

## Section 14 – Disciplinary Procedures

### I. Initiation of the Process

- A. The General Manager will convene a disciplinary hearing, within fourteen days where possible, following a report of behaviour that might be subject to disciplinary action.
- B. In extraordinary cases, an emergency meeting of the Union Sabbatical Officers may be called.
- C. Pending the disciplinary hearing any or all of the student's privileges as outlined in the Constitution and Standing Orders may be suspended by the Union Sabbatical Officers.
- D. Alleged offences will normally be handled by Summary Disciplinary procedures; where the alleged offence is of a serious nature, the Union Sabbatical Officers may request that the matter be handled by panel procedures.
- E. The Union General Manager shall inform the defendant in writing as to the handling of the case. At least one week's notice of the hearing shall be given from the time the letter is sent. The letter will state:
  1. the nature of the charges brought
  2. the Disciplinary Procedure currently accepted by the Union Council
  3. the availability of the General Manager to advise on procedures
  4. the opportunity for the defendant to bring a friend
  5. the opportunity for the defendant to bring witnesses.
  6. If the student fails to respond to initial correspondence before the hearing, or does not attend the hearing, then a further written notice will be sent. The suspension shall remain in force until the disciplinary process is concluded.

### II. Summary Hearing Procedure

- A. At least two Union Sabbatical Officers shall hear Summary Hearings. Union Sabbatical Officers who are witnesses shall not hear the cases. One Sabbatical shall remain absent from Summary Hearings, to ensure that s/he is available in the event of appeal.
- B. The hearing shall be in private, however, the defendant may be accompanied by a friend who shall not have speaking rights.
- C. The Union Officers or the defendant may call witnesses as appropriate.
- D. The Summary Hearing process shall be as follows:
  1. A Union representative, appointed by the Union Sabbatical Officers, will state the charges brought against the defendant.
  2. The Union representative shall introduce evidence and witnesses as appropriate.
  3. The witnesses may be questioned by the defendant and by the panel, as appropriate.
  4. The defendant will introduce evidence and witnesses, as appropriate.
  5. The witnesses may be questioned by the Union representative and by the Panel, as appropriate.
  6. The Disciplinary Panel will then adjourn to closed session to determine the action to be taken.
  7. The defendant will be notified orally of the decision taken by the Panel, and of the right of appeal.
  8. A confidential record shall be kept of the hearings and, for such purposes, the Union General Manager or a person designated by the General Manager will be in attendance.
  9. If the Summary case is found to be proved, the Union Officers shall decide a penalty as detailed under section 4.
  10. A letter detailing the penalty will be sent to the defendant by the General Manager within three days of the hearing.
  11. A record of Summary cases shall remain in possession of the Union General Manager until three years after the student has left the university.
  12. The Union Officers shall report the conclusion of all Summary cases to the Union Sabbatical Officers.
  13. The defendant may appeal the Summary decision to Union Executive, as outlined below.
  14. The defendant can, at any time during the proceeding, request that Panel Procedures be used.

### III. Disciplinary Panel Procedure

- A. The Disciplinary Panel shall be composed of two Senior Treasurers of the Union, one of whom should be the Senior Treasurer responsible for legal matters, and three representatives from other London students' unions.
- B. The Panel shall be chaired by the Senior Treasurer responsible for legal matters.

- C. The Panel Hearing shall be held within fourteen days of the Union Sabbatical Officer's decision to refer to the Panel.
- D. The defendant shall be notified, in writing, as detailed in Section 1E.
- E. Written statements shall be invited from the defendant, as well as from any witnesses.
- F. Any written statements should be distributed to the defendant and to Panel members as soon as is practical, prior to the hearing.
- G. The Union General Manager or a person designated by the General Manager shall serve as Secretary to the Panel, attending all meetings of the Panel, and recording its proceedings.
- H. If the defendant is absent from the hearing, the case shall be heard by the Panel, unless adequate reason for absence has been received. If the Panel determines that there is adequate reason, the hearing shall be rescheduled.
- I. A written statement from witnesses may be accepted in lieu of the witnesses presence. However, if the statement is challenged, the Panel may elect not to admit the written statement.
- J. The Panel Hearing process shall be as follows:
  - 1. A Union representative, appointed by the Union Sabbatical Officers, will state the charges brought against the defendant.
  - 2. The Union representative shall introduce evidence and witnesses as appropriate.
  - 3. The witnesses may be questioned by the defendant and by the panel, as appropriate.
  - 4. The defendant will introduce evidence and witnesses, as appropriate.
  - 5. The witnesses may be questioned by the Union representative and by the Panel, as appropriate.
  - 6. The Disciplinary Panel will then adjourn to close the session to determine the action to be taken.
  - 7. The defendant will be notified orally of the decision taken by the Panel, and of the right of appeal.
- K. The General Manager will write to all parties to advise them of the decision of the Disciplinary Panel. The decision will also be reported to the next available meeting of Executive.
- L. The notification of the Panel's decision shall include an attachment detailing the Appeals Procedure.

#### **IV. Penalties**

- A. Penalties available to the Disciplinary Panel and to Summary judgement are:
  - 1. oral warning;
  - 2. written warning;
  - 3. withdrawal of one or more privileges of Union membership;
  - 4. a public apology from the defendant to be publicised in any way the Panel sees fit;
  - 5. payment for damage repair / replacement;
  - 6. another appropriate penalty, such as community service;
- B. A combination of the above may be imposed;
- C. The panel may also refer the matter to the Dean of Students, or Head of Department.

#### **V. Appeals Procedure**

- A. The defendant has the right to appeal a Summary judgement or a Union Disciplinary Panel decision to the Union Executive, and to a General Meeting (Union Constitution, Clause V)
- B. The appeal to Union Executive must be made within two weeks of receipt of the written decision. Unless there are extraordinary circumstances, date of receipt is presumed to be the day following the date of posting of written confirmation of the Panel decision.
- C. The appeal must be made in writing and addressed to the Chair of Union Executive. It must state the grounds for appeal.
- D. The appeal will be placed on the Agenda for the next available Union Executive meeting and will be heard as 'Any Other Business'. It may be moved up the Agenda by a vote of the Executive.
- E. The Executive, meeting in closed session, will decide whether there are sufficient grounds for appeal. If there are sufficient grounds for appeal a closed meeting of the Executive will adopt the following Appeal Hearing Process:
  - 1. The appellant should be present to answer questions of Union Executive.
  - 2. The appellant may make an oral statement in addition to any previous written statement.
  - 3. The appeal will not be a repetition of the Disciplinary Panel, that is no witnesses will be called, unless there is additional evidence or information.
- F. The Executive can choose to:
  - 1. uphold the decision of the Panel
  - 2. overturn the decision of the Panel and replace it with another sanction
  - 3. return the case to the Disciplinary Panel with instructions about rehearing.

4. re-hear the case at a later date as a body of the whole, that is as Union Executive.
- G. If the appellant is dissatisfied with the decision of the Union Executive, a further appeal may be made to a Union General Meeting.
- H. A written notice of appeal should be delivered to the Finance & Democracy Officer who must call a Union General Meeting for that purpose.
- I. The UGM can choose to:
  1. uphold the decision of Executive
  2. overturn the decision of Executive

**VI. Interpretation**

- A. Any questions concerning interpretation of this procedure shall be referred to the Chair of Governance Committee.
- B. If the procedure is not followed, the defendant may refer the matter to the Chair of the Union Executive for a decision on whether it has prevented the defendant from having a fair hearing. If the defendant has been denied a fair hearing then the disciplinary decision shall be overturned.