

Procedures for dealing with complaints about the Students' Union

Introduction

1. The governing body of Queen Mary, University of London (QMUL) (Council) has a duty under the 1994 Education Act (the Act) to ensure certain requirements are observed by or in relation to Queen Mary, University of London Students' Union (QMSU), including relating to complaints. As required by the Act, Council issues, and revises as necessary, a Code of Practice setting out the arrangements in place to ensure these requirements are carried out, and such Code of Practice is brought to the attention of students once a year. These procedures set out the responsibility of QMUL in relation to complaints about QMSU as referred to in the Code of Practice.

Scope

2. QMSU is a separate legal entity from QMUL. QMUL can make recommendations to the Board of Trustees of QMSU but cannot overturn or vary a decision made by or on behalf of QMSU. To do so would be beyond QMUL's powers (*ultra-vires*).
3. The enforcement of these procedures is the responsibility of the Academic Registrar and Secretary to Council or their nominee.

Procedure

4. Section 22 (2) of the Act requires that Council satisfies itself that there should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with QMSU, or claim to be unfairly disadvantaged by reason of their having exercised the right not to be a member of QMSU or represented by it. Such complaints procedure should include provision for an independent person appointed by Council to investigate and report on complaints, and complaints should be dealt with promptly and fairly and, where a complaint is upheld, there should be an effective remedy.
5. In most cases QMUL will recommend that issues relating to QMSU are dealt with through QMSU's processes using the following categories for guiding principles:
 - 5.1. Issues that are political in nature (e.g. an elected officer not carrying out a mandate from Student Council) should be dealt with in that arena. QMUL will not deal with complaints of this nature where they do not fit into another category.
 - 5.2. Issues which relate to staff members of QMSU, including QMSU's Officer Trustees, or of its trading subsidiary in their capacity as employees (whether of QMUL or of QMSU or its trading subsidiary) should be dealt with under the applicable employment procedures.
 - 5.3. Issues which concern elections falling within the remit of QMSU's Election Byelaw 10 should be dealt with in accordance with that byelaw. For the avoidance of doubt, in any such case, QMUL will not make a decision on the issue other than as provided for in that Byelaw.

- 5.4. Issues that are related to the conduct of students in their actions for or in relation to QMSU (such as behaviour between members of a society) will usually be dealt with first through the QMSU Code of Conduct and Disciplinary Procedure (Bye-Law 19). The matter may be referred by QMSU to QMUL under the QMUL Code of Student Discipline or under 5.6 below.
- 5.5. Issues that are criminal in nature will be reported to the police.
- 5.6. QMUL in all cases reserves the right to deal with matters that may entail a reputational risk to QMUL through its own procedures rather than the QMSU procedures. This decision will be made by the Principal, the Academic Registrar and Secretary to Council or their nominee.
- 5.7. Complaints not referred to under the above procedures, codes or circumstances will be dealt with first in accordance with the QMSU Complaints Procedure (Bye-Law 21).

Investigation by an independent person appoint by the College

6. Subject to Clause 5 above, if students are dissatisfied with their dealings with QMSU, or if they claim to be unfairly disadvantaged by reason of having exercised their right not to be a Member of QMSU, they are entitled, as provided for in Clause 7 below, to apply to QMUL, for the matter to be investigated and reported upon by an independent person appointed by Council. QMUL will normally require procedures provided for or referred to in the QMSU Complaints Procedure, where relevant, to have been fully completed first. The independent person will normally be the College Assessor. Only formal complaints will be considered by the College Assessor.
7. The eligible grounds for complaint by students shall be one of the below:
 - 7.1. That, under the QMSU Complaints Procedure (Bye law 21), a QMSU Review Panel did not carry out their role in accordance with the procedures set out in such Bye law or in accordance with applicable law.
 - 7.2. That, under the QMSU Code of Conduct and Disciplinary Procedure (Bye law 19), a QMSU Disciplinary Panel or Appeal Panel did not carry out their role in accordance the procedures set out in such Bye law or in accordance with applicable law.
 - 7.3. That, following referral of a complaint under the QMSU Complaints Procedure (Bye law 21) to be dealt with under the QMSU Employment Disciplinary Procedure for Officer Trustees, a QMSU Disciplinary Panel or Appeal Panel did not carry out their role in accordance with that procedure or any applicable law.
8. The College Assessor may nominate any person who is not a member, officer or member of staff of QMSU to investigate matters on their behalf. Usually this will be a member of staff within the Academic Registry and Council Secretariat. Any decision under 10.1 below will be made by the College Assessor and not any nominee.
9. The College Assessor will not normally consider complaints relating to decisions of any QMSU Panel notified to the complainant more than 14 days previous to the complaint being made.
10. The College Assessor will not reconsider the case itself but consider whether the relevant Panel carried out their role in accordance with the relevant procedures and any applicable law.
 - 10.1. The College Assessor will either:

- 10.2 decide that the relevant Panel carried out their role in accordance with the relevant procedures and any applicable law and that no further action should be taken, or recommend to the Board of Trustees of QMSU that the decision be reviewed, giving reasons why they believe that the relevant Panel did not carry out their role in accordance with the relevant procedures or any applicable law, such review to be undertaken by a Review Panel, which shall comprise, as a minimum, one QMSU external trustee and one other QMSU trustee. Where possible no member of such Panel will have had any prior involvement with the case.
- 10.3 The decision whether to accept the recommendation of the College Assessor will rest with the Board of Trustees. Subject to Clause 10.1.2, the constitution of, the remit of and the procedure to be followed by any relevant Review Panel will be determined by the QMSU Board of Trustees. The decision of the any such Review Panel will be final.
- 10.4 The decision of the College Assessor will be outlined in a Completion of Procedures letter.
11. If a student is unhappy with a decision under this *Procedure* they may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). The OIA can only look at the acts or omissions of a Higher Education Institution (such as QMUL). The OIA's remit does not cover acts or omissions of a Students' Union, nor those of its officers. Therefore, the scope of its review is limited to whether the institution followed its procedures correctly when considering a complaint by a student against a Students' Union and whether the institution's final decision was reasonable in all the circumstances.