Activities Disciplinary & Appeals

Bye Law

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6. **Introduction and Scope of these Procedures**
7. Clubs and Societies should endeavour to deal with all complaints informally within the group prior to invoking the formal complaints procedure. If the Club or Society requires a more formal internal process they may mirror the procedure outlined below within the club, wherein in the Club or Society President acts in the same role as the Sport or Societies Federation President, a nominated member investigates the complaint, a panel is comprised of randomly selected Club and Society committee members and the Secretary of the Club or Society acts as secretary for the hearing. All details of the complaint, investigation and hearing should be forwarded to the Sports or Societies Federation President for external validation of process on completion.
8. All members of the Students’ Union Sports and Societies Federation must behave in accordance with the Students’ Union’s Activities policies, bye-laws and regulations. The Board of Trustees shall have responsibility for disciplining members of the Union which shall be exercised through these procedures. These procedurals shall not apply to complaints against members of staff or members of student staff in their capacity as employees of the Union, such complaints shall be dealt with by the General Manager in accordance with the staff disciplinary procedures.
9. Additional disciplinary procedures which may be used prior to these procedures in specific circumstances as noted below, however that shall not prevent these procedures being invoked and the decision of a Disciplinary Panel (subject to appeal under 6 shall be final)
10. The Sports Clubs and Societies Federations may withdraw recognition or issue warnings to Sports Clubs and Societies as a whole that break Union rules or policy. However this will not preclude action being taken against specific members of those Sports or Societies for the same incidents under these proceedings.
11. At Union events where alcohol is served Management shall have the right to exclude members from the event, or take such other methods as they deem necessary, if they believe it is in the interests of the safety of the member or others, or is necessary to comply with licensing laws or maintain UCSU’s good name within the community. Bans for more than four weeks may only be imposed through these procedures
12. **Initiating Disciplinary Procedures**
13. These procedures may be invoked if the Sports or Societies Federation receives a complaint about the behaviour of a member/group under the Students’ Union or if staff or sabbatical officers consider these procedures necessary.
14. Complaints against the behaviour of a member of the Sports or Societies Federation or their guests shall be made in writing to the Sports or Societies Federation President who shall instruct the Sports Administrator/Volunteering & Activities Co-ordinator (or their nominee) to conduct an investigation into the compliant. The staff member shall issue a response within three working days.
15. In circumstances where a member of Union staff considers the behaviour of a member to be a danger to him/herself, others and the reputation of UCSU then the immediate exclusion from specified premises or services or rights shall be carried out without prejudice to a disciplinary hearing.
16. In exceptional circumstances the relative staff member, after investigation, may advise the Sport/Society Federation President that the complaint is frivolous or that no evidence of wrong doing by the member can be found the Sport/Society Federation President may then decide that no further action be taken.
17. Once the investigation has been completed the Sport/Society Federation President shall convene a Disciplinary Panel
18. The Sport/Society Federation President shall write to the member, at least one week before the hearing informing them of the nature of the allegation the time and date of the Panel and a copy of results of the investigation a list of witnesses any other evidence, and a copy of this bye-law.
19. If allegations are made against several members all involved in the same incident their cases shall be heard together unless the Sport/Society Federation President deems this would be unhelpful or a member writes to the Sport/Society Federation President no less than two working days prior to the hearing requesting a separate hearing from the other members involved, this request shall be confidential and shall not prejudice the hearing.
20. If the Sport/Society Federation President has any conflict of interest or prior knowledge of the case then their role shall be filled by the Sports/Societies Federation President or failing that the relative staff member for that area.
21. **Composition of the Panel**
22. The Panel shall be made up of three randomly selected willing individuals two from the relative Sports/Societies Federation Committee and a President of another Club/Society. The Head of Student Engagement (or nominee) shall act as secretary to the Panel.
23. No Sports/Societies Federation member shall sit on the Panel of any case in which they appear to have a conflict of interest or prior knowledge of the case.
24. If there are several disciplinary cases to be heard on one day the same panel may hear them all in succession subject to 2(b)
25. The complaint against the member/group and the results of the investigation shall be presented by the staff member or nominee
26. The member/group may be represented by a friend or request the assistance of a member of Union staff or officer who shall have had no prior involvement in these proceedings related to that case
27. The meeting of the panel shall be open only to the panel, its secretary, the member/group in question, their representative, the presenting staff member and any witnesses.
28. **Procedures of the Hearing**
29. The Chair of the panel shall open the hearing stating the allegation(s) and explain the proceedings.
30. The presenting staff member shall state the complaint against the member/group, and the results of their investigation including any elements of the compliant found to be unsubstantiated, submit evidence and call witnesses as required.
31. The member/group (or their representative) shall have the right to question the presenting staff member, the evidence submitted and the witnesses.
32. The member/group (or representative) shall present their case to the panel, call witnesses and submit evidence.
33. The presenting staff member shall have the right then to question the member’s/group’s evidence and the witnesses.
34. The presenting staff member and the member/group shall then in turn sum up, introducing no new evidence at this point
35. The Panel may ask questions at any time of the member/group, the presenting staff member, the witnesses and the evidence in order to clarify and may ask for further evidence or witnesses if required to assist in deciding the facts.
36. The Chair of the Panel may at any point adjourn the hearing for a specified period of time if they feel it is helpful to proceedings
37. Everyone present except the Panel and its secretary shall leave and the panel shall discuss if the allegation(s) are proven and if so what sanctions to impose
38. The member/group and presenting staff may then return and the Chair will explain the panel’s decision
39. Following the hearing if the Panel decides to impose a sanction they shall confirm the sanction to the member/group in writing.
40. **Sanctions**

Where the allegation is proven the Panel shall decide on one or more of the following sanctions:

1. To take no further action
2. To issue the member/group with a written warning on their conduct, this shall be seen by the panel in any future proceedings against the member/group
3. To withdraw access to specified services or premises of the Union,
4. To remove the member/group from positions on a Societies or Sports Committee or recommend removal from Official positions within UCSU
5. To Suspend membership of the Students’ Union for up to one year
6. To suspend Union membership until the member/group completes certain actions (e.g. sends a written apology, or pays for damage caused) not to exceed one year
7. To recommend to the Student Senate that the member be permanently expelled from the Students’ Union
8. To refer the matter to the University for disciplinary action

Additionally the Panel may recommend that training educational or welfare support would benefit the member.

1. **Appeals**
2. A member/group who is dissatisfied with the decision of their disciplinary hearing or a member/group who made a complaint leading to the disciplinary hearing may appeal to the Students’ Union President within ten working days of the hearings conclusion
3. Except where noted here the procedures for Sports Clubs and Societies Federation Appeals Panels shall be the same as Disciplinary Panels
4. The member/group shall write to the President of the Students’ Union stating they wish to make an appeal and outlining the grounds for the appeal
5. Members/groups may appeal on the grounds of the severity of the sanction, on fresh evidence that was unable to be considered or that the Disciplinary Procedures were not followed correctly
6. An appeal shall be heard along the lines convened for the Union Disciplinary procedure in Bye-law J. The Panel shall consist of three members from and chosen by the Executive committee and it will be chaired by an independent Students’ Union representative from the relative Students’ Union department. It must not include any Sports Clubs and Societies Federation Officials with a conflict of interest or those who sat on the original Disciplinary Panel or have any conflict of interest or prior knowledge of the case.
7. The Chair of the original Disciplinary Panel will attend the Appeal with the presenting staff to explain the original panel’s decision
8. The Appeals Panel may uphold the original panel’s decision, overturn the decision of the original Panel or apply increased or reduced sanction.