



University of Bath

Students' Union

Regulation 4(b)

SU Officer Disciplinary

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SU Officer Disciplinary

1. *Status of SU Officers*

- 1.1. SU Officers are both officer holders and employees. As office holders, they are Members of the SU and subject to the SU's disciplinary procedures set out in Bye-Law and Regulation 4. Although SU Officers are employees of the University, they also retain student status (University Ordinance 24.7 and Article 6.1.2). They are, therefore, potentially subject to several disciplinary processes, depending on their status in relation to the particular offence.
- 1.2. In the event of a complaint against a SU Officer in their capacity as a Member only, they will be subject to the Disciplinary Procedures set out in Regulation 4(a). In the event of a complaint against a SU Officer in his/her capacity as an officer, s/he will be subject to the procedures set out below (Regulation 4(b)).
- 1.3. If a complaint is against any SU Officer other than the SU President, that complaint should be made in the first place to the SU President. If a complaint is being made against the SU President, it should be directed to the Chair of the Review Panel. This post is appointed annually and the name and contact details of the current postholder may be requested from the Chief Executive.
- 1.4. In all cases, other than those referred by the Review Panel, the SU's Complaints Procedure, Bye-law 9, will be followed in the first instance.
- 1.5. In any case referred by the Review Panel, the procedures contained in this Regulation 4(b) will pertain.

2. *Disciplinary Panel*

- 2.1. Disciplinary Panel shall be convened as soon as possible upon receipt of a referral from the Review Panel. The Chair of Disciplinary Panel, in this instance, will be the independent Chair of the Review Panel.
- 2.2. The Panel shall comprise the Chair, who shall act solely in an advisory capacity but have no voting rights, and at least five (5) representatives, with no more than (2) two from each of the following areas:
 - Academic Council
 - Postgraduate Association
 - Diversity & Support
 - Volunteering
 - Student Media
 - Sports
 - Societies
 - International Students Association
 - The representative need not be a member of the Executive and must not be the same person who sat on the Review Panel.

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- 2.3. The Chief Executive will sit in attendance as will the Executive Support Manager who will keep a record of the meeting.
- 2.4. The Panel will consider the complaint referred to it by the Review Panel, in accordance with the following procedure.

3. Representation

- 3.1. The SU Officer will have the right to be accompanied by a 'companion' as defined by the ACAS Code of Practice – namely a University work colleague or trade union representative. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. The 'companion' may not be another officer of this SU.

4. Disciplinary meeting

- 4.1. The SU Officer will be sent a copy of the evidence to be considered at the meeting and will have the opportunity to state his/her case fully. S/he should also give copies of any papers or witness statements that s/he intends to rely on at the meeting at least 2 working days in advance of the meeting to the Chair and Executive Support Manager.
- 4.2. The SU Officer will be given at least 5 working days' notice to attend the meeting which s/he (and his/her companion) must make every effort to attend. The meeting will only be re-arranged if s/he provides a good reason why s/he is unable to attend, or his/her companion cannot, for good reasons, make the arranged date.
- 4.3. If the meeting has to be rearranged, at least 2 working days' notice of the rearranged date will be given. The SU Officer will be expected to attend the re-arranged meeting unless there are exceptional circumstances which mean that s/he is unable to be there in which case s/he must advise the Chair and/or Executive Support Manager in advance of the meeting. If the SU Officer unreasonably fails to attend the rearranged meeting it will take place in his/her absence.
- 4.4. If the re-arranged meeting is more than 5 working days from the date of the original meeting and the SU Officer's companion cannot make the re-arranged date, the SU Officer must find a replacement or attend the meeting without a companion. At a meeting the companion is entitled to address the meeting, ask questions and confer privately with the SU Officer. The companion does not, however, have the right to answer questions on the SU Officer's behalf or address the meeting if the SU Officer does not wish them to or prevent the complainant from explaining their case.

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- 4.5. The Chief Executive will be present, in attendance, to provide advice on proceedings as appropriate and a s/he may deem that a member of Human Resources should also be present. A note taker will be present to take written notes of the meeting and the SU Officer will receive a copy of the notes of the meeting. The covert recording of such meetings is forbidden and, if undertaken, will be considered as an act of gross misconduct (as would be any act of covert recording).

