

**Imperial College Union
Union Council / 2 May 2023**

Union Complaints & Disciplinary Procedures Review Green Paper

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Purpose: To consult students on the current perceived issues with the Union’s Complaints and Disciplinary procedures and the working recommendations

1. Background Information and Context

The College has recently finished its review of the Student Disciplinary Procedure. As such, it is now an opportune time to carry out a review of the Union’s complaints & disciplinary (C&D) procedures.

Currently, the C&D processes of the Union are governed by the [Bye-law H \(Discipline\)](#) and [Bye-law G \(complaints\)](#). Below are the definitions of the two processes:

Discipline: a process in which a member of the Union is investigated for an alleged misconduct, which can result in Union sanctions on the member or referral to College.

Complaints: a process through which a member can complain against an aspect of the Union, which can trigger a formal internal investigation that may result in recommendations for the Union.

This review will focus on the Disciplinary procedure. However, this is also an opportunity to improve the Complaints process, should there be any gaps spotted.

This green paper serves as the basis for the consultation phase of the review, which will be followed by a full report and updated Bye-laws to be approved by Union Council and the Board of Trustees.

2. Issues and Recommendations

i. Bye-law H (Discipline)

Issue	Context	Recommendation(s)
Inconsistent judgement and enforcement of cases and sanctions	There is currently no guidance on how to operationalise and enforce the Bye-law.	Produce a Union Disciplinary Procedure that will supplement the bye-law and act as guidance.
Limited available sanction	The sanctions available are inflexible and jumps in scale of severity.	Review the sanctions and ensure they are flexible and that there is no gap in their severities.

Community service as a sanction	One of the available sanctions in the summary sanction section is up to 40 hours of Union service. In the past the College has also asked the Union to carry out community service on their behalf.	Replace community service by restorative sanctions (e.g. educational course, recommendation to mental health services).
Suspensions are issued only by the Governance and Membership Committee (GovCom)	The College regularly asks the Union to immediately suspend the membership of a student that has been suspended from College. Currently, this is done by asking the GovCom chair to carry out 'chair's action'.	The President can issue suspension, but it must be immediately reported to the GovCom chair who has the power to overturn the decision.
Removal from elected roles or exclusion from standing in elections	Currently, this can only be issued in the case of interpersonal violence, abuse, or sexual misconduct.	These sanctions should be available for all cases as appropriate.
Referral to a non-existent form	Clause 6: "The Union shall provide a complaints form on the official Union website which members should use to raise allegations of misconduct of other members or associate members."	In the Bye-law itself, there should only be a stipulation that the Union must provide a mechanism to raise complaints. The actual mechanism should be stated in the Procedure.
Referral to a non-existent Union Code of Conduct	Clause 7: "A case for disciplinary action shall exist if a Member or Associate Member is alleged to have breached the Union's Code of Conduct Bye Law."	Rectify to refer to the College's students Code of Conduct/Ethics
No guidance for the Investigating Officer to judge the level of the complaint	Initial judgement of the case level relies on the Investigating Officer's moral compass. There is also no concrete definition of 'non-minor' offenses.	Create an example matrix as part of the Procedure document.
No standardisation of judgement and disciplinary sanctions	There is no guidance for the President or disciplinary panel on what sanctions may be appropriate for each case.	Create an example matrix as part of the procedure document.
Sole reliance on the President for the judgement and enforcement of disciplinary procedures	The President normally makes the initial judgment on all disciplinary cases and triggers any sanctions through notifying relevant people.	The President submits a termly report to the GovCom chair, summarising the disciplinary cases since the last report and any resulting actions. The Investigating/Complaints Officer of each case must also complete a pro forma document.

