

## AGD: General Tidy Up

**Proposer:** Hamza Jamshaid, Democracy & Communications Officer

**Seconded:** Ilyas Morrison, Activities Officer

### **Amending Activities Network Executive:**

Activities Network Executive membership to be amended from:

1. Activities Officer (Chair)
2. Arts Officer
3. Sports Officer/Societies Officer
4. RUMS Officer, or an appropriate delegate within the RUMS Section, who has been elected by RUMS members and is approved to sit in the RUMS Officer's place by the RUMS Officer.

To:

1. Activities Officer (Chair)
2. Arts Officer
3. Sports Officer
4. Societies Officer
5. RAG & Volunteering Officer
6. Secretary
7. BME Activities Officer
8. Postgraduate Activities Officer
9. Women's Activities Officer

The Secretary, RAG and Volunteering Officers have been members of Activities Network Executive for a number of years. The RUMS Officer has not been an active member of Activities Network Executive for a number of years and RUMS Sports and Societies should be represented by the Union's Sports and Societies officers.

Activities Network have approved these changes to the membership of the Executive Committee.

### **Amending Typos and Names:**

Changing UCLU references to 'The Union', Trustee Board to 'Board of Trustees', Officer titles which have changed, etc.

### **Aligning No Confidence Procedure with the Articles**

The current no confidence procedures for sabbatical trustees outline in the Bye-Laws are at odds with the procedure in the Memorandum and Articles, which supersede the Bye-Laws. To amend the no confidence procedure in the Articles, a series of Company General Meetings must take place.

Removing of a sabbatical trustee will therefore be "75% majority vote of the Members voting in a Referendum, provided that at least 5% of all Members cast a vote in the Referendum. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 2% of all Members."

The Democracy, Operations and Community Officer shall ensure that accountability procedures, including no confidence measures will be included in an upcoming Democracy Review.

### **Elections Committee composition**

Elections Committee has struggled to hold quorate meetings. It was discussed at Elections Committee that all sabbatical officers do not need to be ex-officio members. The current membership should be reduced from 15 members to 10 members, all appointed from Union Council except for the Democracy, Operations and Community Officer who shall remain Chair of the committee.

### **Union Disciplinary Procedure for Second Stage**

This Amendment is to tidy up the Disciplinary Procedure following this year's operation of the process. The following revisions are proposed and tracked in the appendix:

1. Greater clarity that the two formal stages are not consecutive by renaming them 1 and 2 rather than first and second.
2. Greater consonance between the panel procedures for stage 1 and stage 2 to ensure parity in process whilst maintaining the severity of penalties at each stage.
3. Adapt the reporting from the Disciplinary Pool to reflect current practice, an annual report rather than termly due to the volume of reports and the anonymity of cases.

## Appendix

### Bye-Law 1 – Disciplinary Procedures for Members

1. This Bye-Law exists to ensure the Union has fair and transparent procedures for dealing with issues warranting disciplinary action. It outlines how the Union may take disciplinary action against individual Members or groups of Members. Disciplinary Guidance for Students shall be published and updated where required.
2. Adjustments to the process may be made to accommodate students defined as having disabilities under the Equality Act 2010 and allied legislation.
3. There are three different forms of disciplinary process:
  - a. Immediate Disciplinary Process.
  - b. Local Disciplinary Process.
  - c. Formal Disciplinary Process.
4. Conduct which is covered by these Disciplinary Processes includes, but is not limited to:
  - a. Conduct which creates an unsafe environment through assaults, harassment, bullying or intimidation of other students, Union staff, or visitors to Union spaces or events.
  - b. Discriminatory conduct, including sexual harassment contravening the Zero Tolerance to Sexual Harassment Policy.
  - c. Maliciously damaging Union spaces or property.
  - d. Misappropriating Union property, funds or assets
  - e. Committing a criminal offence or conduct that would amount to a criminal offence were it committed in a public place.
5. **Mental Illness**
  - a. If it appears to those considering an allegation of misconduct that the student in question is suffering from mental illness, any disciplinary proceedings may be adjourned following a request for a medical report from the UCL Student Psychological Services.
  - b. If there is medical evidence that the student is suffering from mental illness, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of the deferment or termination of the proceedings that the student seek medical treatment.
6. **Disciplinary Pool**
  - a. There shall be a Disciplinary Pool from which the panel members required for ~~First~~ Stage 1 and ~~Second~~ Stage 2 hearings shall be drawn.
  - b. The Disciplinary Pool shall consist of the Welfare & International Officer and five members of Union Council who are elected from and by Union Council at the first meeting of the academic year.
  - c. Members of the Disciplinary Pool are accountable to Union Council and at the end of every academic year they will produce a report to be presented to Union Council detailing how many incidents they have dealt with that year. An annual report will also be submitted to the Trustee Board.
  - d. If any of the members of the Disciplinary Pool are involved in a case (as a complainant, defendant or witness) or have a conflict of interest they are not permitted to sit on a

panel for that case at any stage of the Disciplinary Procedures as outlined in these Bye-Laws.

