

University of Suffolk Students' Union (UOS SU)
Bye Law 6: Disciplinary Procedures

Introduction

- 6.1 This Bye-Law applies only where the alleged conduct occurred while a Member, Trustee or Officer was acting on behalf of, or participating in, Students' Union activities, services or governance.
- 6.2 A case for disciplinary action shall exist if a Member, Trustee or Officer is alleged to have:
 - 6.2.1 Engaged in conduct which disrupts SU-endorsed activity.
 - 6.2.2 Interfered or attempted to interfere with an employee of the SU in the performance of their duties.
 - 6.2.3 Wilfully damaged or defaced SU property or treated as their own the property of the Union or of an employee.
 - 6.2.4 Broken the Bye-Law 5: Members' Code of Conduct which applies both on and off campus in such a way as to bring discredit upon the SU.
 - 6.2.5 Broken a published rule of the SU.

Disciplinary Procedure – Trustees and Elected Officers

- 6.3 The code of conduct for Trustees and Elected Student Officers is set out in Bye-Law 6: Trustees' and Elected Student Officers Code of Conduct.
- 6.4 In the event that any Trustee or Elected Student Officer does not abide by Bye Law 6, the procedures set out in this Disciplinary Procedures Bye Law will be followed.
- 6.5 The process for removing a Trustee or Elected Student Officer from their elected role is a separate issue and should be addressed in accordance with clauses 28-29 and 30 of the Memorandum and Articles of Association.

Disciplinary Procedure – Members

- 6.6 The Code of Conduct for members in accordance with clause 16 of the Memorandum and Articles of Association, is set out in Bye-law 5: Members' Code of Conduct.
- 6.7 In the event that any member, when acting in an SU role, does not abide by Bye-Law 5, the procedures set out in this Disciplinary Procedures Bye Law will be followed.

Disciplinary Process

- 6.8 Allegations of misconduct as described above should be made to the SU Chief Executive. If the allegations are made about the SU Chief Executive the matter should be referred to the Chair of the Trustee Board
- 6.9 The SU Chief Executive or Investigating Officer then has 4 options:
 - 6.9.1 No action needed
 - 6.9.2 Level 1 – Chief Executive may take an appropriate decision
 - 6.9.3 Level 2 – Chief Executive may convene a SU disciplinary panel
- 6.10 The SU Chief Executive will inform the member of the level within 5 working days.
- 6.11 In the event that the misconduct is serious enough that the police are involved, the member/s concerned will be suspended from all Students' Union activities and venues pending the outcome of the police investigation. Any suspension imposed under this provision shall be a neutral act and shall be reviewed periodically to ensure it remains proportionate and necessary.
- 6.12 The Students' Union will not begin any disciplinary process until the outcome of the police investigation has been concluded and the member/s will continue to be suspended during this time.
- 6.13 Where the Chief Executive has investigated or made an initial decision in a case, they shall not sit on, nor influence the decision-making of, any Disciplinary Panel or Appeals Panel.
- 6.14 Decisions under this Bye-Law shall be made on the balance of probabilities.

Level 1

- 6.15 In the circumstance that the SU Chief Executive feels the incident in question does not require formal disciplinary procedures, they may meet with the member in question and impose a suitable sanction if required.
- 6.16 The member will be given the opportunity at the meeting to present their account of what has happened.
- 6.17 Following the meeting, the SU Chief Executive will, within 5 working days, write to the member to inform them what actions will be taken.
- 6.18 If the member is not satisfied with the outcome, they will have the right to request a hearing before the SU Disciplinary Panel. This request must be made in writing within 5 working days of being informed of the outcome of the original meeting.

