

## **APPENDIX F DISCIPLINARY PROCEDURES FOR MEMBERS OF CUSU**

### **1. Introduction**

The Executive Committee of CUSU is responsible to its members for disciplinary action against members who breach policy, procedures, rules and regulations of CUSU or who may otherwise bring CUSU into disrepute. Therefore, the following procedures may be invoked when required to investigate allegations of misconduct by members and to determine any sanctions.

### **2. The Principles of the Procedures**

The Disciplinary procedures shall follow the principles of natural justice: a member shall be considered innocent until proven otherwise; shall have the right to representation, call witnesses, cross examine and submit evidence. There shall also be the right of appeal.

### **3. How the Procedure shall be Used**

1. These procedures may be started by a complaint about a members' behaviour, by any ordinary or associate member of the Union
2. A senior manager of CUSU (or nominee), who shall act as Secretary to the Disciplinary Panel, shall inform the member in writing that there shall be a disciplinary hearing normally 5 working days from the notification which the member shall be required to attend, stating the allegation(s), the date/time of the hearing and the right to representation and who shall hear the case, and provide the evidence collected in the investigation to the member at the same time.
3. This shall take place only after an investigation has been conducted by the senior manager (or nominee) and there is a prima facie case against the member.
4. In circumstances where a senior manager of nominee considers the behaviour of a member to be a danger to him/herself, others and the reputation of CUSU then the immediate exclusion from specified premises or services or rights shall be carried out without prejudice to a disciplinary hearing.
5. A Disciplinary Panel shall be convened for the stated date and time and venue which shall consist of three members of Executive Committee, nominated by the President and which shall be chaired by a sabbatical officer.
6. A Secretary to the Panel shall attend to record the proceedings and act as advisor to the Panel but shall not have a vote.
7. The case against the member shall be made by the investigating senior manager (or nominee).
8. The hearing shall be confidential.

### **4. The Procedure for the Hearing**

1. The Chair of the panel shall open the hearing stating the allegation(s) and the member shall be invited to make a statement at this point.
2. The presenting staff member shall state the case against the member, question the member, submit evidence and call witnesses as required.

3. The member (or representative) shall have the right to question the presenting staff member, the evidence submitted and the witnesses.
4. The member (or representative) shall put the defence to the panel, call witnesses and submit evidence as required by the defence.
5. The presenting staff shall have the right then to question the evidence and the witnesses in defence.
6. The Panel may ask questions at any time of the member, the presenting staff, the witnesses and the evidence in order to clarify and may ask for further evidence or witnesses if required to assist in deciding the facts.
7. The presenting staff member shall then sum up and introducing no fresh evidence or argument. The defending member (or representative) shall then sum up introducing no fresh evidence or argument.
8. Either side may request an adjournment to the hearing which shall be granted by the Panel if it is thought helpful to the proceedings.
9. The member (and representative) and presenting staff shall withdraw and the Panel shall decide if the allegation is proven and if any sanction shall be determined.
10. The member (and representative) and presenting staff shall return to hear the decision of the Panel which shall be given by the Chair. The decision shall be confirmed in writing by the Chair of the Panel as soon as possible.

## **5. Sanctions**

The panel shall decide on the sanctions to be taken in cases where the allegations are proven and depending on the severity of the allegation, previous conduct of the member and other matters it considers relevant.

The sanctions are:

To withdraw membership for a stated period;

To refer the matter to the University for disciplinary action;

To withdraw access to specified services and/or premises;

Removal from Sports and Societies positions or to recommend the removal from official positions within CUSU;

To withdraw membership until stated actions are carried out by the member (e.g. a written apology, or 'community service' for CUSU).

To send the member a final written warning on their conduct

## **6. The Right of Appeal**

1. A member has the right to appeal on: the severity of the sanction; fresh evidence is submitted; or procedures were not carried out correctly.
2. The member shall submit an appeal in writing to the President (or nominee) within 5 working days of receiving the Panel's written decision.
3. The President (or nominee) shall determine if there are grounds for an appeal and shall inform the appellant accordingly.
4. An appeal granted shall be heard by the Appeal Panel which shall consist of three Union Council members, elected by Union Council, who shall not be members of the Executive

Committee, and the chair determined by the Panel and who were not involved in the case previously.

5. The appellant (or representative) shall present the case for appeal, fresh evidence, witnesses, etc. Then the case against the appeal shall be made by the Chair of the Disciplinary Panel.
6. A record of the hearing shall be made by a CUSU staff member present acting as Secretary to the Appeals Panel.
7. The procedure shall allow for questioning of evidence and witnesses by the Chair of the Disciplinary Panel and the Appeals Panel members may ask questions for clarification.
8. The appellant (and representative) shall withdraw whilst the Appeals panel considers its decision.
9. The President as Chair shall inform the appellant of the Panel's decision which shall be confirmed in writing. This decision is final.
10. The sanctions against the appellant shall remain in place until a successful Appeals Hearing.

## **7. Records of Hearings**

A confidential record of all hearings shall be maintained except where the allegation(s) is not proven or the Appeal Panel overturns the Disciplinary Hearing's decision and then all records of the case shall be destroyed.

## **8. Disciplinary Hearings against Sabbatical Officers**

1. Disciplinary hearings against Sabbatical Officers shall be heard by the external members of the Board of Trustees.
2. An allegation or complaint of concern against a Sabbatical Officer should be addressed to the General Manager of CUSU who shall conduct a preliminary investigation the result of which shall be reported in writing to the External Trustees.
3. The external members of the Board of Trustees shall decide whether to conduct a formal investigation and the resources and means for that investigation and shall have the discretion to suspend a Sabbatical Officer(s) if considered appropriate and report the suspension to the Board of Trustees and the Chair of Union Council.
4. On conclusion of the investigation, the external members of the Board of Trustees shall decide whether there shall be a formal disciplinary hearing.
5. A formal disciplinary hearing shall be held using the normal procedures for hearings (paragraph 4 above), consisting of a panel of at least three external members of the Board of Trustees.
6. If the Sabbatical Officer(s) is found blameworthy then the sanctions against Sabbatical Officer(s) shall be to recommend to the Chair of Union Council appropriate action to be taken under Clause 14 of the Constitution ('The Dismissal and Caution of Elected Officers) as a motion to the next or an emergency Union Council meeting.