

# Complaints Procedure

Enacted and Ratified on: 24 November, 2019

Updated: 29 March, 2020

To be reviewed by: 2022 Annual General Meeting

## Why do we have this procedure?

Geas aims to provide all members and attendees an enjoyable, positive experience that is free from harassment and inappropriate conduct. To these ends, we have put in place procedures to protect our members and attendees from such behaviour, and to clarify how such complaints will be dealt with by the Committee. We also recognise that raising a complaint can be difficult, and we wish to support all our members and guests to seek support and redressal for any issue they might experience.

## Abridged Version

1. If a member has any grievance regarding matters including, but not restricted to, breaches of the Geas Constitution, Member Responsibilities, or any relevant Society policies, or incidents of harassment or bullying (whether direct or indirect), members may make a complaint to the Equality and Wellbeing Officer. They may also make any complaint to the President or any other Executive Committee member as they feel appropriate.
2. Members may also make a complaint if they feel that their wellbeing and full participation at the Society are at risk because of behaviours or actions of another member outside of Geas.
3. All internal complaints will be handled by the Executive Committee and the Equality and Wellbeing Officer. They will endeavour to respond to any complaints promptly. They will ensure that any conflict or grievance is resolved in a timely manner, and will ensure confidentiality and compliance with data protection legislation in the handling of any sensitive or personal information in the complaints.
4. Should a member wish to make a complaint about one or more Committee members, they may make them to a member of the EUSA Societies Team.
5. The Executive Committee and the Equality and Wellbeing Officer will investigate internal complaints and examine any evidence to assess the validity of the complaint.
6. Where a complaint is deemed valid, the Executive Committee and Equality and Wellbeing Officer may assist the complainant in seeking frontline resolution. The purpose of frontline

resolution will be to ask members to rectify and apologise for their conduct, and to ensure that any misconduct is not repeated.

7. Where a complaint is more serious, the Executive Committee and Equality and Wellbeing Officer may also take action using the Society's internal disciplinary procedures outlined in §3.4.(a) of the Geas Constitution to safeguard the wellbeing of the membership.

8. The Executive Committee and the Equality and Wellbeing Officer will also support the Complainant should they choose to escalate the matter to be investigated further by University complaints procedure or by the police as they deem appropriate. The EUSA Advice Place will be able to fully support the Complainant should they choose to do so.

9. If any individual has a complaint made about them, the Executive Committee and Equality and Wellbeing Officer will explain to them the substance of the matter (while maintaining the confidentiality or safety of the complainant) and the details of any disciplinary procedures that may apply.

10. For more details, consult the full version of the Complaints Procedure below.

## **Full Version**

### **Making a Complaint**

1. If a member has any grievance regarding matters including, but not restricted to, breaches of the Geas Constitution, Member Responsibilities, or any relevant Society policies, or incidents of harassment or bullying (whether direct or indirect), members may make a complaint to the Equality and Wellbeing Officer. They may also make any complaint to the President or any other Executive Committee member as they feel appropriate.
2. Members may also make a complaint if they feel that their wellbeing and full participation at the Society are at risk because of behaviours or actions of another member outside of Geas.
3. Should a member wish to make a complaint about any actions that are potentially criminal (including, but not restricted to, actions that can constitute sexual assault, physical attacks, damage to property, et cetera), they are urged to raise this complaint directly with the University of Edinburgh Complaints Procedure or the Police, as they deem appropriate. The Committee will support the member in doing so, and the EUSA Advice Place will fully support the Complainant in doing so.
4. Should a member wish to make a complaint about one or more Committee members, or in the event that they feel the office-bearers in charge of handling internal complaints may not be able to do so fairly owing to conflicts of interest, they may make their complaint to a member of the EUSA Societies Team.

### **Complaint Handling**

5. The Geas Executive Committee (President, Secretary, and Treasurer) and the Equality and Wellbeing Officer (EWO) will be in charge of handling internal complaints. They will endeavour to respond to any complaints made to them promptly and to resolve any conflict or grievance in a timely manner. The Executive Committee and EWO will also be aware of the limits of the complaints procedure and will ensure that any actions that are potentially criminal (including, but not restricted to, actions that can constitute sexual assault, physical attacks, damage to property, et cetera) are referred to appropriate authorities.
6. The Executive Committee and EWO will be responsible for ensuring all investigations of internal complaints, responses to them and any subsequent actions taken regarding their outcome complies with this procedure, is fair and unbiased, that the outcomes determined are appropriate, and all records are complete, accurate, and retained correctly.
7. The Executive Committee and EWO recognise that complaints are distressing and contentious for all parties, and they pose risks to Complainants. The Executive Committee and EWO will ensure confidentiality and compliance with data protection legislation in the handling of any sensitive or personal information in the complaints. The Executive Committee and EWO will only disclose confidential information with the consent of the parties involved, unless required by statute to do so because of the risk of harm.

8. In order to maintain the fairness of the investigation and the safety of parties involved, the Executive Committee and EWO will maintain confidentiality in handling complaints. The identities of complainants and/or witnesses, and the events or substance of complaints will not be disclosed to individuals not involved, and such details will only be shared with witnesses and/or respondents insofar as they are required to ask appropriate questions in investigating the complaint.

9. The Executive Committee and EWO may breach confidentiality to share information with relevant authorities if it poses a reasonable threat to any individual's safety, or if the Executive Committee and EWO are required to do so by law. They will advise relevant parties accordingly.

10. The Executive Committee and EWO will evaluate the risk of any course of action during the reporting, investigation, and outcome of the complaint, and will, to the best of its knowledge and ability, ensure the safety and wellbeing of the Complainant and/or any witnesses.

