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Guild Officer Group

Discipline and Appeals Policy

1. Statement

- 1.1 In being an elected Guild Officer, there is an inherent obligation to conduct oneself in a highly responsible and professional manner, and in accordance with the law, which includes for these purposes, charity law, company law, the Education Act 1994 and any other relevant legislation or regulations that impact on any aspect as a Guild Officer.
- 1.2 In addition, Guild Officers should be familiar with and act in accordance with the governing documents of the Guild of Students. The governing documents include for these purposes the Memorandum and Articles of Association, Bye-Laws, Guidance & Strategy documents, and relevant policies and procedures.
- 1.3 This policy should be read together with the Guild Officer Group Code of Conduct.

2. Purpose and Scope

- 2.1 Every Guild Officer is expected to carry out his or her duties to the best of his or her ability and to always take into consideration the best interests of the Guild of Students.
- 2.2 This policy applies to all Guild Officers, including Sabbatical Officers and Non-Sabbatical Officers. For the avoidance of doubt, this policy applies to those Sabbatical Officers who are also Trustees of the Guild of Students.
- 2.3 The purpose of the policy is to:
 - (a) promote high standards of behaviour in the treatment of individuals and in the conduct of Officer relations;
 - (b) assist the Guild of Students to operate effectively;
 - (c) set standards of conduct and performance at work for the Guild Officers; and
 - (d) provide a fair method of dealing with alleged failures to maintain those standards.
- 2.4 This policy is intended to be corrective rather than punitive. Where performance or conduct falls short of an acceptable standard, then this policy will ensure that there is an opportunity to make improvements and achieve the levels required.
- 2.5 In this policy, the "Guild Officer" refers to the person facing the allegation in the complaint.

3. Making a Complaint

- 3.1 Any person may make a complaint about alleged poor performance or misconduct of a Guild Officer.
- 3.2 The complaint should be made in writing to:
 - (a) the President;
 - (b) a Lay or Alumni Trustee; or
 - (c) the Chief Executive.
- 3.3 The complaint should be copied to the HR Co-ordinator.
- 3.4 The complaint should give details of the name(s) of the person(s) involved, together with details of alleged poor performance or misconduct (including the date and place at which the alleged misconduct took place), and be delivered as soon as possible after the events complained of (and ideally within ten working days of the occurrence).
- 3.5 The person who received the complaint shall acknowledge receipt of it.

4. Informal Action

- 4.1 Minor faults will be dealt with informally, usually by the President discussing the concerns with the Guild Officer. In the case of allegations of fault against the President, a Lay or Alumni Trustee will usually discuss the concerns with the President.
- 4.2 The President (or the Lay or Alumni Trustee) will determine what further action to take in relation to the complaint, and will inform the complainant and the Guild Officer of what action, if any, is to be taken.
- 4.3 Where appropriate, the Guild Officer will be advised of the standard required to improve conduct or behaviour and the timescale within which the Guild Officer should improve.
- 4.4 The Guild Officer is not required to receive written notification at this informal stage. However, a note of the discussion will be kept on his or her confidential file and will be used as the basis for monitoring conduct going forward.
- 4.5 Where there is a more serious case of poor performance or misconduct or the Guild Officer fails to improve and maintain that improvement, formal action may be taken and the disciplinary procedure outlined in paragraph [6] below may be invoked.

5. Grounds for invoking the Disciplinary Procedure

- 5.1 The disciplinary procedure will only be invoked once all informal procedures have been exhausted.

