

# CUSU COMPLAINTS POLICY AND PROCEDURE

## 1. INTRODUCTION

CUSU is committed to listening and responding to the views of all those using the services and facilities of CUSU as a key element of its quality review and improvement processes. CUSU recognises that our response to complaints and suggestions plays a vital role in our drive to promote equality and diversity, eliminate discrimination and safeguard from abuse and harassment.

A complaint is defined as ‘an expression of dissatisfaction by one or more individuals about a CUSU’s action or lack of action, or about the standard of service provided by or on behalf of CUSU’.

- 1.1 With any complaint, we aim to:
  - a) Resolve the complaint as fairly and as swiftly as possible;
  - b) Deal with the complaint in confidence;
  - c) Keep the complainant updated on what is happening with their complaint.
- 1.2 CUSU will always aim to find a resolution to any complaint made and encourages the complainant to be clear as to what it considers to be an appropriate resolution at all times.
- 1.3 Investigators will be briefed regarding their duties in accordance with General Data Protection Regulation 2018 (GDPR). Throughout the investigation of any complaint, the investigator and anyone else involved must operate with due regard for the confidentiality of the individual(s) involved; any inappropriate breach of this confidentiality will be treated with the utmost seriousness which may lead disciplinary action being taken. The decision, or parts thereof, may be communicated back to the original complainant where appropriate and where GDPR allows.
- 1.4 No Union member or member of staff should be involved (other than as a witness) in dealing with a complaint in which they might have (or might appear to have) a conflict of interest where practicable. This may require the composition of any panel etc. under these rules to vary from the composition laid down.
- 1.5 The CEO may delegate authority to a member of staff, Officer or Trustee throughout this or any other procedure.
- 1.6 Where a complaint is raised that concerns the CEO, the Chair of the Trustee Board will act in the place of the Chair or will nominate an alternative Trustee. For the avoidance of doubt, the CEO will not take part in this conversation as they would have an interest in its outcome.
- 1.7 All timelines laid out in this procedure are indicative and can be adjusted by either party with good reason to be determined by the CEO. ‘Good reason’ may include adjustments which need to be made in accordance with the Equality Act 2010.
- 1.8 The term ‘Student Group’ refers to any society, campaign or media outlet; however, it is the responsibility of any investigator to ensure that all procedures are enacted with due consideration to the relevant Bye-Laws or relevant procedures.

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## 2. SCOPE OF THE COMPLAINTS PROCEDURE

2.1 This complaints procedure concerns complaints:

- a) Made against members of the Union in their capacity as members of the Union, including but not limited to: society members, elected officers, representative, trustees or other students rightfully acting in the name of the students' union;
- b) Regarding CUSU's operational policies or the implementation of those policies;
- c) Regarding a service or provision of the union including commercial services, trading services and other provisions.

2.2 The complaints procedure does not concern complaints:

- a) Regarding any election or referendum; such complaints should be raised in accordance with the election rules and relevant Bye-Law;
- b) About a matter of Union Policy, or the way it or the Constitution is interpreted or implemented, will be dealt with by submission to the Chair of the Board of Trustees;
- c) About the work or performance of an elected officer, or how elected officers are implementing policy, normally the dissatisfied student may submit a formal motion to the Union Affairs Committee; in some circumstances, complaints about elected officers may be considered in accordance with these procedures at the discretion of the CEO or the Chair of the Board of Trustees;
- d) Made against other students or student activity which has taken place outside of their capacity as members of the Union; such complaints should be dealt with in accordance with Coventry University procedures. Complainants can be supported by CUSU's Advice Service to make such a referral.

2.3 The CEO may decide to refer the case for consideration in accordance with Coventry University complaints procedure before any consideration is given under these procedures. Equally, the CEO may refer a case to be considered in accordance with these procedures before or after Coventry University's procedures.

2.4 Anyone can make a complaint (except CUSU staff who should adhere to the Grievance Procedure) in accordance with this procedure including members of the public, University staff, and other members.

2.5 Where the complaint involves a particular Student Group, the Committee of that Group will be expected to nominate one member of the Committee to act as a representative of that Student Group.

2.6 Vexatious, malicious or frivolous complaints will not be considered and may initiate appropriate disciplinary action against such actions, i.e. complaints that are not true, or use of foul language in any communication that are sent to staff.

2.7 A complainant, who continues to contact CUSU with unreasonable demands following a complaint investigation, may be considered as an unreasonable or persistent complainant. If it is agreed that a complainant is unreasonable, the most appropriate action will be taken informing the complainant that CUSU has responded in full to their concerns and has nothing further to add, so will not enter into any further discussion.

2.8 All serious complaints will be given due regard though anonymous complaints will only be considered where good reason has been provided, at the discretion of the CEO.

