

Resignation and Discipline for Elected Officers and Representatives

(Schedule 8)

Resignation and Discipline of Elected Officers and Representatives (Schedule 8)

1. Resignation

- 1.1 An Elected Officer or Representative of the Union may resign from her/his duties by submitting, in writing, a letter of resignation to the Chair of the relevant Committee or Body.
- 1.2 The Chair of the relevant Committee or Body shall inform, in writing, the other members and the Secretary of the Committee or Body on which he/she served, within 7 days of receipt of the letter of resignation.
- 1.3 The resignation of any member shall be reported to the next meeting of any Committee or Body on which that member served and it shall be recorded in the minutes of proceedings of that meeting.
- 1.4 All resignations shall take immediate effect, except in the case of a Sabbatical Officer who shall be required to give not less than 4 (four) weeks notice. This condition may be waived at the discretion of the Executive Committee.
- 1.5 An Elected Officer or Representative shall be deemed to have resigned and shall cease to be an elected officer or representative with immediate effect (except for Sabbatical Officers) if, during their term of office, they cease to be a student registered on a course of student at the University. In the case of elected officers or representatives who have deferred their year of study, they must provide written proof from the University of their intention to take up a course of study in the subsequent year. This shall also be at the discretion of the Executive Committee.

2. Conduct of Elected Officers and Representatives

- 2.1 All Officers and Representatives shall be required to adhere to the Code of Conduct set out in Schedule 7 of this Constitution that sets out the standards of conduct expected to Elected Officers and Representatives of the Students' Union.
- 2.2 All Elected Officers and Representatives are required to agree in writing that they will observe this Code and it is the personal responsibility of Officers and Representatives to abide by it. Officers and Representatives of the Students' Union should ensure they fully understand the provisions of the Code of Conduct.
- 2.3 Elected Officers and Representatives must ensure that their use of various facilities of the Students' Union is solely in connection with Students' Union business. These facilities include the use of office

facilities, use of rooms, stationery, postage, telephones, photocopying and computer facilities

- 2.4 .Any full member of the Union having cause to complain about the conduct or performance of an Elected Officer or Representative of the Students' Union shall make such a complaint to the Student President.
- 2.5 In the event of the complaint being made about the Student President, such a complaint shall be made to the Chair of Student Parliament or the General Manager. Where a complaint relates to the Student President, the Chair of Student Parliament and the General Manager, an independent Officer shall be appointed by the Board of Governors of the University.
- 2.6 The Student President shall raise the matter with the Elected Officer or Representative informally, and shall advise him/her of the complaint.
- 2.7 In the event of minor complaints, the Student President may caution or warn the officer concerned that his/her conduct or performance is unacceptable.
- 2.8 In the event of more serious complaints or in the event of persistent misconduct or unacceptable levels of performance the matter shall be referred to the Disciplinary Committee.
- 2.9 Members of the Disciplinary Committee must declare if they have an interest in either party in the dispute. Where, in the opinion of the Chair this may prejudice the Committee's deliberations, the Committee member shall be replaced with another Committee member, Failure to disclose an interest may be considered a disciplinary offence.
- 2.10 The Complainant and Respondent have the right to challenge the membership of the Disciplinary Committee. Where the Chair deems a challenge to be justified, the member(s) of the Committee concerned shall be replaced with an equal number of committee members.
- 2.11 All of the information and discussion arising out of the proceedings of the Committee shall be regarded as confidential and must not be discussed by Disciplinary Committee members before or after the proceedings.

4 The Disciplinary Committee

- 4.1 The Complainant and Respondent shall be informed in writing of the following, at least 5 (five) days before the meeting of the Disciplinary Sub Committee:
 - 4.1.1 The details of the charge, citing which disciplinary offence has been alleged;