- 5.2 It is impossible to specify all the circumstances that would warrant invoking the formal disciplinary procedure, but typical cases would be where the Guild Officer's standard of performance, level of achievement, timekeeping, attendance or general conduct falls below the standard required by the Guild of Students, including that set out in the Guild Officer Code of Conduct.
- 5.3 The disciplinary procedure will usually be invoked where the alleged poor performance or misconduct constitutes gross misconduct. It is not practical to compile an exhaustive list of what will constitute gross misconduct, but the following are some important examples:
- (a) Disruption of, or improper interference with, the administrative, social or other activities of the Guild of Students whether on the Guild of Students' premises or elsewhere.
 - (b) Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the Guild of Students or any authorised visitor to the Guild of Students.
 - (c) Violent, indecent, disorderly, threatening, or offensive behaviour or language whilst on the Guild of Students' premises or engaged in any Guild of Students activity.
 - (d) Any form of theft, fraud, deceit or dishonesty in relation to the Guild of Students or its staff or in connection with the holding of any office in the Guild of Students or in relation to being a member of the Guild of Students.
 - (e) Action likely to cause injury or impair safety on the Guild of Students' premises, including wilful disregard of health and safety rules.
 - (f) Harassment of any kind of any student member of staff or other employee or any visitor of the Guild of Students.
 - (g) Conscious unlawful acts of racial, sexual or disability discrimination or harassment against Officers, staff or job applicants.
 - (h) Malicious damage to, or defacement of, the Guild of Students' property, the property of other members of the Guild of Students' community or property available for the use by its members.
 - (i) Unauthorised possession or misuse use of the Guild of Students' premises or items of property.
 - (j) Behaviour which is likely to bring the Guild of Students or any constituent part of the Guild of Students or any individual into serious disrepute.
 - (k) Alcohol, drug or substance abuse in the course of work, within working hours or on the Guild of Students' premises.
 - (l) Gross carelessness resulting in damage or injury or other unacceptable loss.

- (m) Conduct which, if proved in a court of law, would constitute a criminal offence or affected other members of the Guild of Students.
- (n) Serious and substantial breach of the Guild Officer Group Code of Conduct.

6. Disciplinary Procedure

6.1 Where it is believed that the disciplinary procedure should be invoked, any of the following may convene an Investigations Panel:

- (a) The President;
- (b) A Lay or Alumni Trustee; or
- (c) The Chief Executive.

6.2 The Investigations Panel will usually include a Guild Officer and a member of the management team.

6.3 The Guild Officer will be written to and advised of the allegations against him or her and provided with a copy of this policy.

6.4 The matter will then normally be investigated by the Investigations panel.

6.5 The purpose of the investigation is to establish a fair and balanced view of the facts relating to the allegations against the Guild Officer, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. The Investigations Panel may obtain statements from witnesses whose evidence is relevant.

6.6 Following the investigation, the Investigations Panel will make one of the following recommendations to the person who requested the Investigation Panel:

- (a) to take no further action;
- (b) to the Officer Disciplinary Committee to hold a disciplinary hearing; or
- (c) to inform the University authorities so that action may be pursued either under the University Disciplinary Procedures, by the police or under the disciplinary procedures of a body that is deemed appropriate.

6.7 Where the case is referred to another body, the Guild's processes will normally cease until the conclusion of that investigation.

6.8 It may be necessary to suspend the Guild Officer from some or all duties until such time as an investigation and/or the disciplinary procedure/s are complete. The suspension will be without prejudice and will not constitute disciplinary action. The Guild Officer will continue to be remunerated throughout the investigatory process. This will not affect the Guild's Officer status.

7. Officer Disciplinary Committee

- 7.1 The Officer Disciplinary Committee shall be convened as and when required to hear allegations of poor performance or misconduct.
- 7.2 The Officer Disciplinary Committee shall be comprised of:
 - (a) the President (unless the allegations are against the President);
 - (b) two Trustees (at least one which shall be a Lay Trustee);
 - (c) a member of Guild Council, usually the Chair of Guild Council; and
 - (d) a member of Guild staff, usually from the management team.
- 7.3 A member of the HR & Admin staff will be in attendance to act as an advisor to the Disciplinary Committee and as the note taker.
- 7.4 The quorum of the Disciplinary Committee shall be three and the Chair shall be elected from the Committee, but shall not be the President or, if the allegations are against the President, one of the Trustees.
- 7.5 The Chair shall give both the complainant and the Guild Officer at least 48 hours' notice of the date and time of the Disciplinary Committee meeting.
- 7.6 Both the complainant and Guild Officer shall have the right to attend the meeting and be accompanied and/or represented by any other member
- 7.7 The Disciplinary Committee shall endeavour to provide the Guild Officer with a copy of the allegation against him or her and any written evidence to be presented to the Disciplinary Committee at least 5 working days before the date of the meeting.

