

Bangor University Students' Union (Undeb Bangor) Articles of Association: Bye-Laws

Bye-Law 10 – Student and Associate Member Disciplinary Procedure

This Bye-Law is the property of the Trustee Board and can be amended by the Trustee Board and Undeb Bangor Council, in line with their procedures.

For the purposes of the Bangor University Students' Union (Undeb Bangor) Articles of Association, this procedure shall be taken to be the Code of Conduct.

Purpose and Scope

Undeb Bangor works hard to ensure our services, activities and spaces are safe and promote a positive experience for all who use them. In order to protect this we have this Disciplinary Procedure in place to address issues of alleged misconduct. We use it to investigate actions taken by:

- Undeb Bangor members
- Undeb Bangor Student Opportunities Groups
- Undeb Bangor Associate Members undertaking Undeb Bangor activity or using Undeb Bangor spaces.

If an allegation of misconduct is upheld and you or your group are found to have behaved inappropriately then you will be given a warning or a penalty. In cases where this Disciplinary Procedure is being applied to a Student Opportunities Group, the group leader will represent the group and any penalty will be applied directly to the group or the group leader in their position as lead member and not against individual students.

This procedure should not be used if the actions being investigated relate to:

- Undeb Bangor Elections or Referenda (these are dealt with through the Undeb Bangor Elections and Referenda Complaints Procedure)
- Undeb Bangor / Bangor University salaried or student staff (these are dealt with through the Bangor University HR Procedures)
- Undeb Bangor Sabbatical Officer Trustees or Student Trustees (these are dealt with through the Elected Member Accountability Procedure)
- Undeb Bangor External Trustees (these are dealt with through the Trustee Board Bye-Law)
- Undeb Bangor Councillors (these are dealt with through the Undeb Bangor Elected Member Accountability Procedure)

To find out more and read associated policies and procedures visit our website www.undebbangor.com

Support

Being the subject of a disciplinary investigation can be a difficult time for those involved. We'll make sure that any investigation will be undertaken with appropriate discretion, care and consideration. Undeb Bangor will ensure all steps in the process remain fair and in line with Undeb Bangor policy and procedures.

Misconduct

Misconduct usually refers to:

- Antisocial behaviour
- Use or distribution of illegal substances
- Breach of Undeb Bangor Policy or Procedure
- Theft
- Behaviour liable to cause reputational damage
- Other criminal activities that relate to Undeb Bangor activity, spaces or people.

Process

The decision to start this procedure is made by the President or their nominee, advised by the Students' Union Director or relevant Undeb Bangor Manager, usually following:

- The receipt of an incident report from a Undeb Bangor Sabbatical Officer or member of staff
- The outcome of a formal Undeb Bangor Complaint Procedure
- A referral from Bangor University
- A referral from another University or Union
- Some other reasonable route.

Stage One: The President, or their nominee will review the evidence they have been given and decide one of the following:

- That there is no case to answer and that no further action will be taken.
- That on the basis of the evidence received, you will be given a formal warning which may include recommendations to remedy the misconduct.
- That further investigation is needed.
- That the evidence should be referred directly to a Disciplinary Panel for consideration. The President, or their nominee will write to you within 10 working days of the procedure starting to tell you what is happening. Depending on the nature of the alleged incident you may be immediately suspended from our spaces or activity pending a disciplinary investigation. This will not prejudice the outcome of the investigation. The decision to suspend will be made by the Students' Union Director. At any time during disciplinary procedures, Undeb Bangor may refer the case to University authorities, the Police or any other appropriate body e.g. National Sporting Governing Bodies.
- That a Formal Warning be issued. If a formal warning is issued by the President, or their nominee you have the right to contest this within 15 working days and ask for your full case to be considered by a Disciplinary Panel. If a warning is issued and not contested, the procedure will be at an end. We will store it on record for 1 calendar year.

Stage Two: If the President, or their nominee decides that further investigation is needed a Complaint Investigator will be appointed, this will usually be a manager from Undeb Bangor who has not previously been involved in the case. You will receive a letter from us confirming:

- The allegation.
- The name and contact details of the Complaint Investigator.
- That you will have the opportunity to respond to the formal complaint, and whether this opportunity will be in writing or face to face.
- Whether or not you will be asked to meet with the Complaint Investigator. A minimum of two working days' notice will be given for any meetings. If you are asked to attend a meeting, you will be entitled to bring a friend or representative with you, not acting in a legal capacity.