- 4.1.2 The date, time and place of the meeting of the Disciplinary Committee.
- 4.1.3 The requirement to attend the meeting of the Disciplinary Committee.
- 4.1.4 The right of all parties to call witnesses or submit evidence.
- 4.1.5 All parties have the right to representation, or the right to be accompanied by an individual of their choice.
- 4.2 All parties will be sent a copy of these and any other relevant disciplinary regulations.
- 4.3 Both the Complainant and Respondent shall, at least 3 (three) days before the meeting of the Committee, inform the Chair of the Committee of any witnesses or additional evidence they wish to submit.
- 4.4 The procedure for the Disciplinary Committee shall be as follows:
 - 4.4.1 The Complainant or her/his representative shall present details of the complaint. If requested, the Chair may make arrangements for the Respondent to be out of sight of the Complainant whilst the Complainant is giving evidence.
 - 4.4.2 The Complainant may call witnesses or adduce other evidence as agreed in advance.
 - 4.4.3 The members of the Disciplinary Committee will then have the opportunity to question the Complainant based on her/his evidence.
 - 4.4.4 The members of the Disciplinary Committee will then have the opportunity to question the witnesses based on the evidence presented.
 - 4.4.5 The Respondent or her/his representative shall have the opportunity to present their defence.
 - 4.4.6 The Respondent may call witnesses or adduce other evidence as agreed in advance.
 - 4.4.7 The members of the Disciplinary Committee will have an opportunity to question the Respondent based on her/his evidence.
 - 4.4.8 The members of the Disciplinary Committee will have the opportunity to question the witnesses based on the evidence presented.

- 4.4.9 If any Students' Union employees or Elected Officers are witnesses and have not been called by either the Complainant or the Respondent, they shall not give evidence at this stage.
- 4.4.10 The Complainant and the Respondent (in that order), or their representatives, shall make a closing statement in which no new evidence shall be introduced.
- 4.5 The Disciplinary Committee shall withdraw and discuss the case in private. They shall have the power to recall either party or any witnesses if the Chair deems it to be necessary. The deliberations of the Disciplinary Committee shall not be recorded except where they have recalled either party or witnesses.
- 4.6 The Disciplinary Committee shall reach its verdict by a majority decision. The decisions it can consider are:
 - 4.6.1 That the complaint be rejected, or
 - 4.6.2 That the complaint be upheld.
- 4.7 Where the decision of the Disciplinary Committee is that the complaint is upheld the Committee may further decide that:
 - 4.7.1 No further action be taken.
 - 4.7.2 That the Elected Officer or Representative receives a verbal warning.
 - 4.7.3 That the Elected Officer or Representative receives a written warning.
 - 4.7.4 That a recommendation be made to Student Parliament that the Elected Officer or Representative be removed of his/her responsibilities.
 - 4.7.5 That a recommendation be made to Student Parliament that the Elected Officer or Representative be removed from office.
- 4.8 An initial decision shall be given by the Chair of the Disciplinary Committee to the Complainant and Respondent verbally. A full written decision and summary of the proceedings shall be sent to both parties within 10 (ten) days of the meeting.
- 4.9 The written decision shall advise both parties of their right to appeal under section 4 below. If the complaint has been upheld or the Respondent found guilty of a lesser charge, then the written decision will advise all parties of what sanction has been imposed.

4.10 Both the Complainant and Respondent shall be entitled to appeal against the decision of the Disciplinary Committee to Student Parliament or the General Manager. Written notice of an appeal must be given to the Student President within 5 (five) days of receipt of the written decision of the Disciplinary Committee.

4. Grounds for Appeal

4.1 The grounds for appeal shall be as follows:

4.1.1 New evidence has emerged that for good reason was not submitted to the Disciplinary Sub Committee.

4.1.2 New witnesses have emerged who, for good reason were not called to testify before the Disciplinary Sub Committee.

4.1.3 The Disciplinary Procedures were not correctly applied.

4.1.4 Members of the Disciplinary Committee did not declare an interest that may have proved prejudicial to the Committee's deliberations.

4.1.5 Having regard to the rules of natural justice, the decision of the Disciplinary Sub Committee was unreasonable having regard to the evidence presented to the Sub Committee, such that no reasonable person would have arrived at that decision on the basis of the evidence presented.

4.2 Appeals may not be admitted on the grounds of dissatisfaction with the outcome of the Disciplinary Committee (other than in respect of paragraph 4.1.5 above).

4.3 The written notice requesting an appeal shall clearly specify the grounds for appeal and where applicable what new evidence is/witnesses are being introduced.

