

BYE-LAW 4 – Discipline Regulations

- B4.1** General Provisions
- B4.1.1 In addition to the procedure under Section 21, the Union shall consider complaints made by any person against any member in respect of:
- B4.1.1.1 Misconduct on Union premises or at events or activities organised by the Union elsewhere, including harassment or attacks, contrary to the provision on equal opportunities indicated in this Constitution.
- B4.1.1.2 Actions contrary to the Constitution and Bye-laws.
- B4.1.2 Complaints against Full Members shall be considered in accordance with the procedure outlined below.
- B4.1.3 Complaints against all other classes of members shall be considered by the President and General Secretary and their decision shall be final.
- B4.1.4 Complaints against Union staff shall be considered in accordance with Section 21.7 of the Constitution.
- B4.2** Disciplinary Panel
- B4.2.1 Complaints concerning Full Members shall be made in writing to the President.
- B4.2.2 On receipt of a complaint, the President may summon the Full Member or Full Members concerned to meet him/her and, if the truth of the complaint is admitted by the member or members he/she may:
- B4.2.2.1 caution the member or members on future conduct;
- B4.2.2.2 require costs to be made to make good any loss or damage arising from the offence;
- B4.2.2.3 exclude the member or members from any, or all, premises, services or activities of the Union for up to one month.
- B4.2.3 If the matter is referred to a Disciplinary Panel, the President shall convene the Panel within 10 days of receipt of the complaint or of the date fixed for the meeting with the member or members concerned referred to in B4.2.2 above. The Panel will consist of the President (in the Chair) and two members selected by lot, in accordance with clauses B4.5.1 and B4.5.2. A member of staff of the Union, appointed by the General Manager, will attend to record the proceedings.
- B4.2.4 The Panel shall meet initially with no other persons present. At that meeting it must decide upon one of the following courses of action:
- B4.2.4.1 to dismiss the complaint;
- B4.2.4.2 to consider the complaint itself;
- B4.2.4.3 to refer the complaint to a Disciplinary Tribunal;

- B4.2.4.4 to refer the complaint for consideration under the disciplinary procedures of the University;
- B4.2.4.5 to recommend to Union Council that the President take legal action, or the Union support the complainant in taking legal action.
- B4.2.5 If the Panel decides to consider the complaint itself, it shall reconvene within 10 days to consider the matter. The President shall arrange the meeting at a time suitable for the complainant and respondent and shall give them 5 days written notice of the meeting.
- B4.2.6 The Panel shall require the complainant and respondent to attend and make a statement regarding the complaint except in cases of individual harassment or attack where the complainant may choose to make a written statement.
- B4.2.7 The complainant and respondent shall be given the opportunity to comment on the statement of each other, but may not call further witnesses or evidence.
- B4.2.8 The complainant and respondent shall withdraw and the Panel shall reach a decision on the complaint.
- B4.2.9 If the complaint is upheld, the Panel may:
 - B4.2.9.1 caution the respondent on future conduct;
 - B4.2.9.2 require costs to be paid to make good any loss or damage arising from the offence;
 - B4.2.9.3 exclude the respondent from any, or all, premises, services or activities of the Union for up to one month.
- B4.2.10 There shall be a written summary of the proceedings and the decision of the Panel, which shall be made available to the complainant and the respondent.
- B4.2.11 The complainant or the respondent shall be entitled to appeal against the decision of the Panel to a Disciplinary Tribunal. Written notice of appeal must be given to the President within 5 days of the decision of the Panel. The President shall convene a Tribunal. The Tribunal must meet no earlier than 5 days and no later than 15 days after receipt of written notice. The decision of the Tribunal shall be final.
- B4.3** Disciplinary Tribunal
 - B4.3.1 If the Disciplinary Panel under clause B4.2.3 decides to refer a complaint to a Disciplinary Tribunal, the President shall convene a Tribunal which must meet no earlier than 5 days and no later than 15 days after the date of the meeting of the Panel.
 - B4.3.2 The Chair of the Tribunal shall be a member of the academic staff of the university, nominated by a Pro-Vice-Chancellor or the Vice-Chancellor. S/he shall regulate the proceedings and act as an adviser to members of the Tribunal, but shall not participate in the decision of the Tribunal.
 - B4.3.3 There shall be 5 members of the Tribunal, who shall be drawn by lot in accordance with clause B4.3.5 below.