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- 2.9 The Union may decide to temporarily suspend any member or officer of the Union (herein referred to as individual(s)) or Student Group pending the investigation of any complaint or disciplinary action, at the discretion of the CEO.
- 2.10 The complaints process may be put on hold where a complaint has been made where the action is required according to other procedures (such as HR procedures or a police investigation).

### 3. COMPLAINTS PROCEDURE

- 3.1 All complaints should be made on the complaints form available on CUSU website.
- 3.2 The complaint should be submitted to the CEO, or where the complaint refers to the CEO, the complaint to be addressed to the Chair of the Board of Trustees via the email address supplied on the website.
- 3.3 Complaints received in another format may be considered at the CEO's discretion; any complaints submitted elsewhere should be referred directly to the CEO.
- 3.4 When a complaint is received, the CEO or delegate (nominated by the CEO) will forward the complaint to the relevant officer or staff member for initial consideration; these are the 'investigators' for the case.
- 3.5 The investigators will first consider whether the complaint should be dealt with informally, or proceed directly to the formal stages below.
- 3.6 At this stage, the investigator will formally acknowledge receipt of the complaint within 5 working days and notify the complainant as to how it will be dealt with.

### 4. INFORMAL STAGE

- 4.1 The investigator may contact the complainant outlining what information is required to complete the informal investigation stages. This may include asking the complainant to attend an investigative meeting. Where this is not necessary, the investigator will proceed with the informal investigation.
- 4.2 The investigator will write to the complainant within 10 working days, outlining the investigations which have taken place. The response will also detail the next steps which will be taken from the following:
- a) that no action is proposed as a result of the complaint and the complaint will be closed.
  - b) that resolutions or changes will be undertaken as a result of the complaints and will be closed.
  - c) that the matter requires referral to the formal stages below.
  - d) that the matter should be considered in accordance with another procedure (such as the Union's bye-laws or HR procedures for example).
- 4.3 If the informal resolution is not possible, the complainant must write within 5 working days from the date of the Union's response and give reasons why they are dissatisfied with the proposed outcome and provide as much detail as possible for the complaint to be referred to the formal stages of the procedure.

### 5. FORMAL STAGE

- 5.1 If the complaint cannot be resolved informally, the complaint will then be considered in accordance with these formal stages.
- 5.2 The CEO will nominate a new investigator, not previously involved in the case. This will normally be a member of staff more senior than the previous investigator.

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- 5.3 The investigator will contact the complainant outlining what information is required to complete the formal investigation stages. This may include information from third parties, such as Coventry University and any relevant information will be sought from any parties.
- 5.4 In most cases, the complainant and any others involved in the complaint, including staff members, will be asked to attend a formal investigative meeting with a Complaints Panel, to be appointed by the CEO.
- 5.5 The Panel will be made up of up to two Sabbatical Officers or Student Trustees and a minimum of one member of the Senior Management Team (SMT), with a maximum of two members of SMT. None will have had previous involvement in the case.
- 5.6 A member of the Complaints Panel will respond to the complainant within 10 working days of the Complaints Panel meeting informing the outcome in writing, which will likely be (but not limited to) one of the following:
- a) that the complaint is not upheld and that no further action is proposed as a result of the complaint.
  - b) that the complaint is either partially or wholly upheld, and will outline what resolutions or changes will be undertaken as a result of the complaint.
  - c) that the matter requires referral to the disciplinary (or other) procedures. Where the matter is referred to other procedures, the complaints procedure will be considered closed.
- 5.6 If the complainant is dissatisfied with the outcome proposed, the complainant will have 5 working days from the date of the Union's response to request an appeal of this outcome, giving the reasons why they are dissatisfied.

## 6. APPEALS

- 6.1 Appeals will be heard by the Trustee Panel made up of the Chair of the Board of Trustees or they will nominate an alternative Trustee, together with one Sabbatical Officer or Student Trustee and an external Trustee. None will have had previous involvement in the case.
- 6.2 The Trustee Panel will be provided with a report of the investigations findings and complaint outcome to determine whether:
- a) The complaint has been considered appropriately and fairly;
  - b) The resolutions to the complaints proposed are appropriate and reasonable.
- 6.3 A member of the Trustee Panel will write to the complainant within 10 working days outlining which of the following decisions has been taken:
- a) that the investigation is undertaken again by a different investigator, returning the complaint to the Formal Stages of this procedure.
  - b) that the resolutions proposed to be amended at the discretion of the Trustee Panel.
  - c) that the decision arrived at in the Formal Stages of the complaints procedure be upheld. This will be the final route of escalation within the organisation.

