

LSESU Members Complaints and Disciplinary Procedures

1. Introduction

1.1. All members of the Union and all Trustees shall be subject to the disciplinary procedure, particularly when on premises administered or events organised by the Union.

1.2. The disciplinary procedure may include sanctions, including the indefinite suspension of any or all of the privileges of membership of the Union.

1.3. With any complaint, we aim to

- Resolve the complaint as fairly and as swiftly as possible.
- Deal with the complaint in confidence.
- Keep you updated on what is happening with the complaint.

1.4. Published on the Union website are the details of the complaints procedure, including details of how to register a complaint and where it should be sent.

2. Complaints procedure

2.1. This section details how the Union will deal with any complaint received by a member or other person arising from their dealings with LSESU (including its clubs, societies, publications and trading services).

2.2. Any complaint concerning the conduct of an election or referendum should be raised with the Democracy Committee, in accordance with the election rules, and not via this procedure.

2.3. Any complaint concerning another student or member of LSE staff should be dealt with through the School's complaint process.

2.4. A complainant should address their complaint to the LSESU General Secretary in the first instance. If any officer, representative or member of staff receives what appears to be a complaint, they should forward it to the correct destination.

3. Submission and receipt of complaint

3.1. When a complaint is received the General Secretary will forward the complaint to the relevant officer or staff member for consideration and investigation; this person is the 'complaint handler' for the case.

3.2. The complaint handlers will first consider whether the complaint should be dealt with on an informal level, or proceed directly to the formal stages below. At this stage, they will formally acknowledge receipt of the complaint and notify you how as to how it will be initially responded to within five working days.

4. Confidentiality and conflict of interest

4.1. Throughout the investigation of any complaint, the complaint handlers – and anyone else involved – must operate with due regard for the confidentiality of the individual(s) involved; any breach of this confidentiality will be treated with the utmost seriousness and may involve disciplinary action being taken.

4.2. 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. This may require the composition of any panel etc. under these rules to vary from the composition laid down.

5. Investigation

5.1. The complaint handlers will investigate your complaint; this may include obtaining written or verbal evidence from you, witnesses or any other relevant person.

They may then either:

- a. Write to you stating that no action is proposed as a result of the complaint.
- b. Write to you detailing what action has been taken, or proposed, as a result of your complaint.
- c. Decide that the matter requires to be referred to the disciplinary stages below.

5.2. The response provided will give reasons for the decision reached, and explain the option to request a review outlined below.

5.3. If you are dissatisfied with the outcome of your complaint, then you have five working days from the date of the Union's response to request a review of this outcome, giving the reasons why you are dissatisfied. An exception to this time limit may be authorised in the case of a special need such as illness or disability.

6. Review

6.1. If a review is requested, it will be carried out by a panel made up of:

- a. Chief Executive or nominee
- b. General Secretary or nominee
- c. One further member of the Executive Committee

6.2. These members must not include the original complaint handlers and the composition may vary to comply with confidentiality and conflict of interest (see 4.2).

6.3. The possible outcomes of the review are the same as in 5.1 above.

7. Outcome stage

7.1. If the complaint handlers, or the review, decide that a more formal outcome is required to address your complaint, they may institute one or more of the following processes, according to the nature of the complaint:

- a. A complaint about the conduct of one or more particular member(s) of Union staff (including a student in their capacity as a member of staff, but not including a full-time elected officer) will be referred to the relevant manager and follow the SU staff handbook guidance.
- b. A complaint about a Union media outlet (e.g. Pulse Radio) will be dealt with in accordance with the Byelaw on the Media Group.
- c. A complaint about a matter of Union Policy, or the way it or the Constitution is interpreted or implemented, will be dealt with by a relevant elected officer or Union committee/Council.
- d. A complaint about the nature or level of services provided by any part of the Union will be dealt with by a relevant elected officer, staff member or Union committee/Council.
- e. A complaint about the conduct of one or more particular students, acting as members of, volunteers in or representatives of the Union or a Union club or society, or one or more elected officers, should be dealt with in accordance with the Union's Discipline Procedure.

Throughout the complaints procedure, the complaint handlers will try to ensure that you are informed of the progress of your complaint.

8. Union's Discipline Procedure

8.1. Misconduct by a Union member

The following may be considered misconduct by any Union member while on Union-managed premises, at a Union-organised event or an event organised by a recognised Union society, club, campaign group, representative association or media outlet, or elsewhere while on Union business, or representing the Union, or society etc, in an official capacity, including as a volunteer:

- a. Conduct detrimental to the reasonable enjoyment of Union facilities by other members of the Union.
- b. Action that is or could be detrimental to the social life or good standing of the Union.
- c. Verbal or physical abuse or harassment of another person in a wilful manner.
- d. Wilful or negligent damage to, loss of, or unauthorised removal of Union property or property under its control.
- e. Breach of the current Union Equality, Diversity & Inclusion Policy, or other policy regarding behaviour on Union premises or at Union events.
- f. In the case of an elected or appointed officer or representative, breach of any duties or responsibilities of the post under the Constitution.