If you do not respond to communications or refuse to engage with the investigation process, you will be deemed to have nothing to add to the investigation. The Complaint Investigator will consider the statements and other documents received and present their findings to the President, or their nominee to make a decision; usually within 15 days of being asked to investigate the allegations. If we expect that it will take longer than this for us to complete the investigation we will let you know why.

Stage Three: The President, or their nominee will review the evidence they have been given and decide one of the following:

- That there is no case to answer and that no further action will be taken.
- That on the basis of the evidence received, you will be given a formal warning which may include recommendations to remedy the misconduct.
- That the evidence should be referred to a disciplinary panel for consideration. You will be written to usually within 10 days of the President receiving the report from the Complaint Investigator

Stage Four: If you have been referred to an Undeb Bangor Disciplinary Panel then this will be made up of three people. These will be drawn from the following groups of people, and will also include at least one Bangor student:

- Undeb Bangor Students' Union Director or Managers
- Undeb Bangor Sabbatical Officer Trustees
- Sabbatical Officers from other Students' Unions
- Undeb Bangor Council Members

If your case is to be heard by an Undeb Bangor Disciplinary Panel, you will be given a minimum of 5 working days notice. You will be provided with copies of statements given by any witness or other written evidence to be used. You will have the right to bring a friend or representative with you to the hearing, not acting in a legal capacity. The Panel will determine:

- Whether the allegation is upheld. And if upheld,
- Whether the misconduct is classified as minor, moderate or severe.
- What the penalty is.

We will write to you to confirm the decision of the panel within 3 working days of the conclusion of the disciplinary hearing (which will be taken to be concluded when the Panel have finished its deliberations).

- This letter will include:
 - Details of the misconduct that has resulted in the hearing.
 - Any disciplinary penalties imposed.
 - If a warning, the length of time it will last before it is disregarded.
 - If suspension of Undeb Bangor membership / rights / BUCS membership, the timescales linked to the suspension.
 - Any recommendations/ action required to prevent future disciplinary action.
 - Confirmation whether the issue has been referred onto the University or relevant authority.
 - Brief reasons for the above decisions.
 - If the penalty is likely to impact on the wider student community, confirmation of how the penalty will be communicated.
 - Details of the appeal process.

Appeals

You have the right to appeal the decision of the Disciplinary Panel on one or more of the following grounds:

- A wholly unreasonable decision (i.e. one which falls outside the range of possible reasonable decisions that could have been taken).
- There is evidence of a significant procedural error in the investigation of your complaint, which significantly contributed to the outcome.
- Significant new evidence has come to light which could not have been made available during the initial investigation.

Appeals should be made in writing to the Students' Union Director within 10 working days of notification of the panel's decision. The Students' Union Director, or their nominee will determine the most appropriate method of conducting the review, and communicate in writing of the result of the appeal and the reasons for the decisions taken within 28 working days. Possible outcomes of an appeal are:

- The appeal is rejected and the original decision is upheld.
- The appeal is upheld and the disciplinary sanction is removed or modified.

If your appeal is not upheld we will write to you to explain that you have the right to raise the complaint with Bangor University.

Protection of Confidentiality

Undeb Bangor is committed to dealing with disciplinary issues discretely, protecting the confidentiality of those involved. No Undeb Bangor Sabbatical Officer, Trustee, Staff or Trustee should comment publicly on any incident that is being dealt with under this procedure, and no formal reports will be published. Where a penalty applies that will impact on the wider student community, the method of announcement will be explained to the person/people being disciplined.

Recording Discipline

Accurate records will be kept detailing:

- Any breach of the disciplinary grounds.
- The student's defence or mitigation.
- The disciplinary sanction imposed and the reasons for it.
- Whether an appeal was lodged and its outcome.
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These records are to be kept confidential and retained in line with the above Disciplinary Procedures and the Data Protection Act 1998. Copies of any meeting records will normally be given to the student concerned.