8. Discipline Hearing Procedure

- 8.1 The Chair will ensure that copies of the allegation and of all written evidence, and the names of any witnesses to be called is distributed to the members of the Officer Disciplinary Committee who will be given time to read the material carefully.
- 8.2 The case against the Guild Officer shall be presented by a Guild Officer or staff member of the Guild of Students.
- 8.3 The case against the Guild Officer shall be presented first.
- 8.4 The Guild Officer will be asked whether he or she admits or denies the allegation.
- 8.5 If the Guild Officer admits the allegation, the Chair will proceed as in paragraph 8.11 below.

- 8.6 If the Guild Officer denies the allegation, the Guild Officer or their representative shall then be able to present their defence. Either side may present witnesses to support their case.
- 8.7 Either party may ask questions of witnesses, as may members of the Committee.
- 8.8 The Committee may invite such other witnesses as it thinks fit to be summoned, or such other evidence as it considers relevant to be produced.
- 8.9 The Chair or Guild Officer may ask for a short adjournment at any time for consideration of information, points of procedure or emotional distress.
- 8.10 The ruling of the Chair as to whether any question or evidence is or is not permissible shall be final.
- 8.11 The Guild Officer may make a final statement, which may include mitigation for their actions.
- 8.12 The Committee shall then withdraw to consider its decision.
- 8.13 The Committee should attempt to reach a unanimous decision but if a vote is required then a simple majority will be deemed sufficient.
- 8.14 The Guild Officer shall be considered to be not guilty of any allegation until the opposite is shown on the balance of probabilities.
- 8.15 If the Committee finds that the allegation has not been proved, the hearing will end but official notes shall be retained.
- 8.16 If the Committee finds that the allegation has been proved, the Committee shall consider the appropriate sanction and their reasons for making such a sanction. The Committee may consider any mitigation that the Guild Officer has made.
- 8.17 The Chair shall endeavour to communicate the decision to the Guild Officer and to the complainant within 5 working days of the hearing. [The disciplinary actions that may be taken are set out in paragraph [9] below. The written outcome will advise the Guild Officer of his or her right of appeal as set out at paragraph [10] below.]

9. Disciplinary Action

- 9.1 Disciplinary action may be implemented at any stage of the procedure if the Guild Officer's alleged misconduct or poor performance warrants such action. If the offence is of a serious nature, then it may be necessary to begin the procedure at a later stage in the process depending on the circumstances.
- 9.2 Normally, any formal warnings will expire six months after issue, unless specifically indicated to the contrary.

Formal Verbal Warning

- 9.3 If conduct or performance does not meet the required standard, the Guild Officer will normally be given a formal verbal warning. He or she will be advised of the reason for the warning, the improvement required, and the timescale. The Guild Officer will also be informed that it is the initial stage of the disciplinary procedure.
- 9.4 The Guild Officer will be told of the likely consequences should the failure be repeated, should there be a further incidence of unacceptable conduct or performance, or should the required improvement not be made within the specified time period and then maintained. A record detailing the reasons for the warning will be given to the Guild Officer and a copy kept on his or her confidential file.

First Written Warning

- 9.5 If the required improvement does not take place, or if the offence is of a serious nature, a first written warning will be given to the Guild Officer. This will give details of the disciplinary issue, the improvement required and the timescale. It will warn that if there is no satisfactory improvement, or there is further unsatisfactory conduct or performance then it may be necessary to move to the next stage of the procedure. A copy of the written warning will be given to the Guild Officer and one will be kept on his or her confidential file.

Final Written Warning

- 9.6 If there is still a failure to improve conduct, or performance is still unsatisfactory, a final written warning will be given to the Guild Officer. If the misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify a referral to the Trustee Board or the Guild Council for removal from Office, a first and final written warning will be issued.
- 9.7 The warning will give details of the complaint and will advise the Guild Officer that a referral to the Trustee Board or the Guild Council for removal from Office will result if there is no satisfactory improvement, or there is further unsatisfactory conduct or performance. He or she will also be told of the right to appeal. A copy of the warning will be given to the Guild Officer and a copy kept on his or her confidential file.

