



UNIVERSITY OF STRATHCLYDE SPORTS UNION

DISCIPLINARY PROCEDURE

Updated by:
Date:

USSU Sports Executive Committee
September 2018

The University of Strathclyde Sports Union's (USSU) aim is to encourage high standards of individual behaviour in all aspects of the sport. This procedure sets out the action which will be taken when the code of conduct is breached by a member, volunteer, official, spectator or coach.

1. Principles

- a. This procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently.
- b. No disciplinary action will be taken until a matter has been fully investigated.
- c. The person(s) involved may be suspended from their role while an investigation is carried out. Notification of the suspension and the reasons will be conveyed in writing to the person or Sports Club.
- d. At every stage of the formal disciplinary procedure the person(s) will have the opportunity to state their case at a disciplinary hearing. If so wished he/she will have the opportunity to be represented or accompanied at the hearings by a third party e.g. a friend or colleague or a trade union representative, (where applicable).
- e. The person(s) has the right to appeal against any disciplinary action.
- f. The disciplinary procedure may be implemented at Stage 1, 2 or 3 if the member of person(s) alleged misconduct warrants such action.

2. Procedure

2.1 Initial Assessment/Stage

The purpose of the initial assessment is to clarify the nature and context of the concern. It should determine whether there is reasonable cause to suspect or believe that a child has been abused or harmed, or is at risk of abuse or harm. It will involve asking some basic questions of appropriate individuals with the sole purpose of clarifying the basic facts.

If the nature of the concern suggests a criminal offence has occurred, or that a child may have been abused, then advice must be sought from the police before speaking to child witnesses or to the person(s) at the centre of the allegation.

The possible outcomes of the initial assessment are:

1. No further action (facts do not substantiate complaint).
2. Situation is dealt with under formal disciplinary procedures by USSU.
3. University investigation.
4. Criminal investigation (by the police).

Where the person(s) fails to meet the required standard of behaviour and the shortfall is of a minor nature, USSU may decide to speak to the person(s) on an informal basis to avoid the need for formal disciplinary action. USSU will also advise the person(s) of the need to achieve and maintain the standards required. USSU may inform the person(s) that failure to achieve the required standards will result in a formal disciplinary hearing, which may result in disciplinary action.

Facts of the conversation should be noted and confirmed in writing to the person(s) so there is clarity about what has to be achieved.

Following the initial assessment, a period of precautionary suspension may be helpful or necessary while a concern is being further investigated.

2.2 Precautionary Suspension

Precautionary suspension may be considered in the following circumstances:

- If the Students Union, University, police or other relevant partners or services advise suspension.
- If the allegation made against the person(s) was ultimately to be proved, then there would be a significant concern about the conduct of that person(s).
- If the person(s) attendance or involvement in the club could compromise the investigation.
- If Disclosure Scotland notify USSU that an individual is being considered for the Children's List.

Suspension is not a form of disciplinary action and does not involve pre-judgement. It should only be considered in the above circumstances.

2.3 Formal Disciplinary Procedure

- Stage 1 – First warning

If conduct is unsatisfactory, the person(s) will be given a written warning. Such warnings will be recorded. The warning will expire after *6 months* of satisfactory conduct. A final written warning may be considered if there is no sustained satisfactory improvement or change.

- Stage 2 – Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given with the matter referred to the USSU Disciplinary Committee. The written warning will expire after *12 months*. Action at Stage 3 will be taken if there is no sustained satisfactory improvement or change.

- Stage 3 – Dismissal or Action Short of Dismissal

If the conduct has failed to improve, the person(s) will be called to a Disciplinary Hearing by the USSU Discipline Committee and face consequences as outlined in the USSU Code of Conduct.

3. Gross misconduct

If, after investigation, it is confirmed that a person(s) has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice: theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying, abuse of another student and gross insubordination.

Following advice from the police, cases that also involve a criminal investigation will not preclude disciplinary action being taken. This is provided sufficient information is available to enable USSU to make a decision and that to do so does not jeopardize the criminal investigation. Any decision to dismiss will be taken by the USSU only after full investigation.

4. Appeals

Any person(s) who wishes to appeal against any disciplinary decision must do so to *USSU Appeals Committee* within seven working days of the disciplinary decision being made known to them.

The person(s) should provide a written statement of the appeal, indicating the grounds for the appeal together with such accompanying documents as they feel appropriate.

The appeal will be heard by *USSU Appeals Committee* and a decision on the case made as impartially as possible.

The *Committee Chair* will notify the person(s) of the decision in writing as expeditiously as possible. The decision of the Committee is final and there is no right of appeal.