



SUBU Member Code of Conduct and Disciplinary Policy

1. Introduction

- 1.1. This policy should be used when a complaint has been made against a Student Member including Sabbatical and Part-Time Officers, and Associate Members. This policy should be used when any informal process has not been successful in resolving the matter or the issue is serious to warrant an investigation and possible disciplinary action.
- 1.2. **Note:** The Organisation reserves the right that in the case of Sabbatical Officers, the SUBU Staff Disciplinary Policy may be followed if the incident falls within the scope of that policy.
- 1.3. **Glossary of Terms:** Complainant – is the person raising a complaint; Respondent – is the person who is being complained about; and Student Group – refers to any Club, Society, Liberation Group or Media Outlet.

2. Scope

- 2.1. Disciplinary action may be taken in respect of any breach of discipline:
 - a) On SUBU premises.
 - b) While the member is using SUBU facilities or at an SUBU event; or
 - c) While a member is representing or acting on behalf of SUBU at any event of whatever kind and wherever held.
 - d) Where there is a breach of discipline (see section 3).
 - e) Where the behaviour or actions of a member of the Union, or Student Group fall below expectations. For clarity, this includes (but not limited to):
 - Misconduct by any Union member or Student Group while on Union-managed premises, at a Union-organised event or an event organised by a recognised Union Society, Club, Liberation Group or media outlet, or elsewhere while on Union business, or representing the Union, or society etc, in an official capacity, including as a volunteer.
 - Conduct detrimental to the reasonable enjoyment of Union facilities by other members of the Union.
 - Action that is or could be detrimental to the social life or good standing of the Union.
 - Verbal or physical abuse or harassment of another person.
 - Wilful or negligent damage to, loss of, or unauthorised removal of Union property or property under its control.
 - Breach of the current Union Equality and Diversity Policy, or other policy regarding behaviour on Union premises or at Union events.

3. Meaning

- 3.1. In this code a breach of discipline means (but is not limited to):
 - a) threatening or harassing any other person, whether physically or verbally.
 - b) assaulting any other person.

- c) damaging any property, whether deliberately or negligently.
- d) acting in contravention of the SUBU Equal Opportunities Policies.
- e) acting without due regard for the safety of self or others.
- f) acting with dishonesty or with intent to defraud.
- g) infringement of equal opportunities, safe space, safeguarding, no platform or staff protocol policy.
- h) behaving in a manner likely to bring SUBU into disrepute.

4. Panel

- 4.1. If it has been agreed that the Chair of the Trustee Board (or the Deputy Chair or another Trustee if the complaint is about the Chair) will appoint a disciplinary panel to consider the case at a disciplinary hearing. The panel will be made up of three individuals as follows: up to two of either Sabbatical Officers, Part-Time Officers, and/or Student Trustees – one of whom shall chair the Panel; plus one member of the Senior Leadership Team. None will have had any previous involvement with the case.

5. When this Policy will Apply

- 5.1. This Policy will be applied when:
- a disciplinary matter arises, or
 - a complaint is made, or
 - a matter is referred to the Panel through the complaints procedure.
 - The Panel brings a complaint under this policy.
- 5.2. The Chair of the Trustee Board shall first determine whether this policy is appropriate for the issue(s) being raised. In making the judgement the Chair of the Trustee Board will be careful to ensure that matters of misconduct, within the individual's/group's role as a Union member, is handled through this procedure. In the case of Sabbatical Officers, matters of representative performance are rightly referred to the appropriate accountability procedures set out in Bye-law 2, Clause 6 and matters regarding misconduct within their role as staff are referred to relevant staff HR procedures.
- 5.3. If this procedure is used, the Chair of the Trustee Board will hand the matter to the Panel Chair who will appoint a suitable person to investigate the matter. This person is known as a Complaint/Case Handler. All Complaint/Case Handlers will be briefed in advance of the obligations under the Data Protection Act 1998 and the General Data Protection Regulations 2018. The Complaint/Case Handlers role is to establish the facts and where appropriate obtain statements from any available witnesses. Having carried out an investigation, the Complaint/Case Handler will make a report to the Panel Chair. The Panel Chair will then decide whether the matter is to continue, arrange informal coaching, advice, or counselling, or to arrange for the matter to be dealt with under this disciplinary procedure.
- 5.4. At the start of the investigation, the complainant and respondent (the person accused of the breach/action) will receive a letter of formal notification detailing the complaint being investigated and the name and contact details of the person dealing with the investigation.
- 5.5. Respondents are encouraged to submit a written statement in response to the complaint. The deadline for doing so is 7 working days after the date of formal notification of the investigation. The statement should attach copies of any other documents on which the respondent wishes to rely.
- 5.6. Should the respondent not reply to communications or refuse to engage with the investigation process, it will be deemed they have nothing to add to the investigation and it will start without their input at this stage.