11. If any individual has a complaint made about them, the Executive Committee and EWO will explain to them the substance of the matter (while maintaining the confidentiality or safety of the Complainant and/or witnesses) and the details of any disciplinary procedures that may apply.

## **Investigation**

12. In responding to the complaint, the EWO, or any other appointed Committee member, will investigate the complaint as the Investigating Officer and gather any available evidence to evaluate the substance of the complaint. This evidence may be of any form, including but not restricted to statements from witnesses, screenshots or transcripts of correspondences, et cetera.

13. The Investigating Officer should interview the Complainant, either formally or informally, or may request information in writing as soon as possible after the receipt of the complaint. The Investigating Officer must be sensitive to the wellbeing of the Complainant, and ensure that this interview takes place privately in a safe environment, and that the Complainant is provided any support that they might need.

14. The Investigating Officer should pay specific attention to the distress that recounting any events related to the complaint would cause to the Complainant. The Investigating Officer must respect the Complainant's decision on whether or not to disclose details of events.

15. During the interview or correspondence, the Investigating Officer should attempt to uncover all key points about the complaint, with specific attention paid to the identity of the Respondent(s), the events and actions being complained about, the location and time of the events, witnesses to the event, and what outcome the Complainant is looking for (an apology, assurance that the action or behaviour will not recur, the Respondent being asked to stay away from them, the Respondent being ejected, et cetera).

16. The Investigating Officer may also interview witnesses of the event as per the procedures in §13-15. Witnesses will have the right to decline giving evidence in the investigation. When

interviewing witnesses, the Investigating Officer will not provide them with details of the complaint except when required in order to ask appropriate questions to fairly investigate the complaint.

17. The Investigating Officer may also inform the Respondent(s) of the complaint and offer them a chance to explain events from their point of view. In order for the Respondent(s) to have a fair opportunity to present their case, the Investigating Officer will not be able to guarantee the anonymity of the complainant and/or any witnesses. The Investigating Officer must advise the Complainant and/or witnesses on the extent to which their identity and details of the complaint will need to be disclosed, and must endeavour to only disclose as much information as needed in order to fairly conduct the investigation. The Investigating Officer must ensure the safety and wellbeing of the Complainant and witnesses and consider risks of backlash or retribution when assessing whether or not to keep the identity of the Complainant and/or witnesses anonymous.

### **Evaluation**

18. After all the evidence has been collected, the Investigating Officer will detail to the rest of the Executive Committee and EWO the specifics of the event. The Executive Committee and EWO will then determine whether or not a complaint is valid or invalid.

19. The Executive Committee and EWO will evaluate the extent to which the substance of the complaint breaches the Society's aims and objectives, its Constitution, policies or codes of conduct, as well as any governing laws or bye-laws. The Executive Committee and EWO will also consider the extent to which the matter affects the wellbeing of affected parties and the reputation of the Society.

20. The Executive Committee and EWO will consider what kind of response or disciplinary sanction is proportionate to the actions or events. In doing so, the Executive Committee and EWO may also take into consideration any related extenuating or aggravating circumstances.

21. In order for a complaint to be deemed valid, the Executive Committee and EWO will consider as satisfactory that the events were more likely than not to have occurred based on an assessment of gathered evidence.

### **Outcome**

22. Where a complaint is deemed valid, the Executive Committee EWO may assist the complainant in seeking frontline resolution. The purpose of frontline resolution is to ensure that Respondents rectify and apologise for their conduct, and that such behaviour is not repeated.

23. Where a complaint is more serious, the Executive Committee and EWO may also apply appropriate sanctions using the Society's internal disciplinary procedures outlined in §3.4.(a) of the Geas Constitution to ensure the safety of all members.

24. The Executive Committee and EWO will also assist the Complainant should they choose to escalate the matter to be investigated further by the University of Edinburgh's complaints

procedure or by the police as the Complainant feels appropriate. The EUSA Advice Place will fully support the Complainant should they wish to do so.

25. Where a complaint is deemed invalid and the Respondent feels that the complaint was made in bad faith (i.e. maliciously, to cause them stress or discomfort), they may make a separate complaint about this to the Executive Committee and EWO. If the Respondent does not wish to pursue a separate complaint, then no further action will be required.

26. Complainant(s) and Respondent(s) will be notified of the outcome separately. The Complainant(s) will be further informed once the Respondent(s) has/have been notified of the outcome. Should either party be unhappy with the outcome, they may notify the Equality and Wellbeing Officer, or the Executive Committee, so the complaint may be reassessed or its outcome clarified.

### **Complaint Records**

27. All complaints and their outcomes will be recorded, including any accompanying evidence. These records will be kept in compliance with data protection regulations as per [EUSA's privacy policy](#). This information will be retained for up to three years after the end of the Committee's tenure during the academic year in which the complaint was made, after which time the records will be destroyed securely.

28. The Executive Committee and the EWO will retain records of serious disciplinary sanctions, such as written warnings or bans for misconduct that poses a risk to the safety of other members, in the interest of safeguarding the wider membership. In such a case they will only retain records of the names of individuals and the grounds on which the sanction was imposed, for a period of up to ten years from the end of the Committee's tenure during which the sanction was imposed, after which time the records will be destroyed securely.

29. For more information and guidance, please consult EUSA's guidelines on complaints procedures at the University:

[https://www.eusa.ed.ac.uk/support\\_and\\_advice/the\\_advice\\_place/complaints\\_conduct/complaint\\_to\\_university/](https://www.eusa.ed.ac.uk/support_and_advice/the_advice_place/complaints_conduct/complaint_to_university/)