## 7. UNSATISFACTORY OUTCOME

- 7.1 If complainants do not agree and are dissatisfied with the appeal verdict from the internal complaints procedure or who claim to be unfairly disadvantaged by reason of their having exercised their right not to be a member, as provided by the Education Act 1994, shall have recourse to the University Complaints Procedure, details of which are published in the [General Regulations | Coventry University](#). The University will not normally accept complaints more than 3 months after the event in question. The complaint should be completed using Coventry University's online form [Students wanting to raise complaints | Coventry University](#)

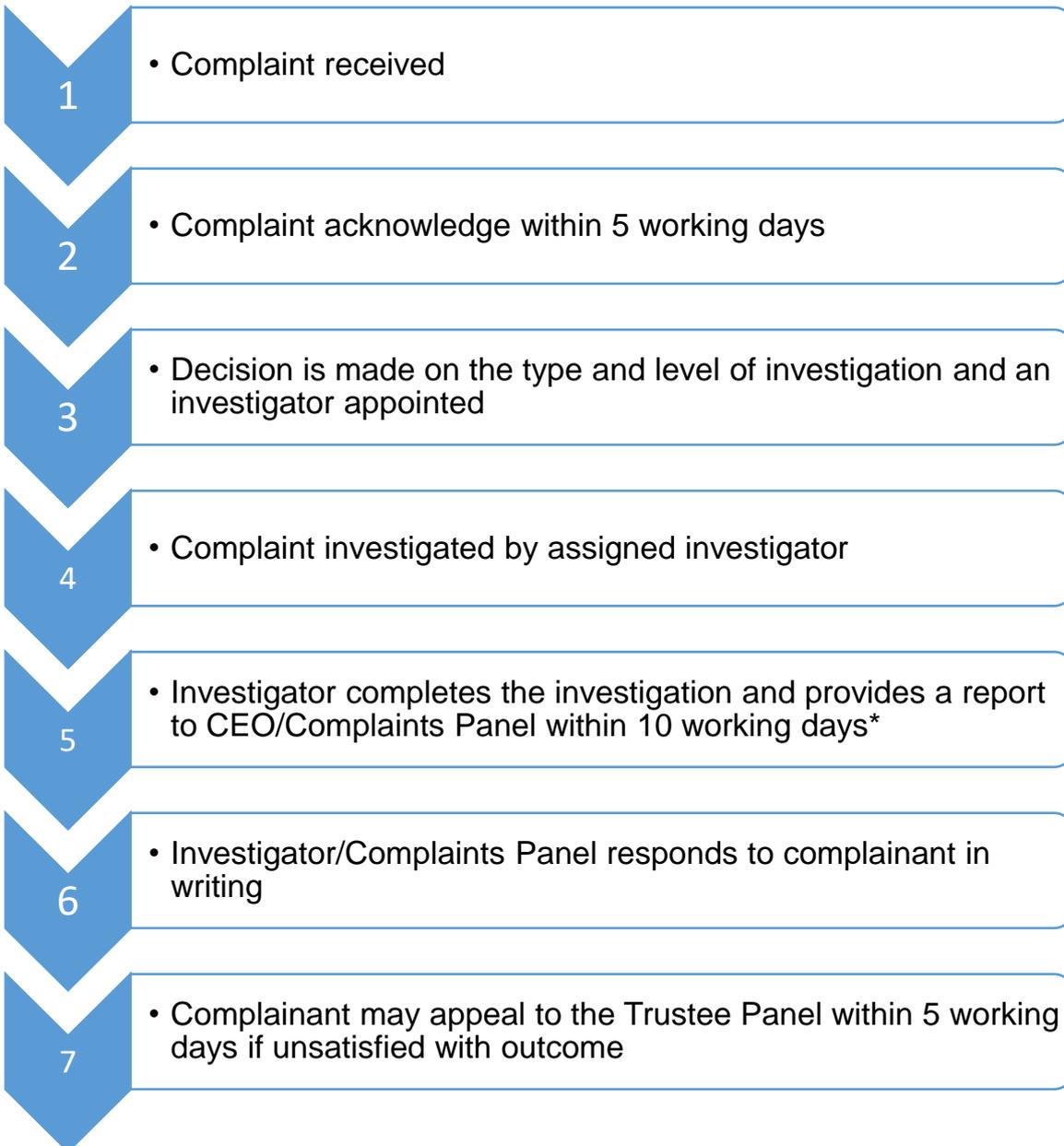
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## 8. COMPLAINTS REPORT

8.1 An annual, anonymised report of the number, type and outcome of complaints will be prepared for the Finance and Audit Committee.



### Complaints Procedure Flowchart



\* Where complaints hold lengthy investigations, this may take up to 30 working days. If this is the case, CUSU will update the complainant every 10 working days.

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