

# BYE LAW ELEVEN: CODE OF CONDUCT (MEMBERS' DISCIPLINARY PROCEDURE)

## 1. Members Code of Conduct

- 1.1. Clubs, societies and members of the Union shall be expected to abide by this constitution and its schedules at all times.
- 1.2. The Union has agreed the following code of conduct relating to the behaviour of members and guests while on Union premises or engaged in Union activities.
- 1.3. Students shall be liable for the conduct of any guests on the premises and may be subject to disciplinary proceedings accordingly.
- 1.4. Examples of behavior that may lead to disciplinary action includes:
  - breach of Union equal opportunities policies and principles;
  - wilfull, reckless or negligent damage to, or loss of, Union property or property under the control of the Union;
  - conduct detrimental to the reasonable enjoyment of the Union facilities by any other member(s) of the Union or their guests;
  - threatening or violent behaviour
  - imparting to the press, television or radio, or any agency thereof, any expressly confidential material about the Union or any of its members or Officers, unless prior permission has been granted by the Executive Committee;
  - breach of any of the regulations of the Union, including any rules and regulations pertaining to any club or society;
  - illegal entry to the Union's functions or facilities;
  - conduct tending to prejudice the external relations of the Union;
  - conduct detrimental to the public reputation of the Union;
  - illegal activities whilst on Union property, at Union events, or acting on behalf of the Union;
  - failure to discharge a debt to the Union;
  - incurring unauthorised expenditure on behalf of the Union and/or misappropriation of Union funds or property

This list is neither intended to be inclusive nor exhaustive, and the Union reserves the right to investigate any other conduct, which may give rise to disciplinary action.

## 2. Members Disciplinary Procedure

- 2.1. The Union's Members Disciplinary Procedure has authority over any premises managed by the Union, any Union activities, including the activities of any Student Activity Groups, or any misconduct, which takes place outside Union premises but is connected with the Union and is likely to affect the reputation of the Union.
- 2.2. If a member or student activity group is deemed to have breached the rules of the Union, and their conduct has not been able to be addressed appropriately elsewhere, their conduct shall be examined by the Members Disciplinary Committee.
- 2.3. The Members Disciplinary Committee shall be convened within seven working days of the alleged offence being reported.
- 2.4. The member shall be given written notification of the time, date and place of the hearing, together with written notification of the alleged breach, at least three days before the hearing.

- 2.5. The member has the right to be accompanied by a representative who is an ordinary member of the Students Union.
- 2.6. In cases involving the misuse of Union facilities or resources or behaviour likely to cause potential danger or offence to students, staff or other persons, the member or club or society may be suspended from the use of Union facilities or resources until the Members Disciplinary Committee has reached a decision. Any suspension would be agreed between the President and the Chief Executive, or their deputies.
- 2.7. No person shall sit on the Members Disciplinary or Appeals Committees if they are a witness, potential witness, the complainant or directly connected with the member or Student Activity Group involved.
- 2.8. The person bringing the charge or their representative may call witnesses to give evidence as appropriate. They may ask questions of the witnesses. The member or their representative may also ask questions of the witnesses.
- 2.9. The member or their representative may call their own witnesses to give evidence and present any relevant documents to the panel. They may ask questions of the witnesses. The person bringing the charge or their representative may also ask questions of the witnesses.
- 2.10. The Committee may undertake investigations, call further witnesses, ask questions of any witnesses, the person bringing the charge or their representative, the member or club or society or their representative.
- 2.11. The Members Disciplinary Committee shall then deliberate on the matter and decide on the appropriate action to be taken. The Committee shall base its decision on evidence presented and examined in the presence of the person bringing the charge and the member, club or society being charged. Evidence of any earlier misconduct shall not be presented until after the decision has been reached on the facts of the case, but then may be admitted and considered in deciding on any sanction. The ultimate sanction shall be the removal of Union membership.
- 2.12. The Members Disciplinary Committee may refer any matter to the University, or any other appropriate body as it sees necessary.

### **3. Appeals**

- 3.1. The Members Disciplinary Committee must inform the member of their right of appeal and that any appeal should be made in writing to the President within seven days setting out the grounds of appeal.
- 3.2. The President will convene a Members Appeals Committee. This Committee will be made up of three Members selected from the appeals panel including a member of the Executive who has not been involved in the Members Disciplinary Committee. Where this is not possible, due to conflict of interest or other reason, any vacant place on the Members Appeals Committee will be filled by a member of the appeals panel, nominated by the President.
- 3.3. The member shall be notified in writing at least seven days in advance of the meeting.
- 3.4. The appeals committee shall hear the reason for the appeal and the rationale behind the original decision. They shall also hear any new evidence that has emerged since the disciplinary meeting. The matter shall be put to the vote and the decision shall be final.
- 3.5. The hearing shall normally take place in private and a record kept of the outcome.
- 3.6. If the member is still not happy, then they may consider use of the Complaints process requesting a Trustee led investigation . This would commence at Stage Two of the process [4.6]