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### ~~Bye-Law 16~~ Disciplinary Procedures for Members

1. The General Manager will convene a disciplinary hearing, within ~~10~~ten working days ~~where possible~~, following a report of behaviour that might be subject to disciplinary action.
2. In extraordinary cases an emergency meeting of the Union Executive Committee may be called.
3. Pending the disciplinary hearing any or all of the student's privileges as a Member of the Union may be suspended by the Union Executive Committee, except the right of the Member to stand in elections or otherwise partake in the democratic process.
4. Alleged offences will normally be handled by Summary Disciplinary procedures; where the alleged offence is of a serious nature, the Sabbatical Officers may request that the matter be handled by panel procedures.
5. The ~~Union~~ General Manager will inform the defendant in writing as to the handling of the case. At least ~~5~~five working days' notice shall be given for the hearing from the time the letter is sent. The letter will state:
  - a. The nature of the charges brought.
  - b. The disciplinary procedure currently accepted by Union Council.
  - c. The availability of the General Manager to advise on procedures.
  - d. The opportunity for the defendant to bring a friend.
  - e. The opportunity of the defendant to bring a witness.
6. If the student fails to respond to the initial correspondence before the hearing, or does not attend the hearing, then a further written notice will be sent. The suspension will remain in force until the disciplinary process is concluded.

#### **7. Summary Hearing Procedure**

- a. At least two Union Sabbatical Officers shall hear summary hearings. Union Sabbatical Officers who are witnesses shall remain absent from summary hearings to ensure they are available in the event of an appeal.
- b. The hearing shall be in private, although the defendant may be accompanied by a friend, who the defendant may authorise to speak at the hearing on his or her behalf.
- c. The Union Officers or the defendant may call witnesses as appropriate.
- d. The summary hearing shall proceed as follows:
  - i. A Union representative, appointed by the Union Executive Committee, will state the charges brought against the defendant.

- ii. The Union representative and defendant shall introduce evidence and witnesses as appropriate.
- iii. The witnesses may be questioned by the Union representative, the defendant and the panel as appropriate.
- iv. The disciplinary panel will then adjourn to closed session to determine the action to be taken.
- v. The defendant will be notified orally of the decision taken by the panel and of their right to appeal.
- vi. A confidential record shall be kept of the hearings and the Union General Manager will be in attendance in order to make this record.
- vii. If the Summary Case is found to be proved, the Union Officers shall decide a penalty as per the guidelines for penalties set out in this section of the Bye-Laws.
- viii. A letter detailing the penalty will be sent to the defendant by the General Manager within ~~3~~three working days of the hearing.
- ix. A record of Summary Cases shall remain in the possession of the General Manager until three years after the student has left the University.
- x. The Union Officers shall report the conclusion of all Summary Cases to the Sabbatical Officers.
- xi. The defendant may appeal the Summary Decision at Union Council, as outlined in this section of the Bye-Laws.
- xii. The defendant can at any time request that panel procedures be used.

## 8. Disciplinary panel procedure

- a. The disciplinary panel shall be composed of one Sabbatical Officer and one Non-Sabbatical Officer that have not been involved in the case through hearings or appeals to date, plus three representatives of other Students' Unions.
- b. The panel shall be chaired by a Student Trustee appointed by the Board of Trustees the Union Chair.
- c. The panel hearing shall be held within ~~10~~ten-fifteen working days, where possible, of the Union Sabbatical Officer's decision to refer to the panel and the defendant shall be notified, in writing, as detailed previously.
- d. Written statements shall be invited to contribute to the panel hearing and they shall be distributed to the defendant and all panel members as soon as is practical.
- e. The ~~Union~~ General Manager or their representative shall be the secretary to the panel.
- f. If the defendant is absent the case shall still be heard by the panel unless an satisfactory reason is given for its delay, as judged by the panel members.
- g. A written statement may be accepted in place of the presence of a witness if permitted by the panel members.
- h. During the meeting:
  - i. A representative from the Union will state the charges against the defendant, as well as introducing the evidence and witnesses.
  - ii. The witnesses may be questioned by the panel and the defendant, as

appropriate.

- iii. The defendant may also introduce witnesses and evidence.
- iv. The panel will then adjourn to close the session and determine the action to be taken. The defendant will be notified orally of the decision made and the right of appeal.
- i. Following the hearing the General Manager will write to all parties to advise them of the decision taken by the panel. The decision will also be reported at the next meeting of Union Council.
- j. The notification of the panel's decision shall include an attachment detailing the appeals procedure.

## 9. Penalties

- a. Penalties available during the disciplinary panel and summary judgement include:
  - i. Oral warning.
  - ii. Written warning.
  - iii. Withdrawal of one or more privileges of Union Membership.
  - iv. Payment for damage repair/replacement.
  - v. Another appropriate penalty, such as community service.-
- b. A combination of the above may be proposed.
- c. The panel may also refer the matter to the Dean of Students (Welfare) or the head of the defendants department.
- d. The defendant has the right to appeal a summary judgement or Union disciplinary panel decision to the Union Council on the grounds that the panel:
  - i. misapplied UCLU policy
  - ii. came to an incorrect factual finding
  - iii. acted in excess of its jurisdiction
  - iv. abused its powers
  - v. was biased
  - vi. considered evidence which it should not have considered
  - ~vii. failed to consider evidence that it should have considered-
- ~~d.e.~~\_\_\_\_\_ The appeal to the Union Council must be made within 40-ten working days of receiving the written decision of the disciplinary panel.
- ~~e.f.~~ The appeal must be made in writing to the Chair of Union Council, stating the grounds for appeal.
- ~~f.g.~~ The appeal will be heard at the next meeting of the Union Council, excluding any Councillors who participated at any stage of the appellant's disciplinary matter.
- ~~g.h.~~\_\_\_\_\_ The Union Council, meeting in closed-private session, will decide whether there are sufficient grounds for appeal. If there are, the meeting shall:
  - i. Hear the appellant's case as well as ask questions of them.
  - ii. The appeal will not be a repetition of the disciplinary panel and no witnesses shall be called unless there is additional evidence or

information.

~~h.i.~~ Union Council 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 panel with instructions about rehearing.
- iv. Rehear the case at a later date as a whole body of Union Council.

~~h.j.~~ If the appellant is dissatisfied with the decision made by Union Council, a further appeal may be made to a General Assembly.

- i. A written notice of appeal must be made to the Democracy ~~and~~ Communications Officer who shall either call an Extraordinary General Assembly for that purpose, ~~or place it on the agenda of~~ before the end of the term in which the appeal was received, unless there is a scheduled a General Assembly already scheduled for said term.

~~j.k.~~ The Extraordinary General Assembly can choose to:

- i. Uphold the decision of Union Council.
- ii. Overturn the decision of Union Council.

~~k.l.~~ If any of these procedures are not followed the defendant may refer the matter to the Chair of Union Council for a decision on whether it has prevented the defendant from a fair hearing. If decided that the defendant was denied a fair hearing the disciplinary decision shall be overturned.