Level 2

- 6.19 In the circumstances that the SU Chief Executive decides a Disciplinary Panel is appropriate, either because a member has requested it or the matter in question is deemed to warrant a formal hearing, they will convene a Panel whose membership will comprise one SU trustee, one elected student representative and one additional representative of the SU (student officer or trustee). These will be nominated by the Chair of the Board of Trustees. The Chair of the Disciplinary Panel shall be appointed by the Chair of the Board of Trustees and shall normally be a trustee. A secretary will also be present to take minutes.
- 6.20 No one with a direct relationship to the member or who would have a conflict of interest in exercising judgement should agree to sit on the Disciplinary Panel. All three members must be present for the Panel to be quorate. All Panel members shall be appropriately trained.
- 6.21 The member will be given 10 working days' notice in writing of the date, time and location of the hearing and be invited to submit any further documentation they wish to be considered within 5 working days.
- 6.22 The member and a representative of the Student's Union may each call up to three witnesses provided that their names have been supplied to the Chair of the Panel in advance, together with a brief supporting statement indicating their relevance to the case. The decision of the Chair of the Panel regarding witnesses to be called shall be final.
- 6.23 The member may be accompanied at the disciplinary hearing by a friend or supporter. A friend is defined as a member of staff or sabbatical officer of the Students' Union, a registered student of the University, or a member of staff of

the University. The role of the friend is to act as an observer, give moral support and to assist the member to make their case. The friend will not be permitted to address the Panel during the hearing. In addition, the member may be accompanied by a supporter, e.g. a sign language communicator, note-taker or interpreter.

- 6.24 If the member is expected at the disciplinary hearing and fails to attend without good cause, the Panel will normally continue with the hearing (providing it is satisfied that the member has been properly informed about the arrangements). If the hearing continues, anyone whom the member has chosen to accompany them would remain for the hearing.
- 6.25 The Chair of the Panel shall ensure that approved witnesses are informed of the date, time and location of the hearing but is not responsible for ensuring their attendance. The unavailability of witnesses shall not restrict or delay the hearing unless the Chair determines that their evidence may be material to the decision of the Panel.
- 6.26 The hearing, which will be minuted, will normally proceed as follows:
 - 6.26.1 The member may make an opening statement;
 - 6.26.2 The representative of the SU may make an opening statement;
 - 6.26.3 The member and the SU representative may question each other and may each be questioned by the Panel;
 - 6.26.4 Witnesses are called one at a time and are questioned first by the person who nominated them, then the other party and finally the Panel;
 - 6.26.5 The SU representative may make a closing statement if wished (and may leave the hearing for a few minutes to prepare this);
 - 6.26.6 The member may make a closing statement if they wish (and may leave the hearing for a few minutes to prepare this);
 - 6.26.7 The hearing closes and all parties except the Panel and the secretary will leave the room to allow the Panel to make a decision;
- 6.27 The order of the proceedings will be at the discretion of the Chair. The rule of the Chair on any point of procedure shall be final.
- 6.28 The Chair may adjourn the hearing if it becomes clear during the hearing that the deliberations of the Panel would benefit from an adjournment.
- 6.29 The Chair will ensure that the member and the SU representative are advised of the decision of the Panel in writing normally within five working days of the hearing, stating clearly the rationale for the outcome.
- 6.30 The Panel may:

- 6.30.1 find the matter proven and impose any sanctions it sees fit;
- 6.30.2 reject the allegation;
- 6.30.3 reject, alter or uphold the original finding of the Chief Executive, and reject, alter or maintain the original sanction(s) imposed.

Appeals Against Decisions of the Disciplinary Panel

- 6.31 If the member concerned is not satisfied with the outcome of the disciplinary hearing, they have the right to appeal to the Chair of the Board of Trustees.
- 6.32 An appeal should be lodged in writing within 5 working days of receipt of the original disciplinary decision, stating clearly the grounds for appeal.
- 6.33 The Chair of the Board of Trustees will consider whether there are eligible grounds for hearing an appeal. The grounds on which a formal appeal can be considered are:
 - 6.33.1 Correct procedure was not followed in line with paragraphs 1-6 of this Bye Law;
 - 6.33.2 The Disciplinary Panel did not take into consideration all relevant facts when coming to its decision;
 - 6.33.3 Prejudice or bias on the part of the Disciplinary Panel;
 - 6.33.4 There were extenuating circumstances present that were not taken into consideration by the Disciplinary Panel and which could not have reasonably been expected to have been presented in advance of the meeting of the Panel.
- 6.34 If the Chair of the Board of Trustees considers there are no eligible grounds to hear an appeal they will write to the appellant accordingly giving a clear explanation of the decision.
- 6.35 If the Chair of the Board of Trustees considers there are eligible grounds to hear an appeal, they will convene an Appeals Panel consisting of three members, membership to include one external Trustee and one Student Trustee to hear the appeal. The third member may be a Trustee or an elected student representative. All Appeals Panel members shall be appropriately trained.
- 6.36 The appellant should be given 10 working days' notice of the date, time and location of the appeal hearing and be invited to submit any further documentation they wish to be considered within 5 working days.

