or unrealistic outcomes
- insistence on pursuing complaints (which may have some merit) in an unreasonable manner
- complaints which are designed to cause disruption or annoyance.

If a complaint from a Member is felt to fall into any of the above categories, we will write to the Member to explain our reason for terminating consideration of the complaint. We may also refer the matter to our Member Disciplinary Policy and Procedures which may result in the imposition of a



disciplinary penalty. Should we decide to take this measure, we will also provide the Member with details of how to appeal against this decision.

## 2.3 Complaint types

- 2.3.1 Any complaints made about other Members and which relate to the parts outlined in 3.2.2, shall be dealt with according to the provisions set out in Section 3: Member Disciplinary Policy and Procedures.
- 2.3.2 Any complaints made about services or functions of the Student Guild, or where the Student Guild Manager is the subject of the complaint shall be dealt with according to the provisions set out in Section 2.4: Complaints about Guild Services or the Student Guild Manager.

## 2.4 Complaints about Guild Services or the Student Guild Manager

- 2.4.1 Complaints related to services or functions of the Student Guild or where the Student Guild Manager is the subject of the complaint, must be addressed in writing to the Secretary of the Board of Trustees ([guild.secretary@bil.ac.uk](mailto:guild.secretary@bil.ac.uk)). The Secretary shall then determine whether the matter be referred to the Guild Manager or to another individual.
- 2.4.2 The individual who is allocated the complaint by the Secretary shall become the complaint handler. The complaint handler shall determine, after due investigation, whether to reject, resolve or refer the complaint to the Member Disciplinary Policy and Procedures, or, where the Student Guild Manager is the subject of the complaint, whether to reject, resolve or refer the complaint to the Student Guild's Staff Disciplinary Policy and Procedures.
- 2.4.3 The complaint handler shall perform an investigation into the matter raised and may at their discretion, choose to form an investigatory panel to look into the matter and call witnesses to provide evidence.
- 2.4.4 The investigation will be concluded and communication of the outcome will be made within 14 days of the complaint being first received. In the event that the investigation takes longer than 14 days, the complaint handler shall notify the complainant and explain the reasons for delay.
- 2.4.5 Following determination of an outcome, the complaint handler will respond to the complainant setting out the matter's rejection, remedial action taken, any recompense or referral.
- 2.4.6 In the event that the complainant is not satisfied with the outcome, they may appeal in writing to the Chair of the Board of Trustees. In cases where any member of the Board of Trustees had previously dealt with the complaint, the Board's deliberations would not include any input or consideration by such member. The Board would review the complaint, determine an outcome and communicate this to the complainant in writing within 14 days of receipt. There shall be no further provision for the Student Guild to address the complaint.



## **3. Part Two: Member Disciplinary Policy and Procedures**

### **3.1 Applicability of the Member Disciplinary Policy and Procedures**

- 3.1.1 The Member Disciplinary Policy and Procedures shall be available to any Member (or an eligible Member who has opted-out of membership) or the Student Guild Manager to formally complain about the conduct of a Member. The policy can also be applied where a complaint relates to services or functions of the Student Guild, and where the complaint has been referred by the complaints handler in accordance with Section 2.4 because the conduct of a Member has had a detrimental impact on service delivery.
- 3.1.2 Subject to point 2.1.4, a charge that concerns conduct relating to Student Guild elections shall be dealt with as described in the provisions for complaints contained within the Elections Policy Bye-law.
- 3.1.3 Complaints must be made in writing to the Student Guild Manager, unless the complaint relates to the Student Guild Manager. The Board of Trustees will nominate the Guild Manager to act as Investigating Officer.
- 3.1.4 Where a complaint relates to the Student Guild Manager, the procedures in Section 2.4 apply.
- 3.1.5 In cases of a complaint of alleged misconduct which may be a criminal offence, the procedures in Section 3.4 apply.

### **3.2 Definition of Misconduct**

- 3.2.1 Misconduct may be construed to have occurred in any of the following situations by any Student Guild Member while:
- On Guild-managed premises, at a Guild-organised event or an event organised by a recognised Guild society, club, representative association or media outlet
  - Or elsewhere while on Guild business, or when representing the Guild, or society etc., in any official capacity or while volunteering.
- 3.2.2 Misconduct can be considered to have occurred (whether directly, indirectly or perceptually):
- Where conduct or actions that are or could be detrimental to the reputation or good order of the Student Guild
  - Where another person has been subject to abuse or harassment either in a physical or verbal manner
  - Where through negligence damage or loss occurs to Student Guild property
  - Whereby unauthorised removal or use is made of Student Guild property, assets, licenses or such items under its control



- Where a Member elected to an office breaches any relevant policies, the Constitution or Bye-laws
- Where a conflict of interest is not declared.