#### **7. Immediate Disciplinary Process**

- a. The Immediate Disciplinary Process outlines how staff and Union representatives can, with good cause, require a student to temporarily leave a space pending the resolution of a situation
- b. A staff member, or nominated Member responsible for an event or activity (e.g. an elected Officer or an elected committee Member of a club or society) may with good cause require a student to leave a space should a situation arise that cannot, after reasonable efforts, be resolved. There is no right at this immediate point to bar or ban a student indefinitely from spaces or activities beyond immediate resolution of a difficult situation. Following a requirement to leave, the matter can be extended to a suspension of privileges or Membership only through following this disciplinary procedure.
- c. In Union licensed premises the senior manager on duty may, in accordance with the Licensing Act, take what action they see fit to fulfil their responsibility to 'prevent public nuisance'. Any action taken must be reported via an incident report.
- d. If police have been involved in an incident, the Chief Executive and Sabbatical Officers should be informed. Any matter deemed to require further investigation through the disciplinary procedures must be referred by the Chief Executive with the agreement of at least two Officers. No further disciplinary proceedings, beyond suspension, will be followed if there is an on-going police investigation as this might damage the proper proceedings for a charge.
- e. All conduct of a discriminatory nature will be immediately referred to the formal stages of this disciplinary process (see: Formal Disciplinary Process).

#### **8. Local Disciplinary Process**

- a. Most disciplinary matters can be dealt with at the local level; within the department where the matter warranting disciplinary action has occurred. The Local Disciplinary Process will be used when local policies and regulations have been contravened. The Local Disciplinary Process involves intervention by a Service or Department Manager, with a report to a Sabbatical Officer.
- b. Complaints and matters raised will usually be initially considered through the Local Disciplinary Process. At any point the matter may be referred to the Formal Disciplinary Process.
- c. The student subject to the disciplinary processes may at any stage and for any reason request that the matter is referred instead to the Formal Disciplinary Process.
- d. The Local Disciplinary Process should take into consideration relevant policies and procedures including:
  - i. The Staff Student Protocol
  - ii. Bye-Law 10: Censure, Recall and No Confidence Procedures for Officers
  - iii. Bye-Law 11: Elections
  - iv. Union Clubs & Societies Rules and Regulations
- e. All disciplinary matters will first be investigated by the relevant Service/Department Manager to establish the facts of the case.

- f. Where a complaint is raised by a Member through the procedure in Bye-Law 15, and/or the matter is referred to the disciplinary procedure by a staff member, the student against whom an allegation is made must be contacted in writing, informing them of the allegation, the disciplinary procedures and their right to support and representation within 10 working days of the complaint being made.
- g. The student will be invited to attend a meeting with a staff member, normally the Service/Department Manager, to discuss the matter. Where the matter concerns a Club or Society this will be 3 Members of the Activities Executive. This meeting should be held within 10 working days of the incident where possible. Where the matter concerns a Club or Society the President will be invited to respond on behalf of the Club/Society.
- h. In all cases, a report noting the complaint or relevant conduct, whether the matter was deemed to be upheld, and any penalties applied must be completed, shared with the Chief Executive and the Welfare & International Officer and filed. If the incident occurred within or in relation to any Union commercial outlet the senior manager responsible for the Union's commercial activities must also be sent the report.
- i. Sanctions available at the local level are:
  - i. Verbal Warning.
  - ii. Written Warning.
  - iii. Activity Limiting Penalty – such as limitation on room booking privileges.
  - iv. Referral to the Formal Disciplinary Process.

