

Disciplinary Procedure

1. This procedure shall be used if the Union Trustees, having established a *prima facie* case, considers that disciplinary action should be brought against a member as an individual or in his/her capacity as an officer of an organisation within the Union (such as a club or society). This shall include any complaint arising from the Union election procedure, subject to the election rules as laid out in the Constitution and Schedules. The Union's Disciplinary Procedure does not apply to the General Manager of the Union. In the case of a disciplinary investigation against the General Manager, which may have arisen as a result of a complaint having been brought by a member of the Union or otherwise, the School's staff disciplinary procedure shall apply.

2. The formal stages of the Union's Disciplinary Procedure should normally be concluded within one month of the start of the Disciplinary Procedure. Additional time is permitted for the appeal procedure (see below).

3. The following shall constitute misconduct (this list is illustrative but not exhaustive):

- (a) physically or verbally abusive behaviour
- (b) drunkenness or illegal drug abuse
- (c) conduct which could constitute a criminal offence on Union premises or on other premises while on Union business
- (d) fraud, dishonesty or deceit in relation to the Union and/or its staff or in connection with the holding of office
- (e) breach of the Union's Equality and Diversity Policy
- (f) breach of the School's statement on Freedom of Expression as incorporated in this Constitution
- (g) disruption of or improper interference with the Union's activities
- (h) damage to the Union's premises or property
- (i) action likely to cause injury or impair safety of the individual or others on Union premises
- (j) conduct which could bring the Union into disrepute.

4. In cases of urgency or danger, a member of the Union Trustees or a member of the Union's staff, including licensees of the Union's bar, shall be empowered to act immediately and reasonably to restore order and safety for other members of the Union. This could involve ejection from the Union (for example, from the bar or common room or other areas or meetings of the Union). If this occurs, paragraph 5 below may be immediately invoked by a Sabbatical Officer.

5. A Sabbatical Officer may temporarily suspend the membership any member, or a Part-time Officer from office or temporarily remove the recognition of a Union club or

society, pending a hearing.

6. A Sabbatical Officer (who shall be a different Sabbatical Officer from the postholder involved at paragraphs 4 and 5 above) shall be deemed 'the Investigating Officer' for this stage of the procedure. The Investigating Officer shall investigate the matter and gather information. If a *prima facie* case of alleged misconduct is established, the Investigating Officer shall within five working days of the alleged act of misconduct or temporary suspension call upon the Chair of Complaints to convene and chair a panel to investigate further the alleged misconduct. The Chair of Complaints shall select two other members of the panel (with due regard for diversity in the panel's membership), one of whom shall be a Sabbatical Officer of another college or university. If the Chair of Complaints of Complaints is not available or deemed inappropriate, given the matter in hand, by the Union Executive Committee, the latter shall designate a replacement Chair for this panel.

7. The Chair of the panel shall inform in writing the individual member or officers (including officers or a club or society) about the alleged misconduct and disciplinary procedure to take place. The formal hearing shall take place within fifteen working days of the Chair being asked to convene a panel. If necessary, more time shall be granted with the written agreement of all parties involved. The individual member or officer(s) shall receive the case against him/her or against the particular club or society, as appropriate, set out in advance in writing five days before a hearing, shall have the opportunity to answer the allegations in writing in advance and/or orally at the panel meeting, and can choose to be accompanied by a friend, in support but who should not usually speak unless invited to do so by the Chair. Both sides may call witnesses if they wish. The Chair may seek expert advice where necessary. If the alleged misconduct is deemed proven, the panel shall impose such penalties as they think fit. The penalties may include one or more of the following (although this list is illustrative and not exhaustive):

- (a) temporary or permanent removal from office, including sabbatical office
- (b) temporary or permanent removal of membership of the Union
- (c) temporary or permanent removal of the Union's recognition of a club or society
- (d) payment for damage done to property and/or restitution for any loss incurred
- (e) the proffering of an apology to another person(s)
- (f) warnings against repeated misconduct of whatever kind.

The panel shall aim to reach a unanimous decision but in the case of disagreement amongst the members of the panel a two to one majority shall decide. This shall be noted in the report of the meeting which shall be written up and made available to all parties concerned, and copied to relevant Union and School officers and staff, within five working days of the end of this procedure.

8. Should the accused member fail to attend the hearing, without reasonable excuse, the hearing shall proceed at the discretion of the Chair.

9. The panel shall endeavour to complete its proceedings within fifteen days of the Chair being asked to convene the panel to hear the case of the alleged misconduct. More time may be granted with the agreement of all parties involved.

Appeal procedure

10. Once these procedures have been exhausted, the member or officer(s) may appeal to the Governing Body through the office of the Clerk to the Governing Body, if the appellant considers that s/he has cause for appeal. Any appeal must be made in writing within fifteen working days of the Union panel's notification of its decision. The appeal shall be addressed confidentially to the Clerk to the Governing Body. The appeal should detail the procedures followed to date, enclosing the necessary papers, and must give the precise grounds for appeal.

11. The Governing Body shall appoint annually an 'independent person' (as required by the Education Act 1994) to investigate appeals. The independent person shall take all reasonable steps to resolve the dispute, examining all written documentation as appropriate and consulting parties as necessary. The independent person has discretion, within the law and the rules of natural justice, to conduct the procedure as s/he thinks fit. The decision of the independent person shall be reported in writing to all parties within one month, that is twenty working days from the date the matter was referred to him/her, and this shall constitute the final stage of the Union's procedure.