### **3.3 Investigation: Investigative Officer**

- 3.3.1 The Student Guild's Board of Trustees nominates the Student Guild Manager to ordinarily be the Investigating Officer of a complaint against a Member who is charged with alleged misconduct.
- 3.3.2 In cases where the Guild Manager has prior knowledge or involvement in the matter, he/she will ask the Board of Trustees to nominate an alternative Investigative Officer from their number.
- 3.3.3 The responsibilities of the Investigative Officer are to:
- be the first point of contact regarding Member disciplinary charges / allegations
  - inform the Member of the allegation and to advise him/her about the Member Disciplinary Policy and Procedures
  - ensure that allegations are investigated properly and that full records are kept of the investigation and to determine whether there is a prima facie case to be heard
  - correspond with Member and any relevant staff regarding the progress of investigations into student disciplinary allegations
  - instigate hearings by Member Disciplinary Panels when necessary and to present details of allegations to these Panels
  - to make recommendations about the penalty to be applied
  - make recommendations about the penalty to be applied to the Student President. It is the responsibility of the Investigative Officer, the Student President and the Guild Manager to:





- determine the penalty to be applied. Where agreement for a penalty cannot be reached, or where one or more parties consider the case to be so serious as to require referral to a Member Disciplinary Panel, such referral will be made.

### **3.4 Behaviour which may be a Criminal Offence**

- 3.4.1 In circumstances where the allegation may constitute a criminal offence the matter should be reported immediately to the Secretary of the Board of Trustees.
- 3.4.2 The Secretary should inform the police and the Academic Registrar of Bloomsbury Institute. The Secretary will decide whether the Member Disciplinary Policy and Procedures should continue, or be suspended pending the outcome of any police investigation.
- 3.4.3 The Academic Registrar of Bloomsbury Institute will determine whether the case should also be referred to the Bloomsbury Institute's Student Disciplinary Policy and Procedures.
- 3.4.4 Normally, the Student Guild will suspend their disciplinary processes until any legal proceedings have been completed. If necessary, a Member may be suspended pending the outcome of a police investigation and any court procedure.
- 3.4.5 Where a student has already been sentenced by a court in respect of the same matter, the court's penalty will be taken into account by the Member Disciplinary Panel.

### **3.5 Suspension**

- 3.5.1 A Member may be suspended from attending the Student Guild or acting in any capacity for it, for alleged misconduct or other good or urgent cause for a limited period of time.
- 3.5.2 Suspension is not a penalty but a precautionary measure which the Student Guild may use in order to exercise its duty of care or whilst necessary investigation takes place. The decision to suspend a Member may only be taken by one Board member and an Appointed Trustee.
- 3.5.3 The Member will be notified by letter of the reasons for the suspension, the terms of the suspension and the right of appeal. The period of suspension cannot exceed three weeks unless an extension has been agreed by one Board member and an Appointed Trustee. The length of the extension will be determined having regard to the circumstances of the case. The Member will be advised in writing if an extension is agreed and informed of the length of the extension.
- 3.5.4 A student who wishes to appeal against a suspension should write to the Guild Manager. The appeal will be considered by one Board member and an Appointed Trustee provided



they have not previously been involved in the case. The Member will be issued with a response within five working days of the decision.

- 3.5.5 Where an alleged misconduct is considered to be serious enough, the Member may be referred to the Student Disciplinary Policy and Procedures of the Bloomsbury Institute.

### 3.6 Investigation: process

- 3.6.1 Within 10 working days of receipt of the complaint, the Investigative Officer will write to the member to inform him/her of the complaint and that a disciplinary investigation has been instigated.
- 3.6.2 The evidence collected during a disciplinary investigation can come from a variety of sources and may include written and oral evidence. Any meeting undertaken as part of a disciplinary investigation is solely for the purpose of establishing whether there is a *prima facie* case to answer. Notes of these meetings should be taken by the Investigative Officer, agreed by the participants and kept by the Investigative Officer.
- 3.6.3 In order to determine the facts of the matter, the Investigative Officer may need to meet the Member. If this is the case the Member will be advised in writing of the need for a meeting and given at least 5 working days' notice of the Member Disciplinary Policy and Procedures meeting. The Member should be advised that if it is subsequently decided there is a case to answer, details of the meeting may be presented to a Member Disciplinary Panel convened to consider the allegation.