Removal as an Officer

- 9.8 If the conduct or performance is still unsatisfactory and the Guild Officer still fails to reach the prescribed standards or further misconduct is committed, the Disciplinary Committee will recommend removal from Office by referral to the Trustee Board or Guild Council.
- 9.9 In the case of a Guild Officer who is also a Trustee of the Guild of Students:
- (a) the Trustee Board may remove the Guild Officer as a Trustee of the Guild of Students in accordance with Article 22 of the Articles of Association of the Guild of Students. Following such removal, the Trustee Board or the Officer Disciplinary Committee shall consider

whether to dismiss the Guild Officer as a paid sabbatical of the Guild of Students; and

- (b) Guild Council may remove the Guild Officer as a Trustee of the Guild of Students in accordance with Article 20.2 of the Articles of Association of the Guild of Students. Following such removal, Guild Council or the Officer Disciplinary Committee shall consider whether to dismiss the Guild Officer as a paid sabbatical of the Guild of Students.

9.10 In the case of a Guild Officer who is not a Trustee of the Guild of Students:

- (a) the Trustee Board may remove the Guild Officer from Office by passing a majority resolution in accordance with the Guild of Students' Articles of Association; and
- (b) Guild Council may remove the Guild Officer from Office by passing a motion of no confidence in the Guild Officer by a two thirds majority in a vote of Guild Council. Such a motion may only be triggered by a petition of no confidence signed by a two thirds majority of members of the Scrutiny Committee.

9.11 The Officer Disciplinary Committee reserves the right to refer the matter onto the University authorities.

10. Appeals

10.1 The Guild Officer may appeal against the Disciplinary Committee's decision to the Chair of the Trustee Board (and copied to the HR Co-ordinator), in writing, within 5 working days of the receipt of the Disciplinary Committee's decision.

10.2 In the event of an appeal, the Chair of the Trustee Board shall convene a meeting of the Appeal Committee.

10.3 The Appeal Committee shall be convened as soon as possible within receipt of an appeal.

10.4 The Appeal Committee shall be comprised of:

- (a) The Chair of the Trustee Board;
- (b) A representative of the Guild Officer Group; and
- (c) A member of Guild Senior Management team.

provided that each member of the Appeal Committee shall be independent and shall not have had any substantive involvement in the matter under appeal.

10.5 The quorum of the Committee shall be three and the Chair shall be the Chair of the Trustee Board.

- 10.6 The Chair shall inform both the complainant and the Guild Officer of the date and time of the Appeal Committee meeting.
- 10.7 Both the complainant and the Guild Officer shall have the right to attend the meeting and be accompanied and/or represented by any other member. The Chair will, at the same time, instruct the Guild Officer to submit in writing as soon as possible, and in any event not later than 2 working days before the hearing a detailed statement why the Guild Officer is appealing and on what basis.
- 10.8 The Chair, on receipt of the information above, will then confirm the date, time and place of the hearing with all involved.

11. Appeal Hearing Procedure

- 11.1 The Chair will distribute copies of the original allegation and all original written evidence, and the written confirmation of the Disciplinary Committee's decisions and reasons for them, along with the letter of appeal. The members of the Appeal Committee will be given time to read the material carefully.
- 11.2 The Chair will then invite the Guild Officer into the meeting who will be asked to make a statement as to his or her reason for appeal.
- 11.3 The Appeal Committee may ask the Guild Officer any questions it thinks fit.
- 11.4 The Appeal Committee may ask the complainant any questions it thinks fit.
- 11.5 When the Chair is satisfied that the Appeal Committee has enough information on which to base a decision, the Guild Officer will be asked if he or she wishes to make a final statement.
- 11.6 The Appeal Committee will consider, in private, whether the appeal should be upheld.
- 11.7 The Appeal Committee may alter the decision of the Disciplinary Committee, but cannot increase the disciplinary penalty imposed by the Disciplinary Committee.
- 11.8 The Appeal Committee should attempt to reach a unanimous decision, but if a vote is required then a simple majority will be deemed sufficient.
- 11.9 The Chair will inform the Guild Officer and complainant of the Appeal Committee's decision in the most appropriate way it thinks relevant. The Chair will endeavour, within 5 working days of the hearing, to send the Guild Officer and the complainant written confirmation of the Appeal Committee's decisions.