Intersection between Votes of No Confidence (VoNCs) and disciplinary allegations	In the past, VoNCs and allegations of disciplinary offenses have intersected and have been dealt with on an ad-hoc basis.	The Procedure should address the process that should be followed when VoNCs and disciplinary allegations intersect.
Removal from role on the basis of non-commitment	Unclear whether non-commitment to an elected role constitutes a disciplinary case.	The example matrix should address whether non-commitment to an elected role constitutes a disciplinary case.
No stipulation regarding online activities	For example, when a member has been suspended from a club or society, it is unclear whether that includes the club or society's online presence (e.g. group chats).	The Procedure or sanctions should address members' online activities. The CSP suspension process should also be reviewed surrounding this topic.
Initiation of investigations	Currently, the Union only initiate a disciplinary investigation if a member comes forward with a complaint.	Union can initiate an investigation on the grounds of reasonable suspicion.
Only members can raise a complaint	If a member commits an offense against a non-member (staff, public), it is difficult for the Union to trigger a disciplinary investigation.	Anyone can raise a disciplinary complaint against a Union member.
Union pausing investigation due to College investigation	The Union must pause investigations on a case if the College begins to investigate that case.	Indicate in the Procedure that a single case can be split into an internal case and also a referral to College. Add guidance on this in the example matrix.

ii. Bye-law G (Complaints)

Issue	Context	Recommendation(s)
Referral to a non-existent form	Clause 2: "The Union shall provide a complaints form on the official Union website to raise complaints against the Union."	In the Bye-law itself, there should only be a stipulation that the Union must provide a mechanism to raise complaints. The actual mechanism should be stated in the Procedure.

iii. Operational

Issue	Context	Recommendation(s)
Case management and recording system	The College is in the process of developing a case management system for their disciplinary cases. The Union	Explore using Podio to manage cases. Explore using the College's case

	currently records cases in a confidential spreadsheet.	management system in the future.
Enforcement of Union disciplinary sanctions	Some disciplinary sanctions, for example expulsion from Union premises, are difficult to enforce.	Review current sanction enforcement mechanisms and research potential improvements.
College requests for Union membership suspension	When the College requests that the Union suspend a member, only the President is contacted.	The Union Complaints Officer should also be emailed.
Intersections between the CSP, venue, and membership disciplinary procedures	The Union disciplinary system has three branches, each covering a different area of activities. There are also separate Codes of Conduct for each branch.	The Procedure should clearly layout how the three processes intersect with each other.
Non-centralisation of complaints initiation	Emails regarding a complaint against another member or the Union regularly land in DPW and staff's email inboxes.	The Procedure should state that all C&D emails must be forwarded to a central location.
No data-sharing with the College	Repeating an offense is a criterion that is taken into account in the judgement of a disciplinary case. However, if the two offenses are reported to Union and the College separately, the second offense would not be treated as a repeated one.	Liaises with Registry to share disciplinary cases data. Review the College and Union's Data Sharing Agreement.
Collaboration with the College on disciplinary cases is done on an ad-hoc basis	N/A	Create a Ways of Working agreement with Registry.
Operational guidance	There is currently no guidance on how to operationalise the sanctions.	Create an internal policy that operationalises disciplinary sanctions.

iv. Others

Issue	Context	Recommendation(s)
Training for the President and disciplinary panel members	Currently there is no training (e.g. how to decide appropriate sanctions, unconscious bias) for the President or disciplinary panel members	Implement a training session on at the start of the year for all disciplinary panel members designated by GovCom.
No stipulation regarding Union Awards	In the new College disciplinary procedure, an awarding panel will be made aware if a student being	Add ineligibility for Union Awards (for a fixed period of time or indefinitely), and

	considered has committed a disciplinary offense which was upheld.	the Union Awards panel being made aware of the upheld disciplinary outcome, as possible sanctions.
Possible clash with the Higher Education (Freedom of Speech) Bill	There is no policy on the process for cases that are perceived to fall under both the Equality Act and the FoS Bill.	Liaises with the College's legal team or registry on a case-by-case basis.
A lack of research into other student unions' processes	There may potentially be learnings from their procedures, for example their approach to community service and counter-allegations.	Research the C&D processes of other student unions, including those from overseas.
The Union's C&D processes are unclear to students	N/A	Create a dedicated webpage with links to all relevant documents and an FAQ section
Consistent review of C&D processes	Currently there is no stipulation to review the C&D processes within the Union to ensure they are up to date.	Add a clause in the Procedure that states that it must be reviewed every 3 years.

3. Project Timeline

Activity	Dates
Green paper	28 April
Consultation with Union Council	9 May
Consultation with LCOs and interested parties	Early May
Final report and redrafted Bye-laws	11 May
Board of Trustees approval	24 May
Union Council approval	30 May
Implementation plan development	June - July

During the consultation period, please do circulate this document to any students who may be interested and send any feedback to union.president@imperial.ac.uk.