- B4.3.4 At least 5 days before the meeting of the Tribunal, the President must give written notice to the complainant and the respondent of the time, date and place of the meeting and inform them of their entitlement to be represented by an Officer or other Full Member of their choice, of their right to call witnesses and adduce evidence and as to the procedure of the Tribunal. Both the complainant and the respondent shall, at least 3 days before the meeting of the Tribunal, give the President written details of any witnesses that they wish to call and of any other evidence they propose to adduce. The President must make arrangements for witnesses to be present at the meeting.
- B4.3.5 The procedure for the Tribunal shall be:
- B4.3.5.1 The complainant or her/his representative shall present the details of the complaint. In cases of harassment or attack the Chair may establish a procedure for the complainant's evidence to be heard without her/him being visible to the respondent and, in such cases, all questions to the complainant shall be directed through the Chair.
- B4.3.5.2 S/he may then be questioned, firstly by the Chair or members of the Tribunal and secondly by the respondent.
- B4.3.5.3 The respondent or her/his representative shall present the details of her/his defence.
- B4.3.5.4 S/he may then be questioned, firstly by the Chair or members of the Tribunal and secondly by the complainant.
- B4.3.5.5 The complainant and respondent may, in turn, call witnesses or adduce other evidence. Witnesses may be questioned by the complainant, respondent and Chair or members of the Tribunal.
- B4.3.5.6 Failure to attend as a witness, without good reason, shall be a disciplinary offence.
- B4.3.5.7 The complainant and the respondent, or their representative, shall be given the opportunity to make a closing statement, which shall not introduce new information.
- B4.3.5.8 The complainant and the respondent shall then withdraw and the Tribunal shall decide on the complaint.
- B4.3.6 If the complaint is upheld, the Tribunal may:
- B4.3.6.1 Caution the respondent on future conduct;
- B4.3.6.2 Require costs to be paid to make good any loss or damage arising from the offence;
- B4.3.6.3 Exclude the respondent from any, or all, premises, services or activities of the Union for up to one year.
- B4.3.7 The Tribunal may resolve not to decide on the complaint, but request that it is referred for consideration under the University disciplinary procedures.
- B4.3.8 A tape recording of the proceedings shall be taken and there shall be a written summary of the proceedings and the decision of the Tribunal.

- B4.3.9 The respondent shall be entitled to appeal against the decision of the Tribunal, by giving written notice to the President within 5 days of the decision of the Tribunal, to a Disciplinary Appeals Tribunal on any or all of the following grounds:
- B4.3.9.1 The decision was contrary to the evidence;
 - B4.3.9.2 The Tribunal misinterpreted a part of the Constitution and Bye-laws or point of law;
 - B4.3.9.3 The Tribunal did not follow the correct procedure;
 - B4.3.9.4 The penalty was inappropriate.
- B4.4** Disciplinary Appeals Tribunal
- B4.4.1 If there is an appeal against a decision of a Disciplinary Tribunal, the President shall convene a Disciplinary Appeals Tribunal which must meet no earlier than 5 days and not later than 15 days after the receipt by the President of the written notice of appeal.
 - B4.4.2 The Appeals Tribunal shall be constituted and convened as a Tribunal, under B4.3 above.
 - B4.4.3 At least 5 days before the meeting of the Appeals Tribunal, the President must give written notice to the respondent of the time, date and place of the meeting.
 - B4.4.4 A copy of a transcript of the recording of the proceedings of the Disciplinary Tribunal and of the written summary of the proceedings and the decision shall be given to each member of the Disciplinary Appeals Tribunal at least 3 days before the meeting of the Disciplinary Appeals Tribunal.
- B4.5** General Provisions for Disciplinary Panels, Tribunals and Appeal Tribunals
- B4.5.1 Members selected by lot shall normally be drawn from the membership of Council, but the President may extend the selection to include all members of Standing and Sub-Committees.
 - B4.5.2 The selection by lot shall be undertaken by the Chair of Union Council, under the supervision of the President.
 - B4.5.3 The President, Chair of Union Council, Officer representing the complainant or respondent, or any person who was involved in any way in the events concerning the complaint, or who has already served on a Panel or Tribunal for a complaint on which an appeal is being considered, shall not be included in the draw.
 - B4.5.4 If a member or members breach the terms of any exclusion from the premises, services or activities of the Union, the President shall be empowered to extend the exclusion for a period not exceeding the full length of the original exclusion or impose a fine of not more than £50.
 - B4.5.5 The complainant or respondent shall be entitled to see reconsideration of any person selected, on grounds of partiality. Such a complaint shall be considered by the Chair

of the Panel or Tribunal, whose decision on the matter shall be final.

- B4.5.6 Where a Full Member refuses to accept the jurisdiction, or comply with the decision of a Disciplinary Panel, Tribunal or Appeals Tribunal, the President shall report the matter to the Pro-Vice Chancellor. If the Full Member wishes to appeal further s/he shall use the Complaints Procedure.
- B4.5.7 The summary and tape recordings of proceedings shall be confidential, and only available to Panel, Tribunal, Appeals Tribunal members and to the complainant and respondent. The decision of the Panel, Tribunal or Appeals Tribunal shall be published in the Union Building.
- B4.5.8 Tape recordings and summaries of proceedings shall be retained for three years from the date of the hearing.