OPEN UNIVERSITY STUDENTS ASSOCIATION

Central Executive Committee (CEC)
14 – 16 July 2017

COMPLAINTS & DISCIPLINARY PROCEDURE REVIEW

The CEC is asked to:-

i) **note and discuss** the following paper

1. **Introduction**

1.1 The Association’s existing procedures relating to complaints and disciplinary matters have remained broadly unchanged since 2011 / 2012 with amendments being inserted very much on an *ad hoc* basis. As a result the existing procedures as laid down in the Bye-Laws and Forum Guidelines can be confusing and do not necessarily reflect the current environment in which we operate.

1.2 Therefore, I am proposing that new procedures for complaints and disciplinary action be written from scratch although this does not preclude elements from the old procedures being included either in full or with minimal modification.

1.3 Currently the procedures are spread out between Section 13 of the Bye-Laws which covers both complaints against members and a brief section referring to elected representatives, the Comprehensive Forum guidelines and finally appendices to the Bye-Laws which are the pre-2012 procedures and the Harassment Policy and Procedure. There are also the General Complaints Procedure which is the umbrella procedure detailing where complaints should be made and giving the outline timeframe for response and codes of conduct for CEC members and Volunteers. The latter provide standards against which performance can be compared.

2. **To Discuss**

2.1 Before looking at these in detail there are some broad questions to be considered:

1) We currently only have a formal procedure. Is there scope to run an optional informal ‘early resolution’ process to prevent escalation to a formal complaint?
2) Right now the Bye-Laws detail both underlying policy and process. Should these be separated with process being referred to in the Bye-Laws but presented as a separate document?

3) Where are the boundaries? In other words how far can we apply these outside of the V LE and officially sanctioned Association forums on Social Media? Should different standards apply to elected reps and volunteers as compared to other students?

2.2 There are also specific areas as follows:

2.3 **Complaints against the Association**

This is currently covered by the General Procedure. Is this sufficient or should there be more detail to distinguish where the complaint is against the Association or specific individuals and what procedures follow on from that?

2.4 **Complaints / Disciplinary actions against ordinary members**

Needs a general review in both background and process

2.5 **Complaints / Disciplinary action against elected representatives (except Trustees)**

As above – in particular changes need to be made in response to the change to One Member One Vote and also the process to remove an underperforming C EC member.

2.6 **Complaints / Disciplinary action against appointed representatives**

This needs a major review as many of the posts named in it no longer exist

2.7 **Complaints / Disciplinary action on the Association Forums**

Aside from a general update there needs to be a reconsideration of the powers of Controller and CAP. My personal view is that these should have authority over the forums but that, in the case of CAP, the ability to expel a member from the Association should be removed and that CAP should refer such cases to the CEC.

2.8 **Review of Harassment Policy**

I feel this needs an update but that this review should be run in parallel to the general complaints and disciplinary review. I would suggest this be run by VP Equal Ops with support from VP Comms and a CEC member of CAP.

3. **Out of scope**

3.1 Trustees – procedures relating to Trustees are currently detailed in the Constitution and so cannot be considered here. However, they could be reviewed as part of Rules Revision for Conference to debate and vote on in 2018.
3.2 Staff – complaints against staff are covered by internal HR procedures and overseen by the Board of Trustees

4. Moving forward

4.1 With the inclusion of any suggestions from the CEC, I will produce preliminary drafts ahead of the September meeting and also post them for wider consultation. A full paper taking responses into account will be presented at the October CEC meeting.

Peter J Cowan
Vice President Administration