9. Composition of disciplinary hearing panels

9.1. The area of Union activity that the breach of discipline has been made will determine the staff and Sabbatical Officers who will be responsible for hearing the disciplinary and taking action. Typically, the composition of the disciplinary hearing will be at least two members of the Executive Committee and up to two others, which may include Union Staff. The composition of the panel will take into account section 4 above regarding confidentiality and conflict.

9.2. When a number of similar cases arise together, such as similar allegations against a number of members or several allegations against the same member, these should be heard by the same panel of members.

9.3. A member of Union staff (with no involvement in the case) will be appointed as Secretary to the panel.

9.4. The complaint handler(s) shall act as Presenter(s) to the panel. The original complainant(s) shall act as witness(es).

9.5. The disciplinary panel and any of the parties may have the right to appoint another member as their representative.

10. Preparation for disciplinary hearing

10.1. When a matter is referred to a panel under this procedure, the Secretary will ensure that the accused member(s) are notified of this as soon as possible, as well as providing a copy of this procedure.

10.2. The Presenter will prepare written details of the case against the accused member, including witness statements, statements by the accused member, details and results of any investigation, etc.

10.3. The Secretary will ensure that the accused member(s) are fully informed of the accusations being considered, and of the procedures to be followed in the case.

10.4. The Secretary will ensure as far as possible that a hearing date is set that is acceptable to presenters, accused members, panel members and witnesses.

10.5. At least five clear days' notice of the date and time of any hearing should be given to all those involved, unless all agree to a shorter notice.

10.6. At least three clear days before the hearing date, the Presenter will provide to the Secretary a detailed summary of the case for the Union, including details of witnesses, and the accused member will similarly provide details of the case they intend to put in their defence or mitigation.

10.7. The Secretary will ensure that each accused member is informed of the details of the case against her/him, that they should provide details of their own case, and that they are entitled to bring a friend or representative to the hearing.

11. Procedure at hearing

11.1. The Panel will initially review papers, discuss procedure, and elect a Chairperson.

11.2. In the absence of either party, the meeting shall adjourn and the Chair shall investigate the reasons for absence.

11.3. Following an investigation by the Chair, the meeting shall be reconvened and may proceed at the discretion of the disciplinary panel.

11.4. 'Parties' below refers to the Presenter and the accused member(s), and any friend/representative of an accused member.

11.5. The Presenter will be invited to present the detailed case against the accused member(s). Witnesses and evidence may be presented.

11.6. The accused member(s) and/or representative(s) shall then be invited to respond. Witnesses and evidence may be presented.

11.7. Each party may cross-examine the opposing party's presentation and witnesses. Members of the Panel may also question each party.

11.8. The Panel can deliberate in private in between each interview, but the main deliberation must be made after all the evidence has been given.

11.9. The Presenter, and then the accused member(s), will be invited to sum up their respective cases.

11.10. All those other than Panel members and the Secretary then withdraw, after being told how the decision will be communicated.

11.11. The members will consider the evidence in order to reach a decision on each accusation. Each decision should be made by vote of panel members, with the Chairperson only voting in case of a tied vote. Where the Panel finds the accusation is proved on the

balance of probabilities, they will then consider imposing a penalty as laid out in the next section.

11.12. If necessary, the Panel may recall the parties or any witnesses to obtain clarification.

11.13. They may also adjourn until a time to be decided, in order to obtain further clarification from elsewhere, or to allow further consideration of their findings. The parties will be invited to attend the reconvened hearing.

11.14. When communicating their decision, the Panel will give reasons, which will be recorded as part of the findings.

11.15. The decision, reasons, penalty (if any) and right to appeal shall then be communicated to the accused member(s) in writing, as soon as possible after the hearing by the Secretary.

12. Possible penalties

12.1. The following penalties may be imposed by the Panel where a case is found against any individual member (please note this list is not exhaustive):

- a. A written reprimand (censure) sent by the Panel on behalf of the Union and/or warning as to future conduct.
- b. A requirement to send an apology to anyone affected by the misconduct.
- c. A ban from entering or attending any or all Union-managed premises or Union organised events for a specified period.
- d. Payment of recompense up to the full cost of restoring any damage done.
- e. A report made to the authorities of the University, with a view to a case being taken under the University's Disciplinary Procedures.
- f. Removal, for a specified period or indefinitely, of some or all of the privileges of membership of the Union. g. Termination or suspension of any Union Officer or Representative positions held by the student.