- 5.7. The investigator will consider statements and any other documents received from the complainant and respondent as soon as practicable. There may be a need to meeting with the complainant and the respondent and any other witnesses that are deemed appropriate. SUBU aims to confirm the outcome of its investigation to the complainant, the respondent, and other interested parties within 28 working days of the date of the formal notification of the investigation, subject to having been able to contact all relevant parties within this time frame. If it is not practicable to comply with these deadlines, for example due to relevant parties being on holiday, they may be extended by discretion, normally up to a maximum of 28 further working days.
- 5.8. It should be recognised that being the subject of a complaint can be a difficult time for an individual, and so SUBU will undertake the investigation with appropriate discretion, care, and consideration. SUBU will endeavour to ensure all steps in the process remain fair and in line with equal opportunities laws and procedures.
- 5.9. No SUBU officer, member, or representative should comment publicly on any incident that is being dealt with under this procedure. Failure to observe this requirement may result in disciplinary action being taken under this code for this breach of confidentiality.

6. Informal Procedures

- 6.1. Minor cases of misconduct are best dealt with informally. It may be necessary to issue an informal warning, but the Panel Chair will ensure that these areas are discussed with the objective of helping the respondent to make appropriate improvements. At this stage, the respondent will be made fully aware of what steps need to be taken to address the conduct issue. They will also be told when this will be reviewed and over what period.
- 6.2. The Student Member, Associate Member, Sabbatical or Part-Time Officer (respondents) will be informed of what action will be taken if they fail to improve their conduct (see below). Informal warnings and/or counselling are not part of the formal disciplinary procedure and members should be made aware of this. It may also be appropriate to start a Performance Improvement Plan all depending on the nature of the complaint.

7. Stages of Disciplinary Action

- 7.1. **Note: for fairness, the Investigation Officer and the Disciplinary Panel will consist of different personnel.**
- 7.2. The Panel Chair will decide whether a matter should be dealt with informally or formally under the disciplinary procedure.
- 7.3. There are different types of action that can be taken that vary in their severity. The disciplinary hearing will decide the severity of the misconduct and the appropriate action. These are:
 - a) Formal Verbal warning
 - b) Written warning
 - c) Termination or suspension of all membership entitlements or some act of partial suspension, which in the case of employed elected officers could result in contract termination

8. Disciplinary Hearings

- 8.1. Before a decision is reached or any disciplinary action taken there will be a disciplinary hearing at which the respondent will have an opportunity to state their case and answer the allegations that have been made. The appointed Complaint/Case Handler will normally attend and present their findings at the disciplinary hearing. The Panel reserve the right to invite other witnesses if this is felt necessary. If they

are not able to attend, then the Panel Chair shall decide whether the hearing should continue or be adjourned.

- 8.2. The Panel, which will be made up of three people, will hear the case. The respondent will be notified of a disciplinary hearing in advance and will be provided copies of statements given by any witnesses or other written evidence to be used. Hearings will be arranged giving a reasonable amount of notice (no less than 5 working days) as far as possible at a mutually convenient time and place.
- 8.3. In instances where the respondent is also a Sabbatical Officer, they will have the right to be accompanied by a colleague or a trade union representative. Any other 'member' of the union can be accompanied by a friend or a family member by agreement with the Panel Chair. The names of the attendees should be sent to the Chair within 5 working days of the Panel Hearing date.
- 8.4. Any documents can be sent to the Panel Chair and considered by the Panel and should be sent 5 working days before the Panel Hearing date. Any documentation sent after this date or presented on the day of the Hearing will be accepted at the discretion of the Panel Chair.
- 8.5. During a disciplinary hearing, the case against the respondent will be presented in detail by the appointed Complaint/Case Handler. A respondent can challenge any evidence. If the substance of the witness statements are challenged then witnesses may be called to the hearing where the respondent or their representative will have the opportunity to ask them questions.
- 8.6. The decision will be made by a vote. Where disciplinary action is necessary the respondent will be informed of the decision. This will be in writing and will state:
 - a) Detail of the misconduct that has resulted in the disciplinary action
 - b) The level of disciplinary action
 - c) Any recommendations/action required to prevent future disciplinary action
 - d) The consequence of failure
 - e) Details of the appeal mechanism
 - f) If appropriate the length of time the warning will last before it is disregarded.

9. Formal Verbal Warning

- 9.1. This will occur in cases of minor infringements, where no/minor injury or damage (physical/reputational) has occurred and breaches of the organisational rules are perceived to be minimal.
- 9.2. This type of warning can be given by a member of the Panel. A note of the warning will be kept on file for 6 months but then disregarded for disciplinary purposes. The warning will be given in the presence of the panel. In instances where the respondent is also a Sabbatical Officer, they will have the right to be accompanied by a colleague or a trade union representative. Any other 'member' of the union can be accompanied by a friend or a family member by agreement with the Panel Chair.

10. Formal Written Warning

- 10.1. This will occur when the infringement is more serious or is a failure to improve behaviour during the currency of the previous warning and can be given by the Panel. A copy of the written warning will be kept on file for 12 months but then disregarded for disciplinary purposes.

