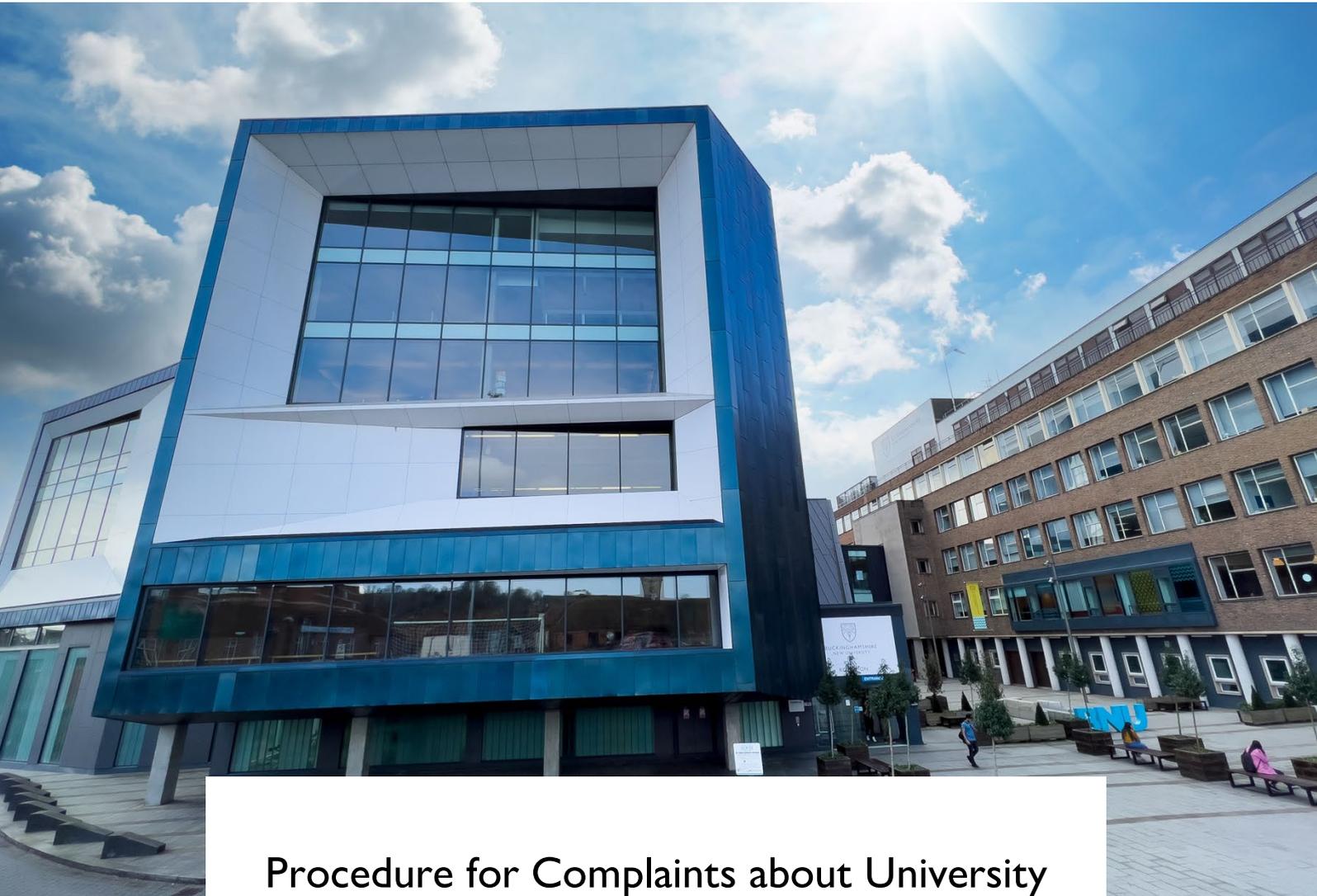




BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



Procedure for Complaints about University Governors

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Introduction

1. Council is the University's governing body. All Council members must be fit and proper persons and are expected to act in accordance with the Seven Principles of Public Life (the Nolan Principles):
 - Selflessness
 - Accountability
 - Integrity
 - Objectivity
 - Openness
 - Honesty
 - Leadership
2. Council members are also expected to uphold BNU's DRIVE values:
 - Dynamic
 - Responsible
 - Inclusive
 - Visionary
 - Empowering.
3. This procedure outlines the process for complaints made against members of the University's Council. Appendix A outlines a non-exhaustive list of behaviours by Council members that are deemed grounds for a complaint.
4. Complaints against the Senate, Professional Services and Academic members of Council will only be considered under this process if the complaint relates to their specific actions or behaviour as members of Council. Concerns or complaints relating to a staff member's operational performance (i.e. their work as employees of the University) will be considered under the University's *Disciplinary Policy and Procedure* and/or *Grievance Procedure*.
5. The complaints procedure aims to ensure transparency, fairness, and adherence to the highest standards of governance.

