



Newcastle University Students' Union

**STRATEGY AND GUIDANCE
DOCUMENT**

Annexe E

Disciplinary Policy

Last amended 17th March 2022

Introduction

1. This Strategy & Guidance document sets out the procedures to be followed in the case of disciplinary action or investigation being required in respect of any member, including Elected Officers and Associate members as well as any constituent group of members, such as clubs or societies and the procedure for handling motions of no confidence (refer to Article 21 of the Memorandum and Articles of Association). Any breach of the disciplinary regulations should be dealt with by the appropriate body as per Appendix 3.
2. It is the responsibility of all members, including Associate members to familiarise themselves with NUSU's Members Code of Conduct, which is outlined at Appendix 1 to this policy and can be found on the website at nusu.co.uk.
3. It is the responsibility of all Officers and Trustees to also maintain reasonable standards of behaviour, performance and attendance in carrying out their duties and responsibilities. Trustees are also required to abide by the Trustees Code of Conduct outlined at Appendix 2 to this policy, and provided to Trustees in their Induction Trustee packs.
4. This policy will set out rules that are easy to understand and that promote fairness and consistency of treatment; they will comply with the law where relevant and comply with the Memorandum and Articles of Association of NUSU as well as other relevant documents.

Policy Principles

5. In any cases where a disciplinary hearing may result, a member, an Officer or Trustee will be given the opportunity to state their case before any decision is made.
6. Evidence will be provided before any hearing, as far as is reasonably practical.
7. No disciplinary action will be taken against a member, Officer or Trustee until an appropriate investigation has been carried out.
8. Officers or Trustees may be suspended while an investigation is taking place depending on the circumstances. Suspension is not disciplinary action.
9. There will be a right of appeal in any disciplinary process, except specifically in relation to a motion of no confidence or of censure, and where specifically stated for short term sanctions in licensed areas.
10. In cases which involve the President, references to the Presidents involvement in the process should be read as a nominated alternative Sabbatical officer. In cases which involve the President as the Chair of the Board of Trustees, references to their involvement should be read as the Deputy Chair of the Board.

Record Keeping

11. Notes should be taken of all interviews or meetings at any stage in any process. It is not required that these are verbatim notes. All parties to the procedure may have access to these should they require them once they are available.

12. Preparatory notes are the property of the individual who made them and will be confidentially destroyed once the procedure has been concluded. These are not included in the right of access.
13. Evidence to be used in the decision making process should be made available to all parties prior to any decision being taken. Evidence to be referred to in any hearing will be made available at least 48 hours before the hearing, wherever practicable.
14. Records should be held in a secure place and final records will be held by the Admin Manager.

Confidentiality

15. At all times during the investigations, confidentiality and discretion must be maintained by all those involved, regardless of the nature of the incident. Any breach of confidentiality will be investigated as a disciplinary matter in itself.
16. It may be appropriate, following any disciplinary action, to communicate the outcome. In all cases, advice should be taken from the Director of Membership & Democratic Services and/or the Chief Executive on how actions should be communicated, if at all and in consultation with the President and/or the Chair of the Board of Trustees. Sensitivity and the rights of an individual must be paramount in determining whether this is appropriate.

Disciplinary Regulations

17. There will be a number of disciplinary regulations to cover different disciplinary concerns and issues. Appendices to this document will cover the various circumstances as follows:

Appendix 1: Members Code of Conduct

Appendix 2: Trustee Code of Conduct

Appendix 3: General Misconduct Disciplinary Regulations. These regulations relate to all members (excluding Sabbatical Officers but including other Elected Office Holders) outside licensed areas.

Appendix 5: Disciplinary Regulations relating to Elected Officer's Political Performance (including Sabbatical Officers). These regulations are specifically aimed at Elected Officers and are only to be used when assessing political performance.

Appendix 6: Disciplinary Regulations relating Specifically to Sabbatical Officers Breach of NUSU's Trustee Code of Conduct or Misconduct in Employment

Appendix 7: Procedure Relating to the Capability of an Officer (where not raised under Political Performance)

Appendix 8: Protocol for Disciplinary relating to Sexual Misconduct and Harassment

Appendices:

Appendix 1 - Members Code of Conduct

Appendix 2 - Trustee Code of Conduct

Appendix 3 - General Members' Disciplinary Procedure

Appendix 5 - Disciplinary Regulations relating to Elected Officer's Political Performance (including Sabbatical Officers)

Appendix 6 - Disciplinary Regulations relating Specifically to Sabbatical Officers Breach of NUSU's Trustees Code of Conduct or Misconduct in Employment

Appendix 7 - Procedure Relating to the Capability of an Officer (where not raised under Political Performance)

Appendix 8 – Protocol for Disciplinary relating to Sexual Misconduct and Harassment