

Schedule Six: Disciplinary Procedures

1. Purpose and Scope

1.1. This schedule clearly sets out the expectations the Union has of its members and outlines the steps that will be taken should the behaviours of any member fall outside of these expectations.

1.2. The Schedule applies to all Members of the Union including Ordinary Members (University of Stirling Students), the Trustees and Associate Members. The Schedule shall be made available on the Union website.

1.2.1. For the avoidance of doubt, any individual who does not fall into these categories but could be considered as being involved with any Union activity shall be covered by this policy – this includes volunteer coaches, guests at SU events, and anyone else at the discretion of the Chief Executive.

1.2.2. Any member of staff of the Students' Union or University who is alleged to have breached the terms outlined in this schedule shall be referred automatically to the relevant staff disciplinary policies.

1.2.3. Where an individual has both staff and student status, the Supervising Trustee (in consultation with the Chief Executive) shall determine the most appropriate pathway. This may include referral to both the processes outlined below as well as any relevant staff disciplinary processes.

1.3. The Schedule applies to behaviour of members within Union premises, at any Union event, activity, or affiliate event/activity, and at all times when representing the Union. It is the responsibility of all members to acquaint themselves with this Schedule. For the avoidance of doubt, Union event/activity includes any event/activity organised by a Club, Society or other Student Union group.

1.4. Where alleged breaches relate to the collective behaviour of Clubs and Societies, these will be dealt with under Section 10 of the Schedule, which outlines procedures for group conduct. This includes incidents occurring during Club or Society activities, or where the actions of multiple members reflect on the group.

- 1.5. In addition, elected officers must also adhere to the Officer Code of Conduct signed when becoming a candidate, and the Constitution.
- 1.6. In all matters relating to this Schedule, the “standard of proof” will be based on the “balance of probabilities”. This applies to both the investigative aspects and the panel and appeal hearings.
- 1.7. In some instances, the Union may decide to or be obliged to share with the University any reports submitted under this Schedule, or the outcome of any investigation or Disciplinary Procedure, which could result in additional investigations under the University’s own procedures.
- 1.8. The Union reserves the right to issues a temporary suspension from any and all Student Union activity, subject to information the Student Union may receive, whilst a matter is under investigation. The Chief Executive will have responsibility for issuing such a suspension, or a senior manager if not practical. These suspensions are not prejudicial and can be reviewed on request of the suspended party after 3 months, or if new information comes to light.

2. Oversight and Application of the Schedule

- 2.1. The Board of Trustees has oversight of this Schedule and will appoint a “Supervising Trustee” from among its members to ensure it is followed. The Supervising Trustee shall be an External Trustee of the Union.
- 2.2. For the avoidance of doubt:
 - 2.2.1. Issues relating to employment, including for Student Staff and Sabbatical Officers are dealt with through the staff disciplinary procedures.
 - 2.2.2. Accountability issues relating to the role of representatives should be dealt with through the democratic processes outlined in the Union’s Constitution and Schedules.
 - 2.2.3. Issues relating to elections should be dealt with by the Returning Officer in the first instance.
 - 2.2.4. This Schedule is an internal process related to the Union and not a legal process.
- 2.3. “Days” in this Schedule refers to University Days. However, the Union will attempt to resolve issues as quickly as possible and may seek to resolve issues during breaks where the Supervising Trustee believes they are of significant concern.