#### 9. Formal Disciplinary Process

- a. The Formal Disciplinary Process will be followed when:
  - i. A serious matter is referred directly to the Formal Stage by agreement of the Welfare & International Officer (or other Member of the Disciplinary Pool) and the Chief Executive.
  - ii. A matter is referred through the Local Disciplinary Process warranting more serious sanctions
  - iii. A matter relates to discriminatory conduct, harassment, bullying or violence.
  - iv. The student requests the matter is considered through the Formal Disciplinary Process.
- b. All Disciplinary matters under this procedure shall be investigated to establish the facts.
- c. Pending the outcome of a ~~First-Stage 1~~ or ~~Second-Stage 2~~ Hearing, the Member against whom disciplinary action is being taken ("defendant") may have any or all of their Union privileges revoked, with the exception of the right of the Member to vote in elections. The services of the Advice Centre will not be withdrawn through this Bye-Law other than in circumstances where the safety or dignity of Advice Centre staff may be compromised.
- d. Alleged offences will normally be handled by a ~~First-Stage 1~~ Hearing. Where the alleged offence is of a serious nature the members of the Disciplinary Pool involved in the case may request that the matter is handled directly by a ~~Second-Stage 2~~ Hearing.
- e. The Defendant will be informed in writing as to how the case will proceed, including at which stage the matter is being heard.
- ~~f. At least five working days' notice shall be given for a disciplinary hearing, from the date of the letter, which can be sent via email. The letter shall state:~~

- ~~g. An outline of the allegation in full~~
- ~~h. The disciplinary procedure currently adopted by this Bye Law~~
- ~~i. The availability of the Chief Executive to advise on the procedures~~
- ~~j. The right of the defendant to be accompanied by a friend, including a staff member from the Advice Centre, not acting in a legal representation capacity.~~
- ~~k. The opportunity for the defendant to bring a witness or witnesses.~~
- ~~f. If the defendant fails to respond to the initial correspondence before the hearing, or does not attend the hearing, then a further written notice will be sent. Any suspension of Union privileges will remain in force until the disciplinary process is concluded.~~
- ~~g. Any student against whom an allegation has been made has the right to be accompanied by a friend, or staff member from the Advice Centre at an investigative interview or disciplinary hearing.~~

#### 10. ~~First Stage~~ **1** Hearing

- a. The panel for ~~First Stage~~ **1** Hearings will be comprised of the Welfare & International Officer (or delegated Sabbatical Officer where the Welfare & International Officer is unavailable) ~~who shall be the Chair~~, and one other member of the Disciplinary Pool. Any Officers or Members who may later be needed as 'witnesses' cannot be on this panel to ensure they are available at any stages of this procedure if required.
- b. A staff member, ~~appointed by the Chief Executive~~, will attend the hearing to act as secretary. They will hold no decision-making powers, and will ~~only~~ take minutes, and advise on procedure if requested by the panel.
- c. A relevant staff member will present the case to the panel. This staff member holds no decision-making powers.
- ~~d. The First Stage Hearing shall be held within fifteen working days, where possible, of the decision to refer to the Stage 2 Hearing, and the defendant shall be notified, in writing, at least five working days before the panel hearing takes place. The letter shall state~~
  - ~~i. An outline of the allegation in full.~~
  - ~~ii. The disciplinary procedure currently adopted by this Bye Law.~~
  - ~~iii. The availability of the appointed staff member to advise on the procedure.~~
  - ~~iv. The opportunity for the defendant to be accompanied by a friend, including a staff member from the Advice Centre, not acting in a legal representation capacity.~~
  - ~~v. The opportunity for the defendant to bring a witness or witnesses.~~
  - ~~vi. take place in private, although the defendant may be accompanied by a friend, as defined in this Bye Law. The defendant may authorise this person to speak on their behalf. As this is an internal procedure the friend cannot act in a legal capacity.~~
- ~~d.e. The Panel and/or the Defendant may ask a witness/witnesses to attend as appropriate.~~
- ~~e.f. The First Stage Hearing shall proceed as follows:~~
  - ~~i. A staff member will state the allegations and any relevant evidence and witnesses.~~
  - ~~ii. The witnesses may be questioned by the panel.~~
  - ~~iii. The defendant will state their response, and may also introduce witnesses and evidence. The panel may question these witness. The defendant will make their response.~~
  - ~~iii. The Union representative and the defendant shall introduce evidence and witnesses as appropriate. The defendant may question any witnesses.~~

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~~iv. The panel may question the Defendant and witnesses as appropriate.~~

~~iv.~~ The panel will adjourn to determine whether the matter will be upheld and, if so the sanction that will be applied if the matter is upheld, what the appropriate sanction will be (in accordance with the guidelines for sanctions set out in this Bye-Law).

~~iv.~~ The panel may notify the defendant orally of the decision if it can be made within 30 minutes of the hearing.

