



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 engaged with Strathclyde Students' Union as members, guests, volunteers, or otherwise acting in a representative capacity on behalf of the Union.

1.2 The Union is dedicated to delivering a safe and inclusive experience for all its members and guests as part of our commitment to the wider University of Strathclyde and Glasgow communities. We consider any incidents which undermine this to be serious and will treat issues brought to our attention with careful consideration.

1.3 All above named persons are subject to this disciplinary code and standards of behaviour whilst:

1.3.1 on Union premises; and/or

1.3.2 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.

1.4 The Union holds responsibility for disciplinary matters for students at University of Strathclyde who retain membership of or utilise Union services or premises where the conditions of section 2.2 are met.

2. Standards of Behaviour

2.1 Strathclyde Students' Union (also referred to as 'the Union') expects members and guests of the Union to engage in a positive manner with students, staff, and visitors to the Union 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 and guests are expected to familiarise themselves with the contents 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, in writing, 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.

¹ <https://www.strathunion.com/union/governance/codeofconduct/>

2.2.5 Theft or fraud.

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 byelaws of the Union.

3. Scope of Procedure

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. This includes matters where a referral has been made to another body, but the Union determines that the issue impacts its members, staff and/or guests.

3.3 It is important to note that Union disciplinary processes do not retain the same burden of proof as criminal investigations. Where a criminal offence has been alleged and referred outside of the Union, the Union may still conduct its own investigation whereby the standard of proof will be held to be where the alleged misconduct is more likely than not to have occurred.

4. Initial Assessment

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 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.

4.4 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) 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 Discipline Procedures.

² <https://www.strathunion.com/union/complaints/>

4.4.1 Examples of matters that will automatically be referred to the University of Strathclyde and/or another external body including instances of gender-based violence, hate speech or activity, and criminal activity.

4.4.2 When a referral in line with section 4.4 is completed, the Union will provide all information it has including evidence of alleged offences to the referral body.

4.5 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 the membership that member pending the outcome of any other investigation.

4.5.1 Suspension of membership may include, but is not limited to temporary removal of access to Union facilities, temporary cessation of Sports Clubs and Societies membership,

4.6 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 initiated.

5. Early Intervention

5.1 The use of early interventions in matters related to misconduct may be used as an opportunity for raising concerns about behaviour to those subject to this procedure. In many cases, it is anticipated that creating an opportunity for reflection will reduce further instances of serious misconduct.

5.2 Reports which constitute serious concerns regarding behaviour and/or which significantly jeopardise the health, safety, and wellbeing of students, staff or guests of Strath Union will progress automatically to investigation as detailed in section 6.

5.3 The use of an early intervention measure (detailed in section 5.4) may be utilised in the following, non-exhaustive, circumstances:

5.3.1 Where it is determined that there is insufficient information available to support a full investigation.

5.3.2 Where the conduct in question does not require a full investigation, but it is determined that it would be beneficial for an individual to be made aware of expectations of behaviour.

5.4 The following measures may be applied through the Early Intervention process. One or more measure may be applied as applicable.

5.4.1 Informal resolution between all parties.

5.4.2 Reported student to submit a letter of apology to the complainant. This will be reviewed and approved by the Union manager handling the matter.

5.4.3 Reported student referred to relevant support service, either internally (Advice Hub), at the University (e.g. Disability and Wellbeing Service), or a relevant external service.

5.4.4 Agreement between reported student and Strathclyde Students' Union to repay the cost of any material damages to property or premises. Costs imposed under this outcome should not exceed £300. In cases

5.4.5 Implementation of a behaviour agreement as discussed with and agreed by and signed by the reported students. Breaches of the behaviour agreement will result in an automatic referral to the investigation stage of this procedure.

5.4.6 Requirement to attend additional training or development sessions relevant to the misconduct issue raised.

5.4.6 No further action required.

5.5 It should be noted that the above list is not exhaustive and the manager leading on the matter may determine an alternative proportional and reasonable outcome as they see fit.