3. Expected Behaviours of Members

- 3.1. All members of the Union are expected to:
 - 3.1.1. Treat others with respect and dignity, without unfair or illegal discrimination.
 - 3.1.2. Avoid offensive language and anti-social or discriminatory behaviour.
 - 3.1.3. Respect other people's enjoyment of Union facilities, events, or activities.
 - 3.1.4. Adhere to all Union policies, including this Schedule.
 - 3.1.5. Avoid behaviour that may bring the Union into disrepute.
 - 3.1.6. Use Union resources responsibly and honestly.
 - 3.1.7. Act honestly and without intent to commit fraud.
 - 3.1.8. Treat the environment with respect.
 - 3.1.9. Comply with the reasonable requests of Union staff, officers and Trustees.
 - 3.1.10. Adhere to any specific additional behaviours or expectations related to their role
 - 3.1.11. Respect confidentiality, including in relation to this Schedule
- 3.2. Behaviour that may constitute a breach of the Schedule includes, but is not limited to:
 - 3.2.1. Theft, fraud, or deliberate dishonesty, including false or malicious allegations.
 - 3.2.2. Physical violence or threats.
 - 3.2.3. Deliberate damage to Union or personal property.
 - 3.2.4. Serious incapacity while representing the Union due to alcohol and drugs.
 - 3.2.5. Misuse of, or unauthorised access to, Union property, resources or name.
 - 3.2.6. Breach of Union rules or policies.
 - 3.2.7. Bringing the Union into disrepute.
 - 3.2.8. Bullying and harassment and actions that constitute hate crimes.
 - 3.2.9. Sexual misconduct or gender-based violence.
 - 3.2.10. Health and Safety violations that endanger self or others.
 - 3.2.11. Any action that constitutes a criminal offence.
 - 3.2.12. Breaches of confidentiality.
- 3.3. Elected Representatives and Trustees will be held to a higher expected level of behaviour than other members.

- 3.4. Clubs and Societies must adhere to the expectations outlined in Schedules 7 and 8 of the Union's Constitution. Failure to do so may result in investigation and/or disciplinary action under the procedures outlined in Section 10 of this Schedule.

4. Raising a complaint

- 4.1. Any member of the Union or an employee of the Union (including contractors) may raise a complaint under this Schedule by following the process outlined on the Students' Union website. In raising a complaint, they should identify the person or persons who they wish to make a complaint about and (if possible) the behaviour under 3.1 and/or 3.2 that they feel constitutes a breach.
- 4.2. Should a complaint be raised against the Supervising Trustee, the Board Chair shall act as Supervising Trustee in resolving the matter.
- 4.3. The Supervising Trustee shall appoint an appropriate staff member as "The Investigating Officer" to progress the complaint.
- 4.4. Complaints cannot be made anonymously. However, the identity of the person raising the complaint will not normally be disclosed to the person(s) against whom the complaint is made.

5. Informal Resolution

- 5.1. Where possible the Union will seek an informal resolution to resolve complaints or disputes. The Investigating Officer will usually have a conversation with the member who raised the complaint ("The complainant") and will listen to their version of events. If the grounds for complaint seem reasonable, recommendations may be provided in writing on how to mediate a complaint and conduct a process aimed at resolution without a formal disciplinary process. If, during discussion, it appears that informal action will not satisfactorily address the complaint, the formal process may be used.

6. Formal Investigation

- 6.1. A formal investigation will take place if:
- 6.1.1. The Investigating Officer believes informal resolution is not possible
 - 6.1.2. The complaint or allegation is deemed serious

- 6.1.3. Repeated concerns about behaviour have arisen
 - 6.1.4. The complainant requests a formal process, unless the request is clearly unfounded or malicious
- 6.2. When determining the seriousness of an allegation, the Investigating Officer will consider contextual factors such as;
 - 6.2.1. Impact on individuals or groups
 - 6.2.2. Financial or reputational damage
 - 6.2.3. Potential for future risk
- 6.3. The rationale for determining seriousness will be documented as part of the investigation record.
- 6.4. The Investigating Officer will seek to:
 - 6.4.1. Listen to the person(s) against whom the complaint has been made
 - 6.4.2. Gather evidence relevant to the situation
- 6.5. A decision to investigate does not imply support for the complaint but indicates that further enquiry is necessary.
- 6.6. The Supervising Trustee may, at their discretion, suspend the person(s) involved from Union activities and/or access to the Union's premises during the investigation and any disciplinary processes. A decision to suspend does not indicate guilt, merely that reasonable precautions are being taken to reduce risk to the Union and its members.
- 6.7. The Investigating Officer will aim to finish their investigation within 14 University Days of the complaint being raised by the Union. The time to investigate may be extended by up to another 14 University Days by agreement with the Supervising Trustee and if all parties in the complaint are informed of this extension.
- 6.8. A member does not need to give evidence for the investigation if they do not wish to, but this will not stop the investigation taking place.
- 6.9. At the end of the investigation the Investigating Officer will make one of the following recommendations to the Supervising Trustee:
 - 6.9.1. That there is sufficient evidence to reasonably believe that a breach of the Schedule may have occurred (that there is a "Case to Answer").
 - 6.9.2. That there is not sufficient evidence to reasonably believe that breach of the Schedule may have occurred and the complaint

should not be taken further.