~~f. A confidential record of the hearing will be kept by Union for up to 6 years. Anonymised records will be used to collate a termly report for Union Council and an annual report for the Trustee Board.~~

g. The ~~Defendant defendant~~ will be notified in writing of the decision of the panel, details of the sanction and the right to appeal the decision. This notification will be sent within three working days of the ~~hearing~~ Hearing. The notification of the Panel's decision shall include details for an attachment detailing the appeals procedure.

h. Where appropriate the panel may choose to inform the complainant that the ~~First Stage~~ Hearing has been concluded, and whether the matter had been upheld.

i. The panel will report the conclusion of all ~~First Stage 1~~ Hearings to the Disciplinary Pool in writing.

j. The defendant may appeal the ~~First Stage 1~~ Hearing decision, as outlined in this Bye-Law.

k. The defendant can at any time request that the ~~Second Stage 2~~ Hearing procedures be used.

l. The confidential record of the hearing will be kept by Union for up to 6 years. Anonymised records will be used to collate an annual report for Union Council and the Board of Trustees.

#### 11. ~~Second Stage 2~~ Hearing

a. The panel for ~~Second Stage 2~~ Hearings will be comprised of one Sabbatical Officer and two members of the Disciplinary Pool. No panel member can have been involved in the matter, or any previous hearings at any stage.

b. The panel shall be chaired by the Sabbatical Officer, known as 'the Chair', who will have decision-making powers.

c. A staff member, appointed by the Chief Executive, will attend the hearing to act as secretary. They will hold no decision-making powers, and will take minutes, and advise on procedure if requested by the panel.

~~c.~~ ~~The Chief Executive (or delegated representative if the Chief Executive is not available) shall attend the hearing acting as secretary, to minute the hearing and advise on procedural matters as required.~~

d. A relevant staff member will present the case to the panel. This staff member holds no decision-making powers.

e. The Hearing shall be held within fifteen working days, where possible, of the decision to refer to the ~~Second Stage 2~~ Hearing, and the defendant shall be notified, in writing, at least ten working days before the panel hearing takes place. The letter shall state:

i. An outline of the allegation in full.

ii. The disciplinary procedure currently adopted by this Bye-Law.

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- iii. The availability of ~~Union the appointed~~ staff member to advise on the procedures.
- iv. The opportunity for the defendant to be accompanied by a friend, including a staff member from the Advice Centre, not acting in a legal representation capacity.
- v. The opportunity for the defendant to bring a witness or witnesses.
- f. If the defendant fails to respond to the initial correspondence before the hearing, or does not attend the hearing, then a further written notice will be sent. Any suspension of Union privileges will remain in force until the formal disciplinary process is concluded.
- g. The panel will invite the complainant and the defendant to contribute written statements, including witness statements or material evidence, at least two days in advance of the panel hearing. These documents may also be produced at the Hearing if there is good reason as to why these were not made available ahead of the Hearing. The written statements shall be distributed to the panel and the defendant in advance of the Hearing.
- h. If the Defendant is absent the Hearing will continue in their absence. The Defendant may request a delay if extenuating circumstances prevent attendance. Evidence of these circumstances must be provided and the panel will judge whether this is reasonable, taking into consideration all of the circumstances of the matter.
- i. A written statement may be accepted in place of the presence of a witness if permitted by the panel members.
- j. The ~~Second Stage~~ Hearing shall proceed as follows:
  - i. The staff member will state the allegations and any relevant evidence and witnesses present the case to the panel.
  - ii. The witnesses may be questioned by the panel ~~as directed by the Chair.~~
  - iii. The ~~Defendant defendant~~ will state their response, and may also introduce witnesses and evidence. The panel may question ~~these~~ witnesses.
  - iv. The panel will adjourn to determine whether the matter is to be upheld, and if so the sanction that will be applied.
  - v. The panel may notify the defendant orally of the decision if it can be made within 30 minutes of the hearing.
- k. The defendant will be notified in writing of the decision of the panel, details of the sanction and the right to appeal the decision. This notification will be sent within three working days of the Hearing. The notification of the panel's decision shall include ~~an attachment detailing~~ details for the appeals procedure.
- l. Where appropriate the panel may choose to inform the complainant that the formal disciplinary process has been concluded, and whether the matter had been upheld.
- m. The panel will report the conclusion of all ~~Second Stage 2~~ Hearings to the Disciplinary Pool in writing.
- n. The defendant may appeal the ~~Second Stage 2~~ Hearing decision, as outlined in these Bye-Laws.
- o. The confidential record of the hearing will be kept by Union for up to 6 years. Anonymised records will be used to collate ~~an termly annual~~ report for Union Council and ~~an annual report for the~~ Trustee Board of Trustees.