5.6 Failure to engage with the Early Intervention process or failure to complete measures applied through the Early Intervention process will result in referral to the investigation stage of this procedure.

6. Investigation Panel

6.1 An investigation panel will consider instances of allegations of serious breaches of this disciplinary procedure. This may result from repeated or multiple minor breaches or where a report is significantly concerning enough to warrant immediate investigation, bypassing the Early Intervention stage.

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

6.2.1 Head of Department/Department Manager (acting as Convenor).

6.2.2 One elected Student Executive Officer.

6.2.3 One of the following: Executive Officer, Head of Department/Department Manager, or External Trustee.

6.3 A panel will be convened as soon as possible following the completion of the initial assessment.

6.4 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.

6.5 The student will be invited to submit a written statement to the panel in response the allegations; this should be submitted to the Convenor at least 24 hours prior to the panel time.

6.6 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 in order to assist with the investigation.

6.7 Where further written information or evidence is submitted prior to the panel meeting date, the student will be issued with copies of these as far in advance of the panel as possible.

6.8 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.

6.9 Any student is permitted to be accompanied for support. Students are free to discuss proceedings with their accompanier at any stage.

6.10 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.

6.11 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.

6.12 The panel shall consider the following:

6.12.1 The allegation made in order to decide on the balance of probabilities whether an individual or group has acted in the manner alleged.

6.12.2 Whether those actions contravene the expected standards of behaviour of members.

6.12.3 If action should be taken and if so, what that action or penalty should be.

7. Investigation Panel Process

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

7.1.1 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.

7.1.2 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.

7.1.3 A brief recess may be convened if the panel wish to ask any follow-up questions in order for these questions to be discussed and agreed upon by all panel members.

7.1.4 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.

7.1.5 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.

7.1.6 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.

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

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

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

7.5 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.

8. Courses of Action

8.1 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:

8.1.1 A written reprimand.

8.1.2 An agreed behavioural contract to be agreed by relevant parties which details expected standards of behaviour going forward.

8.1.3 A suspension of any or all of the privileges of membership of the Union.

8.1.4 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.

8.1.5 A permanent or temporary suspension of any or all of the benefits of affiliation to the Union as a group, club or society.

8.1.6 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.

8.1.7 Dismissal of the allegations.

8.2 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.

8.3 In line with section 4.4 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. The Report and Support tool³ will be used to make the referral. This does not preclude the panel from also deciding on an additional penalty or action as defined in this policy.

8.4 In line with section 4.4 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.

8.5 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 points 7.1.6, 7.3 and 7.3 for procedure when an adjournment has been called.

³ <https://www.strath.ac.uk/studywithus/strathlife/reportsupport/>

8.6 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.

8.7 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.

8.8 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.

9. Disciplinary Appeals

9.1 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:

9.1.1 The Disciplinary Procedure has not followed the correct procedural steps as laid out in this document.

9.1.2 New information or evidence has become available that was not available for good reason during the initial assessment or investigation.

9.1.3 The action or penalty applied as a result of the investigation was unduly harsh or disproportionate.

9.2 For the avoidance of doubt, the appeals process will not reconsider existing evidence or information to reassess the outcome of the original investigation.

9.3 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.

9.4 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.

10. Appeals Panel

10.1 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 or nominee. This panel will not include any of the same members of the original investigation panel, but shall normally – where practicable and possible - comprise of:

10.1.1 CEO or nominee (acting as Convenor).

10.1.2 One elected Executive Officer.

10.1.3 One more of the following: Executive Officer, Head of Department/Department Manager, or External Trustee.

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

10.3 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.

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

10.5 Any student is permitted to be accompanied for support. Students are free to discuss proceedings with their accompanier at any stage.

10.6 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.

10.7 The appeals panel will have available to them the same potential outcomes as the original panel.

11. Record Keeping

11.1 A record of all proceedings will be maintained by the Union and kept on record for 6 years at which point all identifiable details will be deleted and only anonymised statistical information maintained.