

L: Complaints to the CUSU

L.1 Complaints Principles and Revision Limitations

- (i) Preamble: That CUSU has a Complaints Procedure is, as of November 2008, a requirement of national law, namely the Education Act 1994. The Act requires that the University assent to the complaints procedure before it can go into effect. Therefore, changes to this Article (L) of the Standing Orders will not be enforceable by the CUSU until such time as a competent University body has approved them. Such changes should be marked as “pending” in this Article until such assent is granted.
- (ii) References are made in this section to the Junior Proctor of the University of Cambridge as an avenue of appeal regarding decisions made about complaints. This is because the Education Act 1994 requires that “an independent person [should be] appointed by the governing body [of the University] to investigate and report on complaints”; the Junior Proctor is designated by the University to be this independent person. Should the University designate another person for this role, then the part played by the Junior Proctor in this section should instead be played by whatever person is so designated.
- (iii) Principle of adjudication: CUSU Officers or Trustees should consider complaints first and foremost on the basis of fairness. While they must consider the health of the CUSU, financial and otherwise, in any decision, Officers and Trustees should seek to rule on the basis of fairness to the furthest extent that is reasonable and feasible. They should not simply seek to minimise the CUSU’s exposure to criticism or financial outlay.
- (iv) Transparency: CUSU complaints procedures should be made easy to locate and use. Any CUSU Officer or Trustee involved in advising on, processing, or adjudicating a complaint should not simply disclose required information but should also volunteer procedural information helpful to the making of a complaint. At each phase of any complaints process, the complainant and any other directly interested parties should be given full information about their potential avenues of appeal.
- (v) Merger and Severance: At any stage of a complaints process, relevant officers may rule that multiple complaints should be considered together or that a single complaint should be considered in separate parts or processes. Such officers have an obligation to ensure that the specifics of complaints being merged are still addressed or that the holistic merits of a complaint being separated are still considered.
- (vi) Formal and Informal Complaints
 - (i) The procedures outlined in this Article (L) apply to Formal Complaints unless otherwise noted. Anyone who contacts a CUSU officer with a query or statement that reasonably may be construed as a complaint or as leading to a complaint should be informed about their right to issue a Formal Complaint and directed to information about how to do so.
 - (ii) A formal complaint shall consist of a text submitted in any reasonable format noting all of the following:
 - The desire to make a complaint
 - The specifics of the issue about which they wish to complain
 - The details of any specific harms caused by the issue
 - A method by which the complainant can be reached for correspondence

- (iii) Forms should be made readily available offering templates for making formal complaints
- (vii) Any person who is the subject of a complaint or has a personal interest in the outcome of a complaint must recuse him- or herself from any deliberations of any body or office involved in adjudicating the complaint
- (viii) Privacy: Specific contingencies should be built into complaints procedures allowing particularly sensitive complaints (or parts thereof) involving compelling issues of personal privacy to be dealt with by alternate means when the normal means would be inappropriately public. In instances where officers or a body adjudicating complaints find that a certain compelling issue of personal privacy cannot be adequately addressed, they should refer the matter to the CUSU Board of Trustees. When in doubt, reviewers of complaints should discuss with complainants and other concerned individuals their intentions regarding potentially sensitive information.

L.2 Employment Complaints

- (i) Complaints by CUSU Staff, whether appointed or seconded, shall be dealt with in accordance with the CUSU's legal obligations as an employer or manager, CUSU Internal Policy on staff procedures, and the contents of individual staff members' contracts.
- (ii) The Board of Trustees and such officers as shall undertake the task of offering contracts or setting employment procedures shall ensure that the various documents governing each staff member's employment provide clear instructions for the submission and adjudication of complaints.

L.3 Complaints about the Conduct of Staff

- (i) Complaints about the conduct of CUSU staff made by anyone other than CUSU staff should be referred first to the CUSU Coordinator. Complaints made by CUSU staff themselves should be dealt with through an Employment Complaints procedure as laid down by the CUSU Board of Trustees or in CUSU staff contracts or collective employment agreements.
- (ii) The Coordinator should acknowledge receipt of a formal complaint to the complainant within 3 working days of receiving it. Within 10 working days of receiving a complaint, the Coordinator should do one or more of the following:
 1. Recuse himself or herself from the procedure and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the complainant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the complaint.
 3. Judge the CUSU complaints procedures incompetent to hear the complaint and take all reasonable measures to refer the complainant to a body with proper jurisdiction
 4. Reject the Complaint
 5. Uphold the Complaint in part and set out corrective action
 6. Uphold the Complaint in full and set out corrective action

7. Refer the complaint to the Board of Trustees. If the Coordinator's ruling on the complaint would involve a serious admission of civil or criminal liability, the Coordinator should automatically refer the complaint to the Board of Trustees.
- (iii) Any ruling of the Coordinator may be appealed to the Board of Trustees by anyone directly involved in the complaint or in corrective action set out by the Coordinator.
 - (iv) Complaints referred or appealed to the Board of Trustees shall be put on the Board's agenda for its next regular meeting. If Board members feel that the complaint must be dealt with urgently, they may call an emergency meeting pursuant to Standing Order K.3.
 - (v) If students directly involved in the complaint or in the decision of the Board of Trustees are dissatisfied with that decision, they may appeal it to the Junior Proctor, and the Board of Trustees should advise all relevant parties of this fact and of how such an appeal could be made.
 - (vi) If the complaint is not referred to the Board of Trustees, the Coordinator should report the complaint and its disposition to the next regular meeting of the Board of Trustees.