## 12. Sanctions



- a. Sanctions available during a ~~First-Stage 1~~ Hearing include:
  - i. Oral warning.
  - ii. Written warning.
  - iii. Withdrawal of one or more privileges of Union Membership for up to one year.
  - iv. Payment for damage repair/replacement of £50 or under.
  - v. Refer the matter to the UCL for further disciplinary action, through the ~~Deputy Registrar (Operations and Planning)~~.
  - vi. A combination of the above sanctions may be proposed.
- b. Sanctions available during a ~~Second-Stage 2~~ Hearing include:
  - i. Oral warning.
  - ii. Written warning.
  - iii. Withdrawal of one or more privileges of Union Membership for a set period of time or indefinitely.
  - iv. Payment for damage repair/replacement of any set amount.
  - v. Club or Society disaffiliation.
  - vi. Refer the matter to the UCL for further disciplinary action, through the Registrar.
  - vii. A combination of the above sanctions may be proposed.

### 13. Appeal

- a. The defendant has the right to appeal the decision of a ~~First-Stage 1~~ Hearing or ~~Second Stage 2~~ Hearing on the grounds that the panel has done one of the following:
  - i. misapplied Union policy.
  - ii. came to an incorrect factual finding.
  - iii. acted in excess of its authority under these Bye-Laws.
  - iv. abused its powers.
  - v. was biased.
  - vi. considered evidence that it should not have considered.
  - vii. failed to consider evidence that it should have considered.
- b. The appeal must be made, in writing, within ten working days of date of the written decision of the hearing.
- c. The appeal must be made to the Union Chair, stating the grounds for appeal.
- d. The Union Chair will determine whether the appeal falls within the grounds for an appeal. If the appeal does not fall within the grounds the Union Chair shall write to the appellant to inform them of this decision.
- e. If the Union Chair determines that there are reasonable grounds to be heard then an Appeals Panel Hearing will be constituted.
- f. The appeal will be heard by a ~~P~~panel who must not have been involved in any decision making roles in previous hearings, or as witnesses at any stage.
- g. The Appeal ~~P~~panel shall be four members, and shall include, the Union Chair, one Sabbatical Officer, one member of the Disciplinary Pool and one external member, usually a Sabbatical Officer from another students' union not involved at any stage in the matter.

- h. The Panel shall be chaired by the Union Chair.
- i. A staff member shall act as secretary, to minute the hearing and advise on procedural matters as required
- j. The Panel Hearing shall be held within fifteen working days, where possible, of receiving the appeal, and the appellant shall be notified, in writing, with at least ten working days notification before the panel hearing takes place. The letter shall state:
  - i. An outline of the appeal grounds as submitted
  - ii. The appeals procedure currently adopted by this Bye-Law
  - iii. The availability of to advise on the procedures the Chief Executive
  - iv. The opportunity for the appellant to be accompanied by a friend, including a Member of the Advice Centre staff, not acting in a legal representation capacity.
- k. If the appellant fails to respond to the initial correspondence before the hearing, or does not attend the hearing, then the appeal shall be heard in their absence. The appellant may request a delay if extenuating circumstances prevent attendance. Evidence of these circumstances must be provided and the panel will judge whether this is reasonable taking into consideration all of the circumstances of the matter.
- l. A written statement may be accepted in place of the presence of a witness if permitted by the panel Members.
- m. The appeal will not be a repetition of the disciplinary panel and no witnesses shall be called unless there is additional evidence or information.
- n. The Appeal Hearing shall proceed as follows:
  - i. The appellant shall set out the grounds for appeal and any relevant evidence to substantiate these grounds
  - ii. The appellant may be questioned by the panel as directed by the Chair.
  - iii. The panel will adjourn to determine whether the appeal is to be upheld.
  - iv. The panel may notify the appellant orally of the decision if it can be made within 30 minutes of the hearing.
- o. The Panel can choose to
  - i. Uphold the decision of the panel,
  - ii. Overturn the decision of the panel and replace it with another sanction
  - iii. Return the case to the disciplinary panel with instructions about re-hearing
  - iv. Request the constitution of a new disciplinary panel to rehear the case
- p. The appellant will be notified in writing of the decision of the panel. This notification will be sent within three working days of the hearing.
- q. The panel will report the conclusion of all Appeal Hearings to the Disciplinary Pool in writing.
- r. The confidential record of the hearing will be kept by Union for up to 6 years. Anonymised records will be used to collate an ~~termly~~annual report for Union Council and ~~an annual report for the Union, Trustee-Board of Trustees.~~

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