

## Articles

### Complaints and Disputes

81. All members should use the Complaints Procedure ([Standing Order Table 5](#)) to internally resolve complaints against the validity or propriety of anything done by JCR Officials, or Committees under this Constitution, before involving individuals external to the JCR. However, incidents of harassment or other serious offences should be directed straight to the Senior Dean or Junior Deans. Dissatisfaction with the result of the Complaints Procedure is not sufficient reason to warrant approaching the Deans.

## STANDING ORDER TABLE FIVE: COMPLAINTS PROCEDURE

### Introduction

1. Members should read [Article 81](#) before triggering the Complaints Procedure. Incidents of harassment or other serious offences should be directed straight to the Senior Dean or Junior Deans.
2. All details of the complaints will be kept strictly confidential between the involved parties.

### Making a Complaint

3. A complaint can be made by sending an email entitled “CONFIDENTIAL COMPLAINT” to the Returning Officer including:
  - a. A full, clear description of the concerns and the circumstances of any dissatisfaction or alleged impropriety,
  - b. the remedy sought (such as an informal settlement, recommendation of an alteration to the JCR’s working practices, motion of censure or no confidence, annulment or recount of an election, disqualification from election candidature or voting rights, and overturning an unconstitutional motion).

### Complaints Chair

4. The Complaints Chair, and general arbiter of the complaints process, will normally be the Returning Officer.
5. A member shall be considered unsuitable should any of the following disqualifying criteria apply. If they:
  - a. Are the complainant (unless this is the Returning Officer themselves putting an allegation of electoral malpractice as part of their duty) or the accused;
  - b. Have a sufficiently cordial, hostile or otherwise proximate relationship with the complainant or accused such that neutrality is endangered;
  - c. Are presented with any conflict of interest in dealing with the complaint;
  - d. For any other reason feel they will be unable to maintain impartiality and neutrality.
6. If, upon reading the complaint, the Returning Officer is disqualified, they shall outline the complaint to the Officer next in line in [Article §21](#) starting with the President unless they know them to be unsuitable ([§5](#) of this Table).
  - a. An Officer may immediately be excused upon hearing the complaint outline if disqualified by [§5](#) of this Table.

- b. When the Returning Officer finds an Officer who is not immediately disqualified, they shall cede the Chair to them and forward the email, deleting their copy.
- c. If upon reading the full complaint they find themselves disqualified, the new Chair shall follow the same process until a suitable Chair is found. If no Officer is suitable, [§10](#) of this Table shall be used as a last resort to find a suitable Chair.

### **Stage One: Informal Resolution**

7. The Chair shall contact the accused, inviting them to respond to the original complaint via them. A dialogue mediated by the Chair may continue until the complaint is informally resolved. Parties involved in this should work constructively to avoid unnecessary formal proceedings.
8. Complaints move to formal resolution (Stage Two) where:
  - a. The Chair considers a complaint inappropriate for Stage One with election/referenda related complaints always forming such a case.
  - b. The complainant provides reasons requesting Stage Two following dialogue.

### **Stage Two: Forming the Complaints Panel**

9. Panels of three willing full members will be formed on a case by case basis and be expected to consider all information fairly, without bias. Three willing reserve panel members should be nominated in case of an appeal.
10. Within three days, the Chair will nominate any willing members that they do not believe to be disqualified by [§5](#) of this Table after outlining the complaint to form the Panel with the following priority:
  - a. Ex-Complaints Chairs and Panellists, ordered by experience.
  - b. Ex-Returning Officers, ordered by tenure length.
  - c. Former Officers ordered by a sensible criterion;
  - d. Current Officers by [Article 21](#).
  - e. Current Reps by [Article 22](#).
11. If a nominated Panellist believes that any of [§5](#) of this Table applies to them after receiving the full complaint copy, they should inform the Chair and be excused.

### **Stage Two: Formal Resolution**

12. Once formed, the Panel should normally, unless in exceptional circumstances, reach a formal resolution within one week.
13. The Panel shall attempt to form a complete understanding including:
  - a. Accepting statements from the complainant, accused and their responses to each other's statement.
  - b. Inviting relevant third parties to provide testimony.
  - c. Asking follow-up questions based on statements.
14. Once the Panel has considered all the facts, they must decide by simple majority whether the complaint is wholly justified, partially justified, or unjustified.
15. If the complaint is wholly or partially justified, the Panel must consider an effective and proportionate resolution, which needs not be the remedy sought by the complainant.

16. The Chair will create an anonymised summary of the Panel's decision (pending appeal), forward it to the Secretary for uploading to the JCR website and provide a more detailed explanation of the Panel's reasoning to the complainant and accused.

### **Stage Three: Appeal**

17. The formal resolution of Stage Two shall be final and binding on the JCR; unless a new complaint ("appeal") is made within 24 hours contesting specifically the integrity or propriety of the Complaints Panel.

18. The three reserve Panellists will be immediately forwarded all relevant documents, and shall come to a formal resolution on the appeal within 48 hours.

19. If the appeal is wholly or partially justified, the original decision may be overturned should the Appeal Panellists decide that the formal resolution was unreasonable as a result. No further appeals shall be heard.

### **Conclusion**

20. If a motion of censure or no confidence remains as the formal resolution after any appeals have been considered, the original Chair will bring it to the next General Meeting of the JCR, seconded by the next most senior original Panellist ordered by [§10](#) of this Table.

21. The motion will respect the anonymity of the complainant and any other relevant parties, but will name the accused. It shall also provide a summary of the Panel's findings and reasons for censure/no confidence.

22. All Panellists will respect the decision of the panel and shall not seek to undermine any outcome that it deems appropriate, including those mentioned under [§20](#) of this Table.