General Principles

6. The aim of the process is to resolve complaints fairly, consistently and in a timely fashion. The process is informed by the following principles:
 - Natural Justice: The procedure will ensure that all parties are informed of the allegations, receive equitable treatment, and have the opportunity to present their account, Where appropriate, reasonable adjustments will be made to support disabled members of Council
 - Confidentiality: Information about the complaint will be shared only with those directly involved in the process. All complaints will be handled with sensitivity
 - Impartiality: Those managing the complaint will have no prior involvement in the matter to ensure impartiality.

7. While Independent Members of Council are not employees of the University, this procedure notes the principles set out within the ACAS Code of Practice for Disciplinary and Grievance Procedures:
 - Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - Employers and employees should act consistently
 - Employers should carry out any necessary investigations to establish the facts of the case
 - No disciplinary action will be taken against the employee until the case has been fully investigated
 - Employers should inform employees of the basis of the problem and allow them to put their case in response before any decisions are made and any mitigation taken into consideration.
 - Employers should allow employees to be accompanied at any formal disciplinary meeting.
 - Employers should allow an employee to appeal against any formal decision made.

Submitting a complaint

8. All complaints should be made in writing to the Clerk of Council, including full details, any relevant supporting evidence and any witnesses.
9. Complaints should be submitted within 10 working days of their occurrence to ensure they can be dealt with promptly. Complaints should not be unreasonably delayed.
10. The subject of the complaint (hereafter 'the respondent') will receive a copy of the complaint within five working days of the complaint being received. Details of the complainant will be anonymised.

Informal Resolution

11. The Clerk will notify the Deputy Chair of Council of a complaint within two working days of its receipt. Complaints deemed to be vexatious or malicious will not be considered, and could lead to the complainant becoming subject of a complaint investigation.
12. The Clerk to Council will explore informal resolution options with the complainant and the respondent.
13. If both parties agree, mediation or other alternative dispute resolution methods may be used.
14. If resolved informally, the Clerk will confirm the outcome in writing to both parties and inform the Governance Committee that the complaint has been resolved.
15. Where a complaint is deemed to be of a particularly serious nature, such as bringing the University into disrepute, the Deputy Chair of Council may decide that informal resolution is not appropriate, and that

the complaint should move to formal investigation immediately. The Chair of Council will be informed of this decision if not named in the complaint.

Formal Complaint Process

16. If a complaint cannot be resolved informally, the Clerk will notify the Deputy Chair and Council's Governance Committee,
17. An Investigation Panel will be appointed by the Deputy Chair of Council, consisting of the Chairs of Audit, Resources and Student Experience Committees, one of whom will be appointed as Chair of the Panel, and the longest-serving staff member on Council.
18. The Panel may include external members if necessary, and a complaint is considered particularly serious.
19. If the respondent is the Chair of Audit or Resources or Student Experience Committee, the longest-serving Independent Member of Council (excluding the Chair and Deputy Chair of Council) will take their place on the panel.
20. If the respondent is the longest-serving member of staff on Council, the next longest serving staff member of Council after them will take their place on the panel.
21. The respondent will be suspended from Council and its committees pending the outcome of the investigation.

Investigation

22. The Clerk to Council will arrange a meeting of the Panel and provide copies of the complaint and any submitted evidence five working days in advance of the meeting. The Clerk will serve as Secretary to the Panel.
23. The Investigation Panel will have delegated authority from Governance Committee to determine the investigation's scope, interview relevant parties, including the complainant and the respondent, gather any additional evidence, determine the outcome of the investigation and make appropriate recommendations to resolve the complaint.
24. If an interviewee is unable to attend the interview, they will be given the opportunity to submit a written statement for consideration by the Panel. Any such statements must be submitted to the Clerk to Council within five working days of the date of the planned interview.
25. The complainant and respondent can be accompanied to the interview by a companion. The companion may not answer or ask questions on behalf of the complainant or the respondent.

Outcome

26. The Panel will review the findings and decide by simple majority and on the balance of probability whether the complaint should be upheld.
27. In the event that there is no majority, the Panel Chair will have a casting vote.
28. The Panel will prepare an Investigation Report, normally within ten working days of the Panel's meeting.
29. If the complaint is not upheld, the Deputy Chair of Council and the Governance Committee will be informed of the outcome.
30. If it is agreed that the complaint is not upheld, the respondent will be eligible to resume their term of appointment on Council.

Recommendations

31. If the complaint is upheld, the Panel will make recommendations to Governance Committee about actions to be taken.
32. Council's Governance Committee will review and agree the recommendations to be taken forward to Council. If the complainant is a member of Governance Committee, they will be asked to leave the meeting while the report and recommendations are considered.
33. If the Panel finds that the respondent is unable or unfit to discharge the functions of a member of Council, it may recommend that the respondent should be stood down as a member of Council.
34. Governance Committee will review and agree, or reject, any recommendation to Council to remove a member of Council from office.