5. Student Parliament

5.1 Student Parliament shall consider:

5.1.1 Any appeals from the Disciplinary Committee.

5.1.2 Recommendations from the Disciplinary Committee for an Officer to be dismissed from office or suspended from his/her duties.

5.2 The meeting of Student Parliament shall take place no sooner than 5 (five) days and no later than 15 (fifteen) days after the receipt of the

appeal. All parties to the appeal and/or recommendation to be considered shall be informed of the date, time and place at which the Tribunal shall meet not less than 5 (five) days before the meeting. The meeting of the Student Parliament shall be held in private with only members of the Student Parliament, the Complainer, the Respondent, the Chair of the Disciplinary Committee, representatives of the parties and witnesses will be entitled to attend.

5.3 In the event of an appeal, the procedure for the meeting of Student Parliament shall be as follows:

5.3.1 The Appellant presents her/his, case outlining the reasons why the original verdict of the Disciplinary Committee should be reconsidered.

5.3.2 The Appellant introduces the new witnesses and/or evidence that were cited as grounds for appeal.

5.3.3 The members of Student Parliament may then question the Appellant or new witnesses.

5.3.4 The other party is then invited to comment on the new evidence/witnesses.

5.4 In the event of Student Parliament considering a recommendation of suspension from duties or removal from office of an Elected Officer or Representative the procedure for the meeting shall be:

5.4.1 The Chair of the Disciplinary Committee shall present the findings of the Committee, outlining the reasons why the Elected Officers/Representative should be removed from office or suspended from their duties.

5.4.2 The Chair of the Disciplinary Committee may call witnesses or adduce other evidence as agreed in advance.

5.4.3 The members of Student Parliament will have the opportunity to question the Chair of the Disciplinary Committee based on her/his evidence.

5.4.4 The Elected Officer/Representative will then have the opportunity to question the witnesses based on the evidence.

5.4.5 The Elected Officer/Representative or her/his representative shall have the opportunity to present her/his defence.

5.4.6 The members of Student Parliament will have the opportunity to question the Elected Officer/Representative based on her/his evidence.

- 5.4.7 The Elected Officer/Representative may call witnesses or adduce other evidence as agreed in advance.
 - 5.4.8 The Chair of the Disciplinary Committee will then have an opportunity to question the witnesses based on the evidence.
 - 5.4.9 The Elected Officer/Representative and the Chair of the Disciplinary Committee (in that order) or their representatives shall make a closing statement in which no new evidence shall be introduced.
- 5.5 Student Parliament shall withdraw and discuss the appeal in private. They shall have the power to recall either party or any witnesses if the Chair deems it necessary. The deliberations of Student Parliament shall not be recorded except where they have recalled either party or witnesses.
- 5.6 Student Parliament shall reach its verdict by a two-thirds majority decision. The verdicts it can arrive at are:
- 5.6.1 That the appeal be rejected and the recommendation of the Disciplinary Committee is upheld, or
 - 5.6.2 That the appeal be upheld, and the case referred to a new Disciplinary Committee.
- 5.7 The decision of Student Parliament shall be final. The Student Parliament shall issue written reasons for its decision to the parties concerned.

6. Complaint to the University

- 6.1 Once the right of appeal has been exercised and the Union's Disciplinary Procedures have been exhausted, either party may make a complaint to the University in accordance with the provisions of this Constitution. Both parties shall be informed of this right at the conclusion of the disciplinary process.

7. General Provisions

- 7.1 Where a member refuses to accept the jurisdiction of the Students' Union on disciplinary matters or fails to comply with the decision of a Disciplinary Committee or Student Parliament, the Student President shall report the matter to the University Academic Registrar.
- 7.2 Where the complaint is one of serious misconduct, the Student President shall have the authority to suspend the Elected Officer or Representative until the matter has been resolved by the Disciplinary Committee. During such suspension the Elected Officer or Representative shall not be permitted to carry out any duties connected

with her/his position and shall be excluded from all Students' Union premises until the Disciplinary Committee has resolved the matter. In the case of a Sabbatical Officer of the Students' Union such a suspension may be on full pay.