

Regulation A7: Discipline

Revised: December 2022

Approved: December 2022

1. Discipline Principles

- 1.1 All members and associated individuals of the Robert Gordon University Student Association (the “Union”) shall be expected to abide by the Union’s rules and regulations and conduct themselves with respect and dignity as expected by the Union.
- 1.2 There shall be the Robert Gordon University Student Association Discipline Committee (the “Discipline Committee”) to implement the Union’s Discipline Regulation.
- 1.3 The Union’s Discipline Regulation has been prepared to ensure:
- 1.3.1 the responsibilities of the Union are effectively discharged through designated office holders referred to in the Union’s Discipline Regulation, and that these designated office holders, or their nominee(s) who deputise on their behalf, act with the delegated authority of the Trustee Board;
 - 1.3.2 equality of treatment of persons, members or employees or otherwise, by providing transparent, consistent and accessible procedures;
 - 1.3.3 disciplinary actions are resolved as close as possible to the point at which the Union was made aware of any such matter and to ensure that, as far as is reasonably practicable, all interested parties are informed of progress of an investigation or appeal;
 - 1.3.4 any persons, members or employees or otherwise, shall not be disadvantaged due to contribution to the disciplinary processes;
 - 1.3.5 the Union’s Discipline Regulation shall not hinder a person’s rights under law, the legal context in which these regulations operate for all members associated with, and staff employed by, the Union.
- 1.4 The Union’s Discipline Regulation has been prepared to reflect and to assure that:
- 1.4.1 the principles of natural justice, including the assumption of innocence until guilt is proven, are upheld;
 - 1.4.2 the identity and circumstances of all persons involved remain confidential unless disclosure is necessary to progress any such disciplinary process, in which case an identity shall only be revealed to those directly involved in the disciplinary processes or with the prior approval of the subject;
 - 1.4.3 when allegations are raised, the balance of probabilities shall be the basis on which the standard of proof is used.

2. Discipline Process

- 2.1 The Trustee Board and Executive Committee shall have the power to apply the Union’s Discipline Regulation to;
- 2.1.1 Members of the Union;
 - 2.1.2 Elected Officers of the Union;
 - 2.1.3 Trustees of the Union;
 - 2.1.4 Staff of the Union;

- 2.1.5 Any person on Union premises.
- 2.2 For the purposes of the Union's Discipline Regulation, Sabbatical Presidents shall be disciplined under the same procedures as Trustees of the Union.
- 2.3 The process for undertaking a discipline investigation shall be:
- 2.3.1 Allegations of misconduct should be raised with a Sabbatical President, a member of the Trustee Board, the Chief Executive Officer of the Union or allegations may be raised or arise through a complaint;
- 2.3.2 Where there are reasonable grounds to believe that misconduct has occurred, in the first instance the Sabbatical Executive Committee shall be informed, who shall decide whether there is sufficient initial evidence for a Discipline Committee to be formed;
- 2.3.3 Should the Sabbatical Executive Committee decide there are reasonable grounds, a meeting of the Discipline Committee shall be arranged. