



Strathclyde Students' Union Disciplinary Procedure

1. Introduction

- 1.1 This document sets out the process for the Union to investigate and take action in relation to the inappropriate conduct or behaviours of individuals or groups who hold a Student Membership, Life or Honorary Life (Associate) Membership, or Company Law Membership of the Students' Union.
- 1.2 All members of the Union are subject to this disciplinary code and standards of behaviour whilst:
 - 1.2.1 on Union premises; and/or
 - 1.2.2 engaged in any activity under the auspices of the Union, including conduct whilst participating in any activity linked to affiliated student groups, clubs or societies.

2. Standards of Behaviour

- 2.1 The Union expects members and guests of the Union to engage in a positive manner with students, staff, and visitors to the Union and University when engaged in use of the services and activities provided or when recognisable as a representative of the organisation.
- 2.2 An individual or group that is subject to the disciplinary proceedings of the Union will be considered to be in breach of this process in the following circumstances. This list is non-exhaustive:
 - 2.2.1 Conduct amounting to a breach of the Union's Code of Conduct¹. Members are expected to familiarise themselves with the content of this;
 - 2.2.2 Behaviour causing or likely to cause harm to others. Harm includes, but is not restricted to, physical, mental, or emotional harm. This may take place either online, via phone including messaging apps, or in person;
 - 2.2.3 Any form of harassment, unlawful discrimination or bullying or others;
 - 2.2.4 Possession or sale of illegal drugs;
 - 2.2.5 Theft or fraud;

¹ <https://www.strathunion.com/about/contactus/comments/codeofconduct/>

- 2.2.6 Breach of terms of membership of student groups, clubs or societies;
- 2.2.7 Conduct resulting in the deliberate or negligent damage to Union premises or property;
- 2.2.8 Conduct amounting to behaviour which would bring the Union into disrepute;
- 2.2.9 Breach of any policies or bye-laws of the Union.

3. Reports and Authority

- 3.1 Reports of alleged behaviours as detailed above may be reported to any member of staff, Student Officer, or lodged using our complaints form².
- 3.2 The Union shall have authority over all offences involving an alleged breach of discipline where an allegation has been made against an individual who is subject to the Union's disciplinary procedure.

4. Initial Assessment Stage

- 4.1 Upon being made aware of an alleged breach of the disciplinary procedure, a Head of Department/Department Manager will be appointed to consider the matter.
- 4.2 At this initial stage, the relevant manager will assess whether:
 - 4.2.1 The allegation relates to behaviour of a member of the Union;
 - 4.2.2 The allegation relates to behaviour by that individual or group whilst acting as a representative of the Union or on Union premises;
 - 4.2.3 The allegation appears to be an instance of behaviour that could be deemed as a breach of the standard of behaviour expected by members.
- 4.3 Where all these criteria are met an investigation panel will be formed and the student who has allegedly breached disciplinary procedure will be made aware of the allegation in line with Section 5 of this document.
- 4.4 Where any of the above are not met, the matter will not be considered under the Union's disciplinary procedure and the matter will be dismissed by the Union.
- 4.5 Even if the case is dismissed by the Union, the Union retains the right to refer matters to other organisation (e.g. the police or University of Strathclyde)

² <https://www.strathunion.com/about/complaints/complaintsform/>

for investigation. This will usually apply where there is an allegation of illegal activity or allegation of behaviour or conduct by a student at the University of Strathclyde that may be in breach of the University's Student Disciplinary Procedures.

4.5.1 Where the Union receives a complaint that is referred to another body, where the complaint concerns a member of the Union it reserves the right to suspend that member pending the outcome of any other investigation.

4.5.2 The member may be asked to share the outcome of any other investigation in order to make a decision regarding reinstatement of their membership. Failure to do so may result in Union disciplinary proceedings being activated.

4.6 The Union CEO or President may take a decision for a matter to be referred to the Investigation Panel Stage where, for example, the allegation is deemed serious enough, requires a rapid process, or where a student had breached conditions applied to them through an earlier disciplinary process or behaviour agreement.

5. Investigation Panel Stage

5.1 An investigation panel will consider instances of breaches of this disciplinary procedure following referral from the Initial Assessment stage or at the discretion of the CEO or President.

