

09 – Disciplinary

There may be times that individuals or groups within the Union do things which cause upset to others in the Union or which would be seen as unacceptable behaviour or conduct. This process outlines fair procedures for issues to be raised and under the principles of fair treatment.

The **President** shall be the officer with lead interpretation of this Bye-Law.

Principles and responsibilities

- 901 This Bye-Law and its Appendices set out the procedures to be followed in the case of disciplinary action or investigation being required in respect of any Member of the Union, which includes the Elected Officers, Clubs, Societies and Student Media Societies.
- 902 The Trustee Board shall keep updated a set of disciplinary procedures that shall be made available online. They shall include
- a) Members Code of Conduct
 - b) Trustee Code of Conduct
 - c) Disciplinary Procedure for Members, Clubs and Societies
 - d) Disciplinary Procedure relating to Licensed Areas
 - e) Officer Objectives Form and Officer Development Plan Form
 - f) Disciplinary Procedures relating to Elected Officers including Sabbatical Officers
 - g) Any other procedures as they feel necessary
- 903 It is the responsibility of all Members to familiarise themselves with the Union's Code of Conduct which shall be published online.
- 904 It is the responsibility of all Officers and Trustees to also maintain reasonable standards of behaviour, performance and attendance in carrying out their duties and responsibilities. Trustees are also required to abide by the Trustees' Code of Conduct.
- 905 The Union's disciplinary procedures consist of a clear set of rules that are easy to understand and that promote fairness and consistency of treatment, that comply with the law where relevant and comply with the Memorandum and Articles of Association of the Union as well as other relevant By-Laws.

Policy Principles

- 905 In any cases where a disciplinary hearing will take place, a Member, an Officer or Trustee will be given the opportunity to state their case during the Disciplinary Hearing and before the Disciplinary Panel's decision is made.
- 906 Evidence will be provided before any hearing, as far as is reasonably practical.
- 907 No disciplinary action will be taken against a Member, Officer or Trustee until an investigation has been carried out.
- 908 Officers may be subject to Precautionary suspension while an investigation is taking place, depending on the circumstances. During a period of Precautionary suspension an Elected Officer may not act on behalf of the Union. Precautionary suspension is not disciplinary action.

- 909 Some of the rights and benefits of Members may be suspended while an investigation is taking place (but not the right to receive notice of, attend, speak at or vote at a Company Law Meeting). Precautionary suspension of these rights is not disciplinary action.
- 910 There will be a right of appeal in any disciplinary process.
- 911 In cases which involve the President, references to the President's involvement in the process should be read as the Vice President. In cases which involve the President as the Chair of the Board of Trustees, references to their involvement should be read as the Vice Chair of the Board.

Record Keeping

- 912 The Union shall ensure that notes are taken of all interviews or meetings at any stage in the investigation and disciplinary process. It is not required that these are verbatim notes. All parties to the procedure may have access to these should they require them once they are available.
- 913 Preparatory notes are the property of the individual who made them and will be confidentially destroyed once the procedure has been concluded. These are not included in the right of access.
- 914 Evidence to be used in the decision making process should be made available to all parties prior to any decision being taken. Evidence to be referred to in any hearing will be made available at least 48 hours before the hearing, wherever practicable.
- 915 Records should be held in a secure place and final records will be held by the Governance and Leadership Support department, in accordance with the law.

Confidentiality

- 916 At all times during the investigations, confidentiality and discretion must be maintained by all those involved. Any breach of confidentiality will be investigated as a disciplinary matter in itself.
- 917 The Union reserves the right to break confidentiality if it is under a legal obligation to do so, or if the incident being investigated indicates evidence of potential criminal activity or harm to an individual. If there is a need to break confidentiality, this will be approved by the President or their representative.
- 918 In accordance with the prevailing data sharing agreement between the Students' Union and the University, the Students' Union and University may share information regarding precautionary suspension, investigation and/or disciplinary action where the welfare of students is at risk by not doing so. Further details can be found in the Students' Union's privacy statement on the website.
- 919 It may be appropriate, following any disciplinary action, to communicate the outcome. In all cases, advice should be taken from the Human Resources Director and/or the Chief Executive on how actions should be communicated, if at all and in consultation with the

President and/or the Chair of the Board of Trustees. Sensitivity and the rights of an individual must be paramount in determining whether this is appropriate.

Precautionary Suspension

- 920 In exceptional circumstances the option of precautionary suspension will be considered. This may be where a Member's conduct may pose a risk to other students or staff; where a Member's continued access to Union facilities may interfere with the investigation of an offence; or where the Member themselves may be put at risk. This suspension is not a sanction and is used to protect the interests of the University community or a particular Member or Members of the Union.
- 921 The decision to suspend will be made at the President's (or their nominated deputy's) discretion. The terms and level (full or partial) of a suspension will be decided after considering the particular circumstances.
- 922 Full suspension means total restriction on attendance at Union premises, access to Union facilities or services, participation in Union Club and/or Society activities and participation in any Union meetings (except a members right to receive notice of, attend, speak and vote at a Company Law Meeting cannot be suspended). It may also include a requirement that the Member have no contact, of any kind, with a named person or persons.
- 923 Partial suspension involves selective restriction on attendance at Union premises, access to Union facilities or services, participation in Union Club and/or Society activities and participation in Union meetings (except a Member's right to receive notice of, attend, speak and vote at a Company Law Meeting cannot be suspended). It may also include a requirement that the Member have no contact, of any kind, with a named person or persons.
- 924 The reasons for the suspension will be put in writing and will be in place pending the conclusion of any action under these By-laws and/or any criminal proceedings.
- 925 The suspension will be subject to periodic review, at least on a bi-monthly basis and the Member will be informed of the outcome of the review. The Member may request a review of the suspension if there is a relevant change in their circumstances. The request should be made in writing to the President (or their nominated deputy) who will respond within five working days.
- 926 For the avoidance of doubt the Union may recommend that an issue is referred to the University disciplinary processes.
- 927 The Union's disciplinary process will apply proportionate rigour within its resources to investigate unacceptable behaviour or conduct. The Students' Union does not have access to the same investigatory powers as the criminal justice system.
- 928 A member may have chosen to report the matter to the police and given the sanctions and processes available through this route, may choose not to make use of the Students' Union's disciplinary process. However, should the alleged victim raise the matter with the Union, any decisions made will be based on the "balance of probability" rather than the "beyond reasonable doubt" principle.

- 929 The fact that criminal proceedings have been instituted or concluded does not preclude the Students' Union from taking its own disciplinary action if it is believed necessary or appropriate to do so. In addition, the fact that the Police are unable or unwilling to proceed does not preclude the Union from taking its own disciplinary action.
- 930 The Students' Union may, at its discretion, request consent to access University disciplinary investigation material in order to undertake its own assessment of the situation where it is in the best interests of all parties to do so. Consent must be obtained from the data subject or subjects involved prior to the request.
- 931 Where the member is also an employee of the Students' Union or any of its subsidiaries, the investigating officer should inform the Director of HR for consideration as to whether any further action is required.