11. Suspension of benefits or other sanction

SUBU Member Code of Conduct and Disciplinary Policy

- 11.1. In most cases if the member is also a paid member of staff they will continue to receive their pay pending a hearing or when an investigation is being carried out).
- 11.2. If a respondent's conduct still fails to improve the final stage may be:
 - a) Partial Disciplinary - suspension of membership entitlements
 - b) Temporary Disciplinary - suspension of some or all membership entitlements
 - c) Disciplinary termination - of all membership entitlements
- 11.3. The decision to suspend or terminate entitlements (as listed above) is taken by the Panel. The respondent will be informed as soon as is reasonably practicable, of the following:
 - a) the decision and the reasons for the termination or suspension of entitlements,
 - b) the date on which the agreement between SUBU and the respondent will terminate,
 - c) information on the right of appeal including how to make the appeal and to whom.
- 11.4. The decision to suspend or terminate entitlements shall be confirmed in writing.
- 11.5. At any of the above stages the panel may resolve to:
 - a) recommend that the respondent should undergo training.
 - a) exclusion from some or all future SUBU events.

12. Summary Termination of Entitlements

- 12.1. In rare circumstances a respondent's entitlements may be summarily terminated if it is established that after investigation and hearing that there has been an act of gross misconduct, major breach of duty or conduct that brings the organisation into disrepute.
- 12.2. Acts that may constitute gross misconduct are (but not limited to):
 - a) Theft, fraud, and deliberate falsification of records.
 - b) Physical violence or threats
 - c) Deliberate damage to organisational or personal property
 - d) Serious incapability whilst representing SUBU brought about through alcohol or illegal drugs
 - e) Misuse of organisations property or name
 - f) Bringing the organisation into serious disrepute
 - g) Serious infringement of health and safety rules
 - h) Serious bullying or harassment
 - i) Sexual misconduct
 - j) Serious infringement of equal opportunities, safe space, no platform, safeguarding or student officer conduct policy
- 12.3. Because the ability to hold elected office in SUBU is dependent upon membership status and one of the rights and privileges of membership, termination of all entitlements would represent a termination of that holding of office. In the case of employed elected officers, this would therefore represent a termination of contract.

13. Suspension

- 13.1. In certain circumstances for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property or the union's responsibilities to

other parties, consideration should be given to a period of suspension of membership rights with or without entitlements whilst an unhindered investigation is conducted.

- 13.2. Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted. Excluding a member from participation in SUBU activities is not in itself a form of disciplinary action whilst the investigation is progressing. The member will be entitled to seek advice. Note: SUBU will not pay for any legal advice and the cost will have to be met by the individual.
- 13.3. Because the ability to hold elected office in SUBU is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of that holding of office.

14. Appeals

- 14.1. The respondent (member) will notify the Panel of their intention to appeal against disciplinary action within 5 working days of receipt of the confirmation letter. The Panel will be made up for three different personnel from the disciplinary Panel. The panel will be made up of three individuals as follows: up to two of either Sabbatical Officers, Part-Time Officers, and/or Student Trustees – one of whom shall chair the Panel; plus, one member of the Senior Leadership Team. None will have had any previous involvement with the case.
- 14.2. The appeal should be made in writing stating the grounds upon which the appeal is to be made and be received by the Appeal Panel within a further 10 working days.
- 14.3. An appeal hearing will normally be held within 10 working days of receipt of the letter of appeal. An appeal will be heard by a panel (see below), who have previously had no involvement in the case.
- 14.4. Appeal Panels will be made up for 3 different people and appointed by the Chair of the Trustee Board.
- 14.5. In instances where the respondent is also Sabbatical Officer, they will have the right to be accompanied by a colleague or a trade union representative. Any other 'member' of the union can be accompanied by a friend or a family member by agreement with the Panel Chair. The respondent will be notified of the results of the appeal in writing within 5 working days of the hearing.
- 14.6. Respondents/Member should note that an appeal is designed to remedy any defects in the disciplinary process rather than repeat the investigation of the disciplinary process. Therefore, grounds for appeal are:
 - a) Unfairness of judgement
 - b) The severity of the penalty
 - c) New evidence coming to light
 - d) Procedural irregularities
 - e) Extenuating circumstances
 - f) Bias of disciplining officer
 - g) Unfairness of the interview
- 14.7. Possible outcomes of an appeal
 - a) The appeal is upheld, and the disciplinary sanction reduced or removed
 - b) The appeal is upheld and there is a request for a re-investigation or rehearing
 - c) The appeal is denied, and the original decision is upheld

15. Recording Discipline

15.1. Accurate records will be kept detailing:

- a) any breach of disciplinary rules or unsatisfactory performance,
- b) the respondent's defence or mitigation,
- c) the action taken and the reasons for it,
- d) whether an appeal was lodged, its outcome and any subsequent developments.

15.2. These records are to be kept confidential and retained in line with the above disciplinary procedure and the Data Protection Act 1998 and the General Data Protection Regulations 2018. Copies of any meeting records will normally be given to the individual concerned (in certain circumstances information shall be withheld for example to protect a witness)

End of Policy