5. *Adjourning the disciplinary meeting*

- 5.1. Prior to making a decision the disciplinary meeting will be adjourned to consider all relevant information.
- 5.2. The meeting may also be adjourned if necessary for the purpose of clarifying or gathering additional information. If new information is gathered or clarified the SU Officer will be advised of the new information and given a reasonable time to consider it prior to the meeting being reconvened.

6. *Confirmation of outcome*

- 6.1. Following an adjournment and once the Chair of the meeting is satisfied that all relevant information has been gathered and properly considered, Disciplinary Panel will make a decision on what, if any disciplinary action they feel should be taken. Prior to notifying this decision to the SU Officer, advice should be sought from Human Resources on that decision to ensure that the SU Officer's rights as an employee are not contravened. Following this, the SU Officer will be advised of the decision.
- 6.2. The decision and action will be confirmed to the SU Officer in writing and s/he will receive a copy of the notes of the disciplinary hearing. If the SU Officer considers that the notes do not properly reflect the discussion s/he has the right to propose amendments to the record within 5 working days. Where these are agreed, the record will be duly amended. If the proposed amendments are not agreed, the SU Officer's comments will be attached to the record.
- 6.3. The SU Officer will also be advised of his/her right to appeal against the decision.

7. *Formal Warnings*

Depending on the severity and circumstances of the case, Disciplinary Panel may apply, at its discretion, (following consultation with Human Resources) either a First Written Warning or a Final Written Warning for misconduct offences. Disciplinary Panel will take into account any active warnings that may apply to the SU Officer at the time of the misconduct. The warning issued to the SU Officer will state what the problem is and, if appropriate, what is required to correct the problem and the time

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scale for achieving this. It will also confirm that further disciplinary action will follow if the problem is not satisfactorily rectified or there is further misconduct.

8. *Dismissal*

- 8.1. Cases involving gross misconduct will automatically be considered by the University and not by Disciplinary Panel. The SU's Board of Trustees will be notified immediately of such a case. In cases where it is concluded that gross misconduct has taken place, the University may summarily dismiss the SU Officer without notice or payment in lieu of notice. The SU's Board of Trustees will then consider whether the SU Officer should also be dismissed as a trustee of the SU.
- 8.2. In cases of repeated misconduct, the University may dismiss the SU Officer with notice or payment in lieu of notice (unless it is concluded that this constitutes gross misconduct in which case, the SU Officer may be summarily dismissed – see 8.1 above).
- 8.3. The decision to dismiss will be taken either by the Board of Trustees or by referendum of the student body. The University will confirm the decision to dismiss the SU Officer in writing, after the dismissal, setting out the nature of the misconduct that led to the dismissal and the right to appeal from the decision.

9. *Appeals*

- 9.1. In the event of dismissal being as a result of a referendum of the student body, an appeal may only be made to the Returning Officer on the basis that the referendum process was flawed.
- 9.2. In the event of dismissal being at the request of the Board of Trustees, any appeal should be in line with the SU's Bye-Law 8.
- 9.3. In the event of dismissal being instigated by the University, the SU Officer has the following right of appeal, save for a decision following an appeal hearing.
 - 9.3.1. The right of appeal must be exercised within 10 working days of receipt of the letter of confirmation of disciplinary action
 - 9.3.2. The appeal stating the grounds on which it is made, must be in writing addressed to the Director of Human Resources.
 - 9.3.3. An appeal against dismissal will normally be heard by the Deputy Vice Chancellor and the University Secretary, advised by the Director of Human Resources or his/her deputy.
- 9.4. The University will aim for an appeal to be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.

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- 9.5. The decision of the appropriate appeal body (communicated in writing to the SU Officer) shall be final within the procedures of the University.
- 9.6. An appeal against a first and final written warning will normally be heard by the SU's Appeals Panel. Members of the Appeals Panel must have had no previous involvement in the case. Appeals Panel in this instance will be chaired by an Independent Trustee.