L.4 Complaints about the Conduct of Elected Officers

- (i) For the purposes of this section, "elected officer conduct" shall refer to the behaviour of an elected officer in his or her capacity as an elected officer or to behaviour by an elected officer that may be directly relevant to his or her work as an elected officer
- (ii) For the avoidance of doubt, the CUSU External Trustee, Council-elected members of the TCS Board of Directors, officers of autonomous campaigns, delegates to NUS Conferences and similar events, and elected representatives to University committees (e.g., the Societies' Syndicate) should be considered elected officers for the purposes of this section (L.4). Student officers such as JCR Presidents, Faculty Representatives, and student members of the University Council and General Board, though they may be afforded particular powers within CUSU structures, shall not be considered elected officers for the purposes of this section. Complaints about these persons should be dealt with under the procedure for complaints about students' behaviour at CUSU functions (L.8).
- (iii) Complaints about the conduct of elected officers of the CUSU may be made by
 1. Any member of the CUSU
 2. CUSU Staff
 3. Any member of the public or any legal entity that has been directly impacted by elected officer conduct
- (iv) Complaints about the conduct of elected officers who are not the CUSU Coordinator should be directed first to the CUSU Coordinator. Complaints about the conduct of the CUSU Coordinator should be directed first to the CUSU President. In the case of a complaint about the conduct of the CUSU Coordinator, the CUSU president should perform all functions nominally to be carried out by the CUSU Coordinator pursuant to this section (L.4).
- (v) If a complaint relevant to this section (L.4) involves discrimination against or offence to a certain distinct social group and there are CUSU representative officers whose portfolios cover those groups, those officers should be solicited for their advice on the complaint and provided with all details about the complaint that it is reasonable to disclose to them, provided that any reasonable privacy concerns can be satisfied.

- (vi) The Coordinator should acknowledge receipt of a formal complaint to the complainant within 3 working days of receiving it. Within 10 working days of receiving a complaint, the Coordinator should do one or more of the following:
 1. Recuse himself or herself from the procedure and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the complainant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the complaint.
 3. Judge the CUSU complaints procedures incompetent to hear the complaint and take all reasonable measures to refer the complainant to a body with proper jurisdiction
 4. Reject the complaint
 5. Uphold the complaint in part and set out corrective action
 6. Uphold the complaint in full and set out corrective action
 7. Refer the complaint to the CUSU Council as a motion or set of motions, with or without a Coordinator's recommendation
 8. Identify that a ruling on the complaint (or a part thereof) may involve a serious admission of civil or criminal liability or a compelling issue of privacy and therefore refer the complaint to the Board of Trustees of the CUSU
- (vii) Anyone directly involved in the complaint or in corrective action set out by the Coordinator may appeal a Coordinator's ruling to the CUSU Council in the form of a motion to the Council. If the motion involves a serious admission of civil or criminal liability or a compelling issue of privacy, the CUSU Chair shall rule the motion out of order and refer the issue to the Board of Trustees.
- (viii) Complaints referred or appealed to the Board of Trustees shall be put on the Board's agenda for its next regular meeting. If Board members feel that the complaint must be dealt with urgently, they may call an emergency meeting pursuant to Standing Order K.3.
- (ix) If students directly involved in the complaint or in the decision of the Council or the Board of Trustees (whichever has acted as the appellate body) are dissatisfied with that decision, they may appeal it to the Junior Proctor, and either the CUSU Chair or the Board of Trustees should advise all relevant parties of this fact and of how such an appeal could be made.

L.5 Complaints about CUSU Services, Facilities or Products

- (i) Complaints about CUSU Services, Facilities or Products *other than* The Cambridge Student newspaper should be referred first to the CUSU Coordinator. Complaints about *The Cambridge Student* newspaper should be directed through the TCS Complaints Procedure, which is included in the TCS Constitution and primarily administered by the TCS Editor and Board of Directors.
- (ii) If a complaint relevant to this section (L.5) involves discrimination against or offence to a certain distinct social group and there are CUSU representative officers whose portfolios cover those groups, those officers should be solicited for their advice on the complaint and provided with all details about the complaint that it is reasonable to disclose to them, provided that any reasonable privacy concerns can be satisfied.

