

## **Bye Law 8**

### **Protecting Our Members**

**Purpose:** There may be times that individuals or groups within the Union do things which cause upset to others in the Union. This process outlines fair procedures for issues to be raised and everyone to be treated fairly.

#### **1. What is this Bye-Law for?**

- 1.1. This Bye-Law should be used when you wish to
  - 1.1.1. Raise a complaint about another member of the students' union because of their conduct.
  - 1.1.2. Raise a complaint about the collective behaviour of a group of students acting in the name or on the behalf of the students' union.
- 1.2. This Bye-Law should not be used for
  - 1.2.1. Accountability of elected representatives on matters of political or representative issues. That should be done through Student Members Meetings.
  - 1.2.2. Staff of the Union. That should be done through the Trustee Board.
  - 1.2.3. The conduct of the University. That should be done through their complaints procedure.
  - 1.2.4. That you have been disadvantaged by not being a member of the Union. This should be raised through the university complaints procedure.
  - 1.2.5. Criminal proceedings. In the first instance this should be reported to the police by the complainant.
- 1.3. Note that Sabbatical Officers have employment status as well as Student Member status and so the Trustee Board may have to decide how to take forward a complaint.
- 1.4. Should it be impossible to enact any part of this bye-law due to conflicts of interest the Trustee Board shall decide how to resolve the issue.

#### **2. Matters upon which a complaint may be raised**

- 2.1. Any member of the Union, including Trustees, Student Members and Associate Members, can raise a complaint against another Union member or group of members.
- 2.2. At their discretion, the President, or another Sabbatical Officer in the case of a complaint against the President, may pursue a complaint on behalf of a member of the public or a staff member of the Union or university.
- 2.3. The issues under which a complaint may be raised are:
  - 2.3.1. Wilful or negligent damage to, or loss of, Union property or property under its control.
  - 2.3.2. Conduct detrimental to reasonable enjoyment of any Union events or facilities by other members.
  - 2.3.3. Breach of any Union policy.
  - 2.3.4. Bringing the Union into disrepute.
  - 2.3.5. Offensive behaviour / comments regarding Union staff or Officers.
  - 2.3.6. Disclose information that is confidential and only known to that member because of their elected status.

#### **3. Initial complaint**

- 3.1. The initial complaint should be raised in writing to any Sabbatical Officer but where possible the vice-president with responsibility for that member's faculty.

- 3.2. This complaint should outline the area under 2.3 that the complainant believes a breach to have been made.
- 3.3. If the Officer receiving the complaint believes that there is a case to answer then it shall be passed to the disciplinary committee.
- 3.4. Should a complaint be raised against a formal group within the Students' Union – for example a society or club – that group will appoint a member of their committee to hear the charges and make the case on behalf of the group.
- 3.5. The President may, at their discretion, temporarily suspend a member or group from Union activity while the complaint is being investigated.

#### **4. Disciplinary Committee**

- 4.1. The Disciplinary Committee shall be made up of
  - 4.1.1. One Sabbatical Officer not including the President or the officer receiving the complaint where possible.
  - 4.1.2. Two members of the Executive Committee who are not conflicted by the complaint.
  - 4.1.3. Where a complaint is about a student group the members outlined in 4.1.2 can be replaced by two Society Presidents chose by the Sabbatical Officer.

#### **5. The disciplinary process**

- 5.1. The Disciplinary Committee may attempt to resolve the complaint informally if they believe this is appropriate. If this is not possible or not concluded satisfactorily however the following will apply:
- 5.2. The charged person shall be informed, in writing, by the Chair of:
  - 5.2.1. The parts of the Articles under which they are being charged.
  - 5.2.2. The details of the charges to be heard.
  - 5.2.3. Time, date and place of the hearing which shall be not less than 7 days from the notice sent by the Chair.
  - 5.2.4. The necessity to produce all witnesses or affidavits at the time of the hearing.
- 5.3. The Disciplinary Committee shall have the right to require the attendance of any Union member at disciplinary hearings. Non-compliance with this regulation shall be deemed an offence and may lead to disciplinary action being taken against the member charged in their absence. If the student being disciplined cannot attend the agreed dates, the meeting must be re arranged on a mutually convenient date. If this date cannot be set within 10 days of the initial date, this is classified as noncompliance and shall lead to action being taken as outlined in the Union Disciplinary procedure.
- 5.4. All cases shall be heard in accordance with natural justice.
- 5.5. Both the charged person and the person bringing the charge shall attend the meeting. In the event of non-attendance, the Disciplinary Committee shall have the power to dismiss the charges or hear the charges in the absence of the charged person.
- 5.6. A member brought before the Disciplinary Committee, or bringing another member before it, shall have the right to be accompanied by a friend.
- 5.7. At the hearing:
  - 5.7.1. the Chair will read the charges. The person bringing the charge will then present their case and any witnesses.
  - 5.7.2. The person bringing the charge and their witnesses may then be questioned by the charged person and the members of the Disciplinary Committee.
  - 5.7.3. The charged person will present their case and any witnesses.