5.2 The panel will be convened by an appropriate Union Head of Department/Department Manager in relation to the alleged breach and shall normally - where practicable and possible - include all the following peoples:

5.2.1 Head of Department/Department Manager (acting as Convenor);

5.2.2 Two elected Student Executive or non-Executive Officers;

5.2.3 One non-Student Officer member of the Union's Board of Trustees.

5.3 A panel will be convened no longer than 10 working days following the issue of the outcome of the initial assessment.

5.4 The student will have no less than 5 working days' notice of the date of the panel. A summary of the allegation will be put to individuals identified as part of this notice. Additionally, the student will also receive a copy of this procedure and all written information or evidence that has been collated.

- 5.5 They will be invited to submit a written statement to the panel in response to the allegations; this should be submitted to the panel convenor at least 24 hours prior to the panel date.
- 5.6 The investigation panel will seek to undertake a thorough investigation into any alleged breaches of standards of behaviour. In doing so, it may seek information from other relevant Union members, Union staff members, or University staff and third parties.
- 5.7 Where further written information or evidence is provided prior to the panel meeting date, the student will be issued with copies of these. These will be issued along with the notification of the date of the panel where possible; where this is not possible, they will be issued as far in advance of the panel as possible.
- 5.8 The panel may invite to speak or seek written statements from individuals that they believe may have been witness to or party to any incidence or occurrence. Witnesses may request the anonymisation of written statements where there is reason to be concerned about their safety or wellbeing - the decision to anonymise any statements provided will remain with the Convenor of the panel.
- 5.9 Any student is permitted to be accompanied by a fellow student or friend or family member for support. Anyone accompanying a student to a panel will be invited to address the panel at the conclusion of any questioning. Students are free to consult with their accompanier at any stage.
- 5.10 In the case of a complaint made against a whole student group, club or society, its president or chair (or their nominee) shall represent the group, club or society.
- 5.11 A student may request to defer the date of the hearing if they are not able to attend on the date given. It will be rescheduled a maximum of one time. If an individual fails to attend an initial meeting or rescheduled meeting without providing notice to the Convenor, the panel's investigation will continue in their absence.
- 5.12 The panel shall consider the following:
- 5.12.1 The allegation made in order to decide, on the balance of probabilities, whether an individual or group has acted in the manner alleged;

- 5.12.2 Whether those actions contravene the expected standards of behaviour of members;
- 5.12.3 If action should be taken as a consequence and if so, what that action or penalty should be.

6. Investigation Panel Structure

6.1 The structure of a panel investigation shall be as such:

- 6.1.1 Panel members shall meet privately to discuss the allegation, questions to be asked of the respondent individual or group, and to ensure that procedure is understood by all members.
- 6.1.2 The respondent individual or group representative and their accompanier if applicable will be invited into the hearing to present any statement they wish to make and to answer questions agreed above and any follow-up questions that the panel may wish to ask.
- 6.1.3 The respondent individual or group representative and their accompanier will be asked to leave the hearing in order for the panel to deliberate on the decision they wish to take and, if relevant, the course of action to be applied.
- 6.1.4 The individual or group representative and their accompanier will be invited back into the hearing to receive the decisions taken above verbally. They will be informed that they will receive the decision in writing and of their right to appeal.
- 6.1.5 There may be occasions whereby it becomes apparent during a hearing that there is information or evidence that has not been previously been made available to the panel. In these circumstances, where the Convenor feels that a fair decision cannot be arrived at, they may adjourn the panel to allow for the gathering of more information or evidence.

6.2 The student will be made aware of this decision verbally and then in writing no later than 1 working day following the adjournment.

6.3 They will be informed in writing of the date that the panel will be reconvened no later than 3 working days following the adjournment.

6.4 The reconvened panel will take place no longer than 20 working days following the original hearing date.

6.5 In the period between the initial report and the final decision taken by the panel the alleged shall, at the discretion of the Head of Department/Department Manager conducting the investigation in consultation with the CEO and President, be suspended from access to services or facilities in so far as it is necessary to undertake an effective investigation. This will be considered in relation to the risk of harm or distress to staff or students or where it would be deemed feasible that ongoing access to a service or facilities may impact upon an effective investigation.