- 6.37 The appellant and/or a representative of the original Disciplinary Panel may each call up to three witnesses provided that their names have been supplied to the Chair of the Panel in advance, together with a brief supporting statement indicating their relevance to the case. The decision of the Chair of the Panel regarding witnesses to be called shall be final.
- 6.38 The appellant may be accompanied at the appeal hearing by a friend or supporter. A friend is defined as a member of staff or sabbatical officer of the Students' Union, a registered student of the University, or a member of staff of the University. The role of the friend is to act as an observer, give moral support and to assist the appellant to make their case. The friend will not be allowed to address the Panel during the hearing. In addition, the appellant may be accompanied by a supporter, e.g. a sign language communicator, note-taker or interpreter.
- 6.39 No one with a direct relationship to the appellant or who would have a conflict of interest in exercising judgement should agree to sit on the Appeals Panel. Where required the Chair of Board of Trustees could be replaced by a nominee from the remaining external trustees. All three members must be present for the Panel to be quorate.
- 6.40 If the appellant is expected at the appeals hearing and fails to attend without good cause, the Panel will normally continue with the hearing (providing it is satisfied that the appellant has been properly informed about the arrangements). If the hearing continues, anyone whom the appellant has chosen to accompany him/her would remain for the hearing.
- 6.41 The Chair of the Panel shall ensure that approved witnesses are informed of the date, time and location of the hearing but is not responsible for ensuring their attendance. The unavailability of witnesses shall not restrict or delay the hearing unless the Chair of the Panel determines that their evidence may be material to the decision of the Panel.
- 6.42 The hearing, which will be minuted, will normally proceed as follows:
- 6.42.1 The appellant may make an opening statement;
 - 6.42.2 The representative of the original Disciplinary Panel may make an opening statement; 7.12.3 The appellant and the Disciplinary Panel representative may question each other and may each be questioned by the Panel;
 - 6.42.3 Witnesses are called one at a time and are questioned first by the person who nominated them, then the other party and finally the Panel;
 - 6.42.4 The Disciplinary Panel representative may make a closing statement if wished (and may leave the hearing for a few minutes to prepare this);
 - 6.42.5 The appellant may make a closing statement if they wish (and may leave the hearing for a few minutes to prepare this);

- 6.42.6 The hearing closes and all parties except the Panel and the secretary will leave the room to allow the Panel to make a decision;
- 6.42.7 The appellant and the Disciplinary Panel representative may be invited back to hear the decision of the Panel, which will be confirmed in writing subsequently.
- 6.43 The order of the proceedings will be at the discretion of the Chair. The rule of the Chair on any point of procedure shall be final.
- 6.44 The Chair may adjourn the hearing if it becomes clear during the hearing that the deliberations of the Panel would benefit from an adjournment.
- 6.45 The Chair will normally ensure that the appellant and the Disciplinary Panel representative are advised of the decision of the Panel in writing within five working days of the hearing.
- 6.46 The panel may alter or uphold the original findings and maintain or alter the sanction(s) imposed. If the Panel decides that, based on the evidence presented at the hearing, the appeal should be rejected, the appellant will be advised that there is no further right of appeal within the Students' Union.

Referral to the University

- 6.47 Where the Disciplinary Panel considers that the alleged conduct falls more appropriately within the University's jurisdiction, it may recommend referral to the University. Where jurisdiction is transferred, the Students' Union disciplinary process shall normally cease.

Penalties

- 6.48 A student found guilty of misconduct may have any or all of the following sanctions imposed:
- 6.48.1 Banned from using all or some of the SU services for a specified length of time
 - 6.48.2 Removal of any elected title of the Union
 - 6.48.3 Termination of SU membership.
- 6.49 Any sanction imposed shall be proportionate to the seriousness of the misconduct.

6.50 Where an elected title is removed, the Chief Executive (for Level 1) or the Panel (for Level 2) shall state whether the individual is eligible to stand for election again and any applicable time limits.

Confidentiality

6.51 All proceedings under this Bye-Law shall be handled confidentially in accordance with data protection legislation.

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