- 5.7.4. The charged person and their witnesses may be questioned by the person bringing the charge and the members of the Disciplinary Committee.
- 5.7.5. The person bringing the charge and the charged person will sum up in that order.
- 5.8. The Disciplinary Committee will consider their verdict and sentence in confidence.
- 5.9. The Disciplinary Committee shall reach a verdict on the question of guilt and action to be taken by a majority vote. The vote may be carried out by secret ballot if so decided by the Disciplinary Committee.
- 5.10. The Chair shall be responsible for notifying the charged and all other parties of the outcome of the disciplinary hearing within 10 working days of the hearing. The outcome shall be given in writing and will also include the procedure for lodging an appeal.
- 5.11. The Union reserves the right to inform the University and anyone else it sees fit, of the outcome of the disciplinary hearing.

## **6. Possible Sanctions**

- 6.1. The following sanctions will be available to be imposed by the Disciplinary Committee
  - 6.1.1. Full Suspension of the individual or group from Union activities and membership privileges for a specified period of time.
  - 6.1.2. Part Suspension of the individual or group from selected Union activities and membership privileges for a specified period of time.
  - 6.1.3. In the case of groups the suspension of the right to represent the university in competitive activity for a specified period of time.
  - 6.1.4. Order payment of incurred damages.
  - 6.1.5. Full and permanent revocation of Union membership
  - 6.1.6. Refer the incident to the University or other relevant body.
- 6.2. A combination of the above sanctions may be imposed at the discretion of the Disciplinary Committee.

## **7. Appeal**

- 7.1. Any member found guilty of an offence by a Disciplinary Committee shall have the right to appeal to the President, against the verdict or sentence of the Disciplinary Committee.
- 7.2. While an appeal is awaited, the appellant may remain suspended or excluded from the rights and privileges of membership according to the recommendation of the Chair of the Disciplinary Committee.
- 7.3. An appeal may only be lodged on the following criteria:
  - 7.3.1. The correct procedures for conducting a disciplinary hearing were not followed
  - 7.3.2. The Disciplinary Committee reached an inappropriate finding of fact
  - 7.3.3. The Disciplinary Committee applied an inappropriate level of sanction

## **8. Procedure**

- 8.1. An appeal to the President must be made in writing within seven working days of the written decision of the Disciplinary Committee. The appellant must state clearly the basis on which s/he is appealing under 7.3 above.
- 8.2. The President shall compose an emergency appeals panel of three Student or Trustee board members including themselves with no prior knowledge of the case. The President shall chair the Appeals Committee.
- 8.3. The President shall arrange an emergency meeting of the appeals panel which must be held within 10 working days of the receipt of the written appeal.

- 8.4. It shall be the responsibility of The Disciplinary Committee Chair to present the minutes of the disciplinary hearing to the members of appeals panel at least three working days before the appeal hearing.
- 8.5. The Appeals Panel will consider its verdict and any amendment to the sentence in confidence and all voting at the appeal hearing shall be by secret ballot.
- 8.6. The Appeals Panel shall have the power to confirm, reduce or set aside sentences passed at the disciplinary hearing .
- 8.7. The same rules of confidentiality and requiring attendance shall apply to the appeals panel hearing an appeal as to the Disciplinary Committee.
- 8.8. The Chair of the Disciplinary Committee shall be responsible for notifying in writing, all parties of the outcome of the appeal within 5 working days from the date of the appeal hearing.