6.10. The Supervising Trustee will decide whether the complaint should proceed to a Disciplinary Panel or be closed. The outcome will be communicated to both the complainant and the person(s) against whom the complaint was made.

6.11. If the complaint is not taken further, the complainant may raise a concern with the University under section 22.2 m (i) of the 1994 Education Act.

7. Disciplinary Panel

7.1. If it is determined that there is a case to answer, the Supervising Trustee will convene a Disciplinary Panel within 5 University Days of the conclusion of the investigation. The purpose of the Panel is to determine whether the Schedule has been breached and what action should be taken.

7.2. The Disciplinary Panel shall consist of:

7.2.1. The Supervising Trustee (Chair)

7.2.2. Two other individuals appointed from among the Board of Trustees, or members of the University community, provided they have no connection to either the complainant or the person(s) against whom the complaint has been made. At least one of these will be a student representative, who will normally be a Sabbatical officer.

7.2.3. The panel will not include the Chair of the Trustee Board. The Supervising Trustee shall also appoint a person who they deem to be suitable to act as secretary to the Panel. Panel members must declare any potential conflicts of interest prior to appointment.

7.3. The Disciplinary Panel will meet to discuss the complaint within 10 University Days of the conclusion of the investigation. The meeting can be in person or remote, provided that all members can communicate with each other via sound.

7.4. The Disciplinary Panel and person or persons against whom the complaint has been made will be given a report from the Investigating Officer that sets out the evidence they have found that indicates a breach of the Schedule has occurred. They will receive this at least 3 University Days before the meeting of the Disciplinary Panel.

- 7.5. The person or persons against whom the complaint has been made will be invited to attend the Panel Meeting to put their case forward and answer any questions of the Disciplinary Panel. They do not need to do so but this will not stop the Disciplinary Panel making a decision. Any person attending may be joined by one representative to support them during the Panel. As this is not a legal process this person may not be a legal representative.
- 7.6. Once the persons or persons against whom the complaint has been made have given their evidence they shall leave, and the Disciplinary Panel shall decide on whether there has been a breach of the Schedule and what the actions should be (see section 8).
- 7.7. Once a decision has been made the Disciplinary Panel shall inform the complaint and the person or person against whom the complaint has been made. There will be a 7 University Day period during which an Appeal can be made (see section 9).
- 7.8. The minutes of the Disciplinary Panel and Investigating Officers report shall be kept confidential and remain on file in the Union for 7 years after the meeting has taken place.

8. Possible Sanctions

- 8.1. The Disciplinary Panel may set such sanctions as they think are reasonable. They may include the following which is not an exhaustive list:
- 8.1.1. Actions aimed at remedying the behaviour, such as training or development.
 - 8.1.2. Full suspension of the individual or group from Union activities and membership privileges for a specified period.
 - 8.1.3. Partial suspension from selected Union activities and privileges, including the right to represent the University in competitive sporting activity, for a specified period.
 - 8.1.4. Requirement to pay for damages incurred.
 - 8.1.5. Permanent revocation of Union membership.
 - 8.1.6. Referral of the incident to the University or another relevant body for further investigation.
 - 8.1.7. In the case of student Clubs and Societies, additional sanctions as outlined in Section 10 may also apply.
- 8.2. The Disciplinary Panel may apply different levels of sanctions to those holding higher level levels of responsibility within the Union, reflecting the expectations of their role.