Council Approval

35. Council will consider and agree the final actions to be taken. The complainant will be asked to leave the Council meeting while the recommendations are considered.
36. In accordance with the University's *Instrument of Government* section 6, clause 3, if Council accepts a recommendation that the member of the Council is unable or unfit to discharge the functions of a member, the Council will by notice in writing to the member remove them from office, and thereupon their office will become vacant.

37. The Clerk to Council will notify the complainant and respondent of the decision in writing within five working days of Council's decision, including reasons and appeal information.
38. In the event that the complaint is being considered during a period where there are no immediate meetings of Governance Committee and/or Council, the recommendations will be considered and agreed by correspondence. The respondent and complainant will not be included in this correspondence. Members must keep any report and recommendations circulated by correspondence confidential.
39. If Governance Committee or Council agrees that the University should issue a statement internally or externally about the outcome of the complaint, the University's Communications team will be responsible for such a statement.

Appeals

40. Appeals can be made on the grounds of procedural irregularity, new evidence, or the recommendations being unreasonable.
41. Appeals must be submitted in writing to the Clerk to Council within 10 working days of the original decision. The Deputy Chair of Council and Governance Committee will be informed that an appeal has been submitted.
42. An Appeal Panel consisting of three Independent Council members and one staff member of Council will review the appeal within ten working days of the appeal being received. The appeal panel members will not have been members of the Investigation Panel.
43. The Appeal Panel will decide whether to uphold the appeal or not. It will not commence a new investigation into the complaint but determine whether the outcome and recommendations were reasonable. The Appeal Panel's decision is final and will be communicated to the respondent involved by the Clerk to Council.
44. If the appeal is upheld, the Appeal Panel will make alternative recommendations if appropriate.

Review

45. Council may conduct a review of the process to ensure its effectiveness and appropriateness.

External Reporting

46. The Chair of Council, the Vice-Chancellor, and the Clerk to Council will determine if a complaint and its outcome needs to be reported to external regulators, such as the Office for Students.

Complaints about the Chair of Council

47. Complaints against the Chair of Council should be reported in writing to the Clerk to Council.
48. The processes followed will be the same as those outlined above.
49. If a complaint culminates with the removal of the Chair of Council from office, the Office for Students will be notified in accordance with their requirements under Regulatory Advice 16 (Reportable Events).

Complaints about the Deputy Chair of Council

50. Complaints against the Deputy Chair of Council should be reported in writing to the Clerk to Council.
51. The processes followed will be the same as those outlined above with the exception that the Chair of Council will consider the complaint when it is first submitted.

Complaints about the Vice-Chancellor

52. Complaints against the Vice-Chancellor must be made in writing to the Clerk to Council.
53. The complaint will be reviewed by Deputy Chair of Council to determine if it should be investigated with support from the Chief People Officer or Clerk to Council if required.
54. If the complaint is accepted for investigation, a Senior Employee Special Committee will be convened to consider the complaint with the Chief People Officer and/or the Clerk to Council supporting the process. The investigation will be overseen by Governance Committee unless the complaint relates to financial irregularities in which case it will be overseen by the Resources Committee.
55. In accordance with the University's Instrument and Articles of Government, Council is responsible for, and cannot delegate, any decision to dismiss the Vice-Chancellor.

56. If the Vice-Chancellor is dismissed from office as a result of the complaint process, the Office for Students will be informed.

Appendix A: Non-exhaustive behaviours that are grounds for complaint

- Breach of Confidentiality: Unauthorized disclosure of (commercially) sensitive information.
- Discriminatory Behaviour: Actions that discriminate based on race, gender, disability, or other protected characteristics.
- Serious Breach of Security: Compromising the security of University systems or data.
- Bringing the University into Disrepute: any behaviour that negatively impacts the University's reputation.
- Consistent Refusal to Comply: Ignoring reasonable requests from the Chair or other authorities.
- Failure to Observe Regulations: Not adhering to health and safety regulations or other University policies, and Council procedures
- Lack of Attendance: Regularly missing meetings or failing to participate in required activities.
- Inappropriate Intervention: Disruptive behaviour during meetings or discussions.
- Misuse of Resources: Using University equipment or resources for personal gain.
- Aggressive or Offensive Behaviour: Using abusive language or exhibiting violent behaviour.
- Harassment or Bullying: Engaging in behaviour that intimidates or demeans others.
- Fraud or Falsification: Deliberately providing false information or engaging in fraudulent activities.
- Failure to disclose: interests and/or information that should have been reported on the member's Register of Interest / Fit and Proper Persons Form
- Substance Abuse: Being under the influence of alcohol or illegal substances during Council duties.
- Criminal Damage: Causing damage to University property.
- Chair of Council: failure to maintain sufficiently impartial relationship with the Vice-Chancellor and which impairs their ability to make effective assessment of the Vice-Chancellor's performance as the Vice-Chancellor's line manager (see the De Montfort University case) OR failure to ensure Council provides robust and efficient oversight of, and challenge to, the University's executive leadership



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