- (iii) The Coordinator should acknowledge receipt of a formal complaint to the complainant within 3 working days of receiving it. Within 10 working days of receiving a complaint, the Coordinator should do one or more of the following:
 1. Recuse himself or herself from the procedure and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the complainant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the complaint.
 3. Judge the CUSU complaints procedures incompetent to hear the complaint and attempt to refer the complainant to a body with proper jurisdiction
 4. Reject the complaint
 5. Uphold the complaint in part and set out corrective action
 6. Uphold the complaint in full and set out corrective action
 7. Refer the complaint to another organ of the CUSU more directly responsible for the service, facility, or product in question
 8. Identify that a ruling on the complaint (or a part thereof) may involve a serious admission of civil or criminal liability or a compelling issue of privacy and therefore refer the complaint to the Board of Trustees of the CUSU
- (iv) Anyone directly involved in the complaint or in corrective action set out by the Coordinator may appeal a Coordinator's ruling to the CUSU President.
- (v) The President should acknowledge receipt of an appeal to the appellant within 3 working days of receiving it. Within 10 working days of receiving an appeal, the President should do one or more of the following:
 1. Recuse himself or herself from the appeal and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the appellant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the appeal.
 3. Reject the Coordinator's ruling in its entirety as flawed and enter a new ruling or a new referral to another body, setting out the reasons for doing so
 4. Reject parts of the Coordinator's ruling as flawed and modify the Coordinator's ruling, setting out the reasons for doing so
 5. Uphold the Coordinator's ruling in full
 6. Identify that a ruling on the complaint or the appeal (or a part thereof) may involve a serious admission of civil or criminal liability or a compelling issue of privacy and therefore refer the complaint to the Board of Trustees of the CUSU
- (vi) If students directly involved in the complaint or in the decision of the President or the Board of Trustees (whichever has acted as the appellate judge) are dissatisfied with that decision, they may appeal it to the Junior Proctor, and the President or Board of Trustees should advise all relevant parties of this fact and of how such an appeal could be made.

L.6 Complaints about CUSU Policy

- (i) Complaints about the legality or Constitutionality of proposed or existing CUSU Policy should be dealt with through the rules for policy challenges set out in Article H of the Standing Orders.

- (ii) Complaints about the wisdom or appropriateness of CUSU Policy cannot be made as Formal Complaints. They should be taken up with CUSU Councillors or directed to the Democracy and Development Team for study.

L.7 Election Complaints

- (i) Complaints about the conduct of CUSU Elections, election counts or results, decisions of the Returning Officer or Elections Committee, and any similar issues should be made through procedures laid down in Article C of the Standing Orders and in the Election Rules.
- (ii) Complaints about the personal or professional behaviour of members of the Elections Committee should be directed through the process for Complaints about Elected Officers (L.4).
- (iii) Complaints about the conduct of CUSU members in regards to CUSU Elections that are beyond the scope of the Elections Committee should be passed to the CUSU Coordinator and dealt with under the provisions of Complaints about students at CUSU functions (L.8).

L.8 Complaints about Students' Behaviour at CUSU Functions

- (i) Complaints during a CUSU Council meeting or CUSU Open Meeting about the behaviour of any person should be directed to the Chair of the meeting. The Chair of the meeting shall have the right to refuse entry to or demand the exit of persons on the bases named elsewhere in the Standing Orders (B.8).
- (ii) Complaints about the behaviour of ordinary members of the CUSU at any CUSU function or event should be directed first to the CUSU Coordinator. The Coordinator should acknowledge receipt of a formal complaint to the complainant within 3 working days of receiving it. Within 10 working days of receiving a complaint, the Coordinator should do one or more of the following:
 1. Recuse himself or herself from the procedure and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the complainant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the complaint.
 3. Judge the CUSU complaints procedures incompetent to hear the complaint and take all reasonable steps to refer the complainant to a body with proper jurisdiction
 4. Reject the complaint
 5. Uphold the complaint in part and set out corrective action
 6. Uphold the complaint in full and set out corrective action
 7. Identify that a ruling on the complaint (or a part thereof) may involve a serious admission of civil or criminal liability or a compelling issue of privacy and therefore refer the complaint to the Board of Trustees of the CUSU
- (iii) Anyone directly involved in the complaint or in corrective action set out by the Coordinator may appeal a Coordinator's ruling to the CUSU President.
- (iv) The President should acknowledge receipt of an appeal to the appellant within 3 working days of receiving it. Within 10 working days of receiving an appeal, the President should do one or more of the following:

1. Recuse himself or herself from the appeal and designate another person or body to carry out one or more of the steps that follow
 2. Respond to the appellant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the appeal.
 3. Reject the Coordinator's ruling in its entirety as flawed and enter a new ruling or a new referral to another body, setting out the reasons for doing so
 4. Reject parts of the Coordinator's ruling as flawed and modify the Coordinator's ruling, setting out the reasons for doing so
 5. Uphold the Coordinator's ruling in full
 6. Identify that a ruling on the complaint or the appeal (or a part thereof) may involve a serious admission of civil or criminal liability or a compelling issue of privacy and therefore refer the complaint to the Board of Trustees of the CUSU
- (v) Any corrective action taken under this procedure against a Cambridge University student by the CUSU should be reported to the Junior Proctor, regardless of whether there are plans by any party for an appeal to the Junior Proctor.
- (v) If students directly involved in the complaint or in the decision of the President or the Board of Trustees (whichever has acted as the appellate judge) are dissatisfied with that decision, they may appeal it to the Junior Proctor, and the Board of Trustees should advise all relevant parties of this fact and of how such an appeal could be made.