

UCDSU INDEPENDENT APPEALS AND DISCIPLINARY BOARD

Reference No. 20/02

The LGBTQ+ Coordinator

Complainant

and

The Campaigns & Engagement Officer

Respondent

DECISION

1. Background

1.1. Article 16.19 of the Union Constitution provides as follows:

“16.19 A Formal Complaint shall take place where the President or an officer or organ of the Union makes a formal complaint about an officer of the Union in respect of the conduct or performance of the latter officer. A Formal Complaint shall be submitted to the IADB within a reasonable period of time and without undue delay.”

1.2. Article 14.6.4(iii) provides that the LGBTQ+ Coordinator shall:

“in conjunction with the Campaigns & Engagement Officer, organise campaigns in relation to LGBTQ+ rights.”

1.3. Article 10.7.1 provides that:

“The Campaigns & Engagement Officer shall be responsible for the organisation, coordination and implementation of all Union Campaigns locally and nationally.”

- 1.4. Article 16.11 provides for the preliminary examination process. Article 16.11(iii) provides as follows:

“(iii) If the Chairperson decides that the matters complained of are immaterial, that the matters raised are not within the jurisdiction of the IADB or that the appeal is without merit, that decision and the reasons for that decision shall be communicated to the other members of the IADB. Otherwise the appeal shall proceed in accordance with this Article.”

- 1.5. The Complainant made a Formal Complaint as against the Respondent on 3rd April 2020. The fundamental point of the complaint is to the effect is against the Respondent for *“not communicating with me or other staff regarding my Trans Day of Visibility (TDOV) Event.”*

- 1.6. The Respondent replied by way of a preliminary statement of opposition in accordance with Article 16.11(ii).

2. Decision

- 2.1. The Chairperson has decided in accordance with Article 16.11(iii) that the appeal is **without merit.**

- 2.2. The primary responsibility for organising the event in question rested with the Complainant in accordance with Article 14.6.4(iii) which provides that the LGBTQ+ Coordinator shall organise campaigns in relation to LGBTQ+ rights in conjunction with the Campaigns & Engagement Officer.

- 2.3. The relevant role of the Respondent is provided for in Article 10.7.1, and is a high-level responsibility for the organisation, coordination and implementation of all Union campaigns.

- 2.4. The primary complainant of the Complainant is that of a lack of communication on the part of the Respondent. This is said to be supported by a series of email chains:

- (a) The first is addressed to the Art Director of the Union.
 - (b) The second is from the Art Director to the Complainant.
 - (c) The third is to the Art Director and not copied to the Respondent.
 - (d) The fourth informs the four recipients of the time a third party wants a social media stream to take place at.
 - (e) The fifth is from the Art Director to indicate that the date in question is not convenient for the Digital Media and Student Engagement Coordinator.
 - (f) The sixth is from the Events & Marketing Manager to the Complainant and is not copied to the Respondent.
 - (g) The seventh is a Google Hangouts meeting notification.
 - (h) The eighth is from the Art Director asking if a Google Hangouts meeting is proceeding on the day in question.
 - (i) The ninth shows the Respondent sending an invitation to a Google Hangouts meeting.
- 2.5. None of the foregoing demonstrate any failure on the part of the Respondent to respond to any communications from the Applicant. None of them called for any response from the Respondent.
- 2.6. They do, however, show an attentive and diligent approach being taken by the relevant staff of the Union who are tasked to assist the Respondent in the campaigns and engagement function of the Union.
- 2.7. The final document provided by the Complainant is a screenshot showing that the Respondent shared a social media post in relation to the relevant event. This does not appear to support the complaint made.
- 2.8. The Respondent provided a Preliminary Statement of Opposition together with relevant documentation as follows:

- (a) Email showing notes from a Campaign Forum meeting.
- (b) Extracts from the Campaign Forum chat group. This includes an invitation from the Respondent to a Skype call which the Complainant replies to with a text update that the Complainant was “*moving tdov online*” and hoped to do some graphics with the Art Director, polls *et cetera*.
- (c) Email chains and chats organising various relevant meetings.
- (d) Email chains in relation to the event in question, including a request from the Respondent to the Complainant for the text for inclusion in the all student email.

2.9. It is of significance that some of the documents provided by the Respondent were not provided by the Complainant. The essence of the complaint is an accusation of a lack of communication on the part of the Respondent but some of the communication which did in fact take place was omitted from the documentation submitted by the Complainant.

2.10. Across all of the documentation provided by the parties there is no indication of any request having been made by the Complainant to the Respondent which was not responded to by the Respondent.

2.11. Overall, the documentation provided by the parties shows that the Complainant’s requests for assistance were attended to diligently by the relevant staff of the Union. It is of significance that the staff were made available to assist directly by the Respondent in the Campaign Coordinator Handbook circulated at the start of the academic year and in practice, as demonstrated by the extensive involvement of relevant staff in the relevant email threads.

2.12. It is important to emphasise that it is not, for example, constitutionally necessary for the Campaigns & Engagement Officer to personally tend to relevant social media matters provided that these are effectively delegated to the relevant professional staff of the Union.

2.13. Neither party has asserted that there was a specific mandate in place in respect of the event. It is also significant that the event, envisaged as a “visibility” event, was scaled back significantly and revised by reason of the closure of the University campus by reason of the present COVID-19 virus pandemic.

2.14. The making of a Formal Complaint is a significant and formal constitutional step. There is no indication, however, of any attempt on the part of the Complainant to resolve the matter through less formal means or the democratic structures of the Union.

3. Conclusion

3.1. None of the evidence presented by the Complainant demonstrates any failure in respect of the conduct or performance of the Respondent.

3.2. The Chairperson has decided that this Formal Complaint is **without merit** for the purposes of Article 16.11(iii) of the Union Constitution.

Morgan Shelley B.L., Chairperson

The members of the IADB have unanimously agreed to the Chairperson’s decision as set out above, and the appeal is therefore **dismissed** pursuant to Article 16.11(iv) of the Union Constitution.

Cllr. Michael D. Clark PhD, Secretary

24th April 2020