### 3.7 The outcome of an Investigation

- 3.7.1 Following the disciplinary investigation, the Investigative Officer will consider all the evidence and, together with the Student President and the Student Guild Manager, decide whether there is a *prima facie* case to answer. Within 10 working days of the completion of the investigation the Investigative Officer will inform the Member who has been subject of the investigation and the Member who made the complaint, of the outcome and the reasons for the decision.
- 3.7.2 If it is considered that there is no case to answer the matter will be closed. It may be decided that the Member should be provided with advice about his/her future conduct. If this is the case, the Investigative Officer will meet the Member and provide him/her with a written counselling note and for which a copy will be retained by the Student Guild Manager.
- 3.7.3 Where it is considered that there is a *prima facie* case to answer, the Investigative Officer will consult with the Student President and the Student Guild Manager to determine whether the complaint should be decided by their own determination or referred to a Member Disciplinary Panel (see paragraph 3.3.4 above). This decision will be based upon the findings of the investigation, the severity of the alleged misconduct and any previously proven misconduct by the Member. The Member will be advised of the joint decision and given written details of the complaint and copies of the evidence obtained during the investigation. The Investigative Officer will inform the Board of Trustees of the outcome of the investigation.



- 3.7.4 If the complaint is not thought serious enough to require referral to a Member Disciplinary Panel, but where a penalty should be imposed, the Investigative Officer will recommend a penalty to the Student President and the Student Guild Manager.
- 3.7.5 The Member will be asked to consider the evidence supplied and be given the option of contesting the complaint in writing within 10 working days of the date of the letter advising of the outcome of the investigation and the penalty that will be imposed. A Member who fails to respond within this timescale will be assumed not to be contesting the complaint or the proposed penalty.
- 3.7.6 The case will be considered by the Member Disciplinary Panel if:
- The Member wishes to contest the complaint or any proposed penalty
  - The seriousness of the alleged misconduct is such that it requires consideration by a Panel
  - The Investigate Officer, Student President and Student Guild Manager are unable to agree a penalty.

### **3.8 Charges of alleged misconduct and the formation of Panels**

- 3.8.1 A Member Disciplinary Panel will be formed and made up from two members of the Board of Trustees who shall be a Bloomsbury Institute Appointed Trustee and an elected Student Officer. The Student Officer shall not be on the same course cohort as the Member charged and both Panel members must declare any conflict of interest. In either of these circumstances, an alternative panel member will be sought.
- 3.8.2 The Member or non-Member bringing the original charge will act as a witness where appropriate.
- 3.8.3 A charge of alleged misconduct brought by a Society Leader / Assistant Society Leader or Member of the society that relates to another Member of that society, may be referred directly to a Member Disciplinary Panel.
- 3.8.4 A charge of alleged misconduct by a Member brought by an elected Student Guild Officer or Student Representative may be referred directly to a Member Disciplinary Panel.
- 3.8.5 Any breach of confidentiality made by any individual in receipt of a charge or being a panel member will be referred to the Member Disciplinary Policy and Procedures (or in the case of Student Guild staff, the Student Guild's Staff Disciplinary Procedures).
- 3.8.6 In situations where more than one or similar cases arise at the same time and where such cases share similar allegations of misconduct against a number of Members or multiple



allegations of misconduct against one Member, these will be heard by the same panel of members.

### **3.9 The Hearing**

- 3.9.1 The Panel of two shall agree one of their number to act as Chair. The Guild Manager shall act as Secretary as well as being the presenter of the case and of any evidence.
- 3.9.2 The Member must be given at least 10 working days' notice of the proposed date for the Member Disciplinary Panel hearing. It is desirable that the Member is present throughout the hearing. This is so that he/she can hear all of the evidence and provide a defence. Exceptionally, a hearing may proceed without the Member if it is considered that he/she has sought to delay the hearing without good cause.
- 3.9.3 The Member will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the Member. Where appropriate the representative may speak on behalf of the Member. However, it is expected that the Member will speak for him/herself during the hearing.
- 3.9.4 If, during the hearing, the Panel feels that further information is required to reach a decision, the hearing may be adjourned. The Investigative Officer will be responsible for collecting any additional information that is required and will provide copies to the Chair and student. The Chair will decide whether it is necessary to reconvene the hearing to consider any new information.

### **3.10 The Outcome of the Hearing**

- 3.10.1 The panel shall:
- judge the complaint and determine, on the balance of probability, whether an individual or group has acted in a manner that is inappropriate/is contrary to expected behaviour
  - make a decision on any action as a consequence.
  - if it is concluded that the Member is guilty of the alleged misconduct the Panel must determine the penalty that should be imposed after taking into account any mitigating circumstances.



3.10.2 If the Panel determines that the Member is not guilty of the alleged misconduct, the Member will be advised and no further action will be taken.

## 3.2 Mitigating Circumstances

3.10.3 Where mitigating circumstances are presented by the Member they must be supported by documentary evidence (e.g. medical reasons must be supported by a doctor's note).