12.2. The following penalties may be imposed by the Panel where a case is found against a Union club, society or other recognised group, or where appropriate a representative association or media outlet:

- a. A written reprimand (censure) sent by the Panel on behalf of the Union and/or warning as to future conduct.
- b. Requirement to send an apology to anyone affected by the misconduct.
- c. Payment of recompense up to the full cost of restoring any damage done.
- d. Withdrawal of any or all Union funds standing in the name of the group.
- e. Withdrawal of recognition as a Union group or of certain benefits of recognition, for a specified period or indefinitely, or until specified conditions are complied with.

Please note that relevant LSESU staff area managers will be informed of the outcome of a decision in order to enforce the penalty where appropriate.

13. Appeals

13.1. If an accused member or group wishes to appeal against a finding or penalty of the Panel, they should write to the Secretary within seven days of the date of the Union's response, stating the reasons for the appeal. An exception to this time limit may be authorised in the case of a special need such as illness or disability. An appeal will only be heard if there is significant new evidence available.

13.2. An appeal will be heard by a Disciplinary Appeals Body, which will be composed of the following:

- a. The General Secretary shall be the chair of the Disciplinary Appeal Body. Where the General Secretary has an interest in the case (usually as either the defendant, a witness or the complainant), the General Secretary will delegate their responsibilities to another Officer Trustee who does not have an interest in the case.
- b. At least four members of the Union will be on the panel. There should be attempts to achieve gender and racial balance.
- c. A member of Union staff (with no involvement in the case) will be appointed as Secretary to the panel.

14. Preparation for Disciplinary Appeals Body hearing

14.1. The Chair must call a meeting within seven days of any decision being brought before Disciplinary Appeals Body.

14.2. The panel will have the same rules for advance notice, as for the original panel covered in section 10 above.

14.3. The complainant must be informed of:

- a. The relevant sections of the Articles or Byelaws
- b. The factual details of the decision
- c. The time, date and place of the hearing
- d. The necessity to produce all witnesses at the time of the hearing
- e. Both the complainant and the Union Representative must be present for the meeting to proceed

15. Procedure at Disciplinary Appeals Body hearing

15.1. The Panel will initially review papers and discuss procedure.

15.2. The complainant, or their representative, will first introduce the grounds of the appeal, referring to the original case presented against them and the record of the hearing.

15.3. The Chair will present the case arrived at by the original panel.

15.4. Either party or the Panel may call witnesses to clarify matters or consider evidence not dealt with at the original hearing.

- 15.5. All parties have the right to question each other under the direction of the Chair.
- 15.6. All those other than Panel members and the Secretary then withdraw, after being told how the decision will be communicated.
- 15.7. If necessary, the Panel may recall the parties or any witnesses to obtain clarification.
- 15.8. They may also adjourn until a time to be decided, in order to obtain further clarification from elsewhere, or to allow further consideration of their findings. The parties will be invited to attend the reconvened hearing.
- 15.9. The Disciplinary Appeals Body shall reach its decision by simple majority.
- 15.10. When communicating their decision, the Panel will give reasons, which will be recorded as part of the findings.
- 15.11. The appeal panel may overturn, in whole or in part, the decision of the original panel, and the penalties open to the appeal panel are the same as for the original panel outlined in Section 12 above.
- 15.12. There is no further right to appeal within the procedures of the Union.

Appendix 1: Stages Table

Stage	Stage 1: Investigation	Stage 2: Review	Stage 3: Outcomes	Stage 4: Appeal
What happens?	Complaint Received, complaint handler assigned, complaint recorded on log, complaint investigated and responded to	Review of resolves from stage 1 if requested by complainant or accused member or group	Outcome decided as per guidance in section 7	Accused member or group appeals against decision made in outcomes stage
Who involved?	Complainant, General Secretary, Complaints handler	Chief Executive, General Secretary, member of Executive committee	Complaint handler, relevant SU staff and officers, Disciplinary panel	General Secretary, Disciplinary panel secretary, relevant SU staff and Officers
Outcomes?	- Complaint not upheld - Upheld and resolved by mutual agreement - Upheld and referred to outcome stage	- Complaint not upheld - Upheld and resolved by mutual agreement - Upheld and referred to outcome stage	Referral to another Procedure to agree penalty outcome: - Staff handbook - SU Byelaws - SU Executive Committee or Council - Disciplinary procedure	Appeal upheld or rejected (in part or as whole) If upheld new outcome agreed.