9. Appeals

- 9.1. Should the person(s) against whom the complaint has been made are unhappy with the decision of the Disciplinary Panel, they may write to the Chair of the Board of Trustees requesting an Appeal of the decision. They must do this within 7 days of being notified of the outcome of the Disciplinary Panel Meeting.
- 9.2. The request to appeal must be made on one of the following grounds:
 - 9.2.1. The correct procedures for conducting a disciplinary panel were not followed
 - 9.2.2. The Disciplinary Committee reached an inappropriate finding of fact
 - 9.2.3. The Disciplinary Committee applied an inappropriate level of sanction
- 9.3. The Chair of the Board of Trustees shall consider the Appeal alongside any representation from the Supervising Trustee within 7 days of receiving the Appeal. They will then decide either that the Disciplinary Panel's findings are correct or that the Appeal should be upheld.
- 9.4. Should the Appeal be upheld the Chair of the Board of Trustees shall convene and Chair a new Disciplinary Panel as outlined under section 7.
- 9.5. Should any party be unhappy with the outcome of the Disciplinary process, they may raise a concern with the University under section 22.2 m (i) of the 1994 Education Act.

10. Procedures concerning Clubs and Societies

- 10.1. Clubs and Societies affiliated with the Union are expected to uphold the values and standards outlined in this Schedule, both in their activities and in the behaviour of their members when acting, or seen to be acting, on behalf of the group.
- 10.2. Where alleged breaches of the Schedule relate to the collective behaviour of a Club or Society, or where the actions of multiple members reflect on the group, the Union may investigate the matter as a group conduct issue.

- 10.3. The Supervising Trustee will appoint an Investigating Officer to determine whether the issue should be treated as a group conduct matter. This may include:
- 10.3.1. Incidents occurring during Club or Society events, trips or meetings.
 - 10.3.2. Behaviour by members that, while individually minor, collectively constitutes a breach of the Schedule.
 - 10.3.3. Actions by committee members or leaders that fail to uphold Union standards.
 - 10.3.4. Failure or repeated failure by committee members or leaders to abide by Union policies.
- 10.4. Where a group conduct issue is identified, the Union may:
- 10.4.1. Investigate the matter under the same procedures outlined in Sections 5 - 7
 - 10.4.2. Invite the Club or Society President or wider committee to respond on behalf of the group
 - 10.4.3. Apply sanctions to the group, individual members, or both, as outlined in Section 8, or clause 10.6
- 10.5. If, during a group conduct investigation, the Investigating Officer identifies potential breaches of the Schedule by individual members, these will be referred to the Supervising Trustee and potentially investigated separately under the procedures outlined in Sections 5 - 7.
- 10.6. Sanctions for Clubs and Societies may include:
- 10.6.1. Suspension of the group's activities or access to Union resources.
 - 10.6.2. Mandatory training or development for committee members.
 - 10.6.3. Removal of affiliation status.
 - 10.6.4. Referral to the University or other relevant body for further investigation.
 - 10.6.5. Fines issued to the group, of up to the value of damages incurred.
- 10.7. Clubs and Societies have the right to appeal any decision made under this section, following the process outlined in Section 9.

11. Sexual Misconduct and Gender Based Violence

- 11.1. Preventing and tackling Sexual Violence, Sexual Misconduct or Gender-Based violence

- 11.2. The University of Stirling and University of Stirling Students' Union share a joint commitment to encouraging a culture of respect and creating a university community that does not tolerate, and feels comfortable to challenge and report, sexual violence, sexual misconduct or gender-based violence in Scottish society.
- 11.3. If an individual (member, staff or visitor) experiences sexual violence, sexual misconduct or gender-based violence wishes to make a report to the Students' Union, they will be treated with sensitivity and respect.
- 11.4. Students who have experienced an incident of gender-based violence can use the Report and Support online reporting tool to access support or make an anonymous report. When students report to access support (with contact details) a member of staff from Student Support, a trained Sexual Violence and Misconduct Liaison Officer (SVMLO), will provide the reporting individual with appropriate and confidential guidance and information, signpost to university and external support, and explain the reporting processes of the University of Stirling and Police Scotland to the victim/ survivor.
- 11.5. If an individual experiences sexual violence, sexual misconduct or gender-based violence and having gained the explicit permission of the reporting individual, the Students' Union will investigate the issue in line with the procedures outlined in the Schedule. In instances where there is an identified risk to the reporting student(s) or others, the Union may investigate the issue without first seeking explicit permission of the reporting student(s). All reports of sexual violence, misconduct or gender-based violence will be treated as serious and would usually be reported to the University. In the case that a reported member(s) is a nonstudent member(s) whereby the University has no jurisdiction, this will be reported to the appropriate external body.