3.10.4 The Member must explain the extent of the problems he/she was experiencing and their impact in relation to the allegation. Mitigating circumstances may be considered to be more relevant where:

- the Member had little control over the circumstances or was unable to improve the situation
- the circumstances were exceptional
- the circumstances are not supported or provided for by the Student Guild's procedures
- where the mitigating circumstances could have been alleviated by the Student Guild's procedures and the Member did not take advantage of this, the Member must explain why he/she did not do so
- following the presentation of the mitigating circumstances, the Panel will decide whether the circumstances are sufficient to mitigate the disciplinary penalty and to what extent. If it is concluded that the Member is guilty of the alleged offence the Panel must take into account any mitigating circumstances prior to determining the penalty to be imposed.

## 3.11 Penalties

3.11.1 Penalties must be proportionate and take into account the following:

- the seriousness of the misconduct
- an act that was premeditated or sustained over a period of time would normally be considered more serious than one that was committed on the spur of the moment or on a single occasion. Additionally, an act which had a significant adverse impact



on a fellow Member or member of staff would be considered more serious than one that had a negligible or small impact

- the Member's previous disciplinary record
- any repetition of a disciplinary offence should be regarded as a serious matter
- the conduct of the Member subsequent to the act of misconduct
- an act of misconduct followed by further inappropriate action, for example threatening behaviour, should be regarded as a very serious matter
- where a Member contests an allegation of misconduct and is subsequently found guilty, the penalty imposed may be more severe than if the Member had admitted the offence.

The penalties that may be applied to disciplinary offences include:

- a written warning
- a final written warning
- expulsion as a Member of the Student Guild.

Other penalties in addition to those listed above may be imposed. These include, but are not limited to:

- The withdrawal of access to the Student Guild's facilities and services
- Compensation (in cases of vandalism, damage by fire etc.)

## 3.12 Appeals

3.12.1 A Member may appeal in writing against the outcome or the penalty imposed by the Investigative Officer/Student President/Student Guild Manager or a Member Disciplinary Panel. The arrangements for considering appeals are outlined at 3.14 below.

3.12.2 Only the following constitute grounds for appeal:

- That there has been a material procedural irregularity which has demonstrably affected the outcome
- That there is new evidence which would demonstrably have affected the outcome and could not reasonably have been made available to the Member Disciplinary Panel
- That the decision is perverse given the facts of the case
- That any penalty imposed is too severe bearing in mind the facts of the case.



3.12.3 Members admitting to an allegation of misconduct may only appeal on grounds that any penalty imposed is too severe bearing in mind the facts of the case.

3.12.4 Where grounds for appeal have been established, the appeal will be considered by a Member Disciplinary Appeals Panel. No member of the Panel will have had any prior involvement or knowledge of the case.

### **3.13 Appeals Process**

3.13.1 Appeals must be made in writing by the Member and should be addressed to the Student Guild Manager. Appeals received more than 10 working days after the date of the outcome letter will not normally be considered.

3.13.2 The appeal letter must state clearly the grounds under which the Member is appealing and at the same time submit any additional evidence which the Member wishes to be taken into account.

3.13.3 The Member's appeal and any additional evidence will be considered by a member of the Board of Trustees who has not been involved with the case who will make a decision about whether the appeal request meets the grounds outlined at 3.13.2 above.

3.13.4 If it is felt that there are insufficient grounds for appeal, the Student Guild Manager will be instructed to inform the Member of the decision in writing.

3.13.5 If it is felt that there are grounds for appeal, the Student Guild Manager will arrange for a Member Disciplinary Appeals Panel to consider the appeal, giving the Member at least 10 working days' notice of the appeal hearing.

3.13.6 The Student Guild Manager shall act as Secretary to the Appeals Panel and one of the members of the Appeal Panel shall agree to be Chair.

3.13.7 The Appeal Panel shall be formed of an Appointed Trustee and one other member from the Board of Trustees. The members of the Appeals Panel will not have had any prior involvement with the case or the Member. During the hearing the Member will be provided with an opportunity to present his/her case. The Member will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the Member. Where appropriate the representative may speak on behalf of the Member. However, it is expected that the Member will speak for him/herself during the hearing. Within 10 working days the Secretary to the Member Disciplinary Appeals Panel will notify the Member, in writing, of the outcome of the appeal and of any penalty imposed.

3.13.8 The outcome of the Member Disciplinary Appeals Panel forms the final stage of the Student Guild's Procedure and there will no further consideration by the Student Guild.



## Contacts for the submission of complaints or charges of misconduct

*Either:*

The Guild Manager *or* Secretary to the Board of Trustees (refer to the policy for the correct person)

Student Guild  
Dilke House  
1 Malet Street  
London  
WC1E 7JN

Or by email to: [guild.secretary@bil.ac.uk](mailto:guild.secretary@bil.ac.uk) or [guild.manager@bil.ac.uk](mailto:guild.manager@bil.ac.uk)

Please keep a copy of the completed written complaint / charge and any associated documents for your own records.