7. Courses of Action

7.1 Where the panel concludes that an individual or group have been in breach of the expected standards of behaviour, the panel will be permitted to apply appropriate actions or penalties that may include:

- 7.1.1 A written reprimand;
- 7.1.2 An agreed behavioural contract to be agreed by relevant parties which details expected standards of behaviour going forward.
- 7.1.3 A suspension of any or all of the privileges of membership of the Union;
- 7.1.4 A life ban which shall entail a total ban from Union premises and services. This shall not interfere with external examinations taking place in the Union;
- 7.1.5 A permanent or temporary suspension of any or all of the benefits of affiliation to the Union as a group, club or society;
- 7.1.6 A monetary fine may be applied only in an instance where there is a cost of making good or compensating for any damage or loss suffered by the Union in consequence of the actions of the member, group or society;
- 7.1.7 Dismissal of the allegations.

7.2 It should be noted that the above list is not exhaustive and the panel may determine an alternative proportional and reasonable outcome as they see fit.

7.3 In line with section 4.5. of this policy, if the offence is committed by a member who is a current student of the University of Strathclyde, they may, if appropriate, be referred to the University for consideration under the University's Student Disciplinary Procedure. This does not preclude the panel from also deciding on an additional penalty or action as defined in this policy.

7.4 In line with section 4.5. of this policy, an offence committed by any member or visitor to the Union that is considered to potentially be a criminal offence may be referred to the police for consideration. This does not preclude the

panel from also deciding on an additional penalty or action as defined in this policy.

- 7.5 The panel will issue a verbal outcome on the day of the panel and will follow this up with a written outcome within 5 working days. See point 5.13 for procedure when an adjournment has been called.
- 7.6 If in the event of an upheld discipline case being raised against a student, the panel has reason to be concerned regarding their behaviour in relation to protected characteristics or gendered violence, the Union reserves the right to inform the University of Strathclyde or the police of their concerns.
- 7.7 The Union will retain a central record of all disciplinary outcomes where it has been determined that an allegation shall be upheld for 12 months following the decision taken. Records shall be kept in line with the Union's Privacy Statement.
- 7.8 Previous outcomes and reprimands on record as that are directly or indirectly related to a current allegation shall be made available to the discipline panel in order to inform their decision making.

8. Disciplinary Appeals

- 8.1 This process should be used to appeal against decisions made under the disciplinary procedure. An appeal may be submitted under one or more of the following grounds:
 - 8.1.1 The Disciplinary Procedure has not followed the correct procedural steps as laid out in this document;
 - 8.1.2 New information or evidence has become available that was not available for good reason during the initial assessment or investigation;
 - 8.1.3 The action or penalty applied as a result of the investigation was unduly harsh or disproportionate.
- 8.2 For the avoidance of doubt, the appeals process will not reconsider existing evidence or information to reassess the outcome of the original investigation.
- 8.3 Appeals should be submitted in writing to the CEO of the Union within 10 calendar days of the individual or group receiving written notification of the outcome of the disciplinary process. The appeal should contain a statement of the grounds upon which the appeal is being brought and detail the facts and evidence where appropriate of the appeal.

8.4 The CEO (or nominee) shall make an initial determination as to whether the appellant has demonstrated grounds of appeal and at this stage may refuse or progress the appeal. The appellant will be notified in writing of this decision.

9. Appeals Panel

9.1 Where a determination has been made by the CEO or nominee that grounds of appeal have been demonstrated, an appeals panel will be convened by the CEO. This panel will not include any of the same members of the original investigation panel, but shall normally - where practicable and possible - comprise of:

- 9.1.1 Head of Department/Department Manager (acting as Convenor);
- 9.1.2 Two elected Student Executive or non-Executive Officers;
- 9.1.3 One non-Student Officer member of the Union's Board of Trustees.

9.2 The panel may seek information from any relevant party in order to determine whether the grounds above are substantiated.

9.3 In all cases that are appealed, if the appellant is a student member of the Union their attention will be drawn to the University of Strathclyde's Complaints Handling Procedure as a further measure by which to seek resolution when written notification of the decision of the panel is issued. This further stage is not available to any other category of membership.

9.4 An appeals panel will normally be convened within 21 calendar days of the receipt of the appeal. The panel will normally seek to issue a verbal outcome on the day of the hearing and a written outcome within 5 working days.

9.5 The appellant has the right to present their case in person or in writing.

9.6 Where the appellant attends a meeting of the appeals panel they shall be entitled to be accompanied by a fellow student or friend or family member for support.

9.7 The appeals panel will either uphold the appeal in whole or in part, make recommendations for any remedies or changes to be applied to the original outcome, or dismiss the appeal.

9.8 The appeals panel will have available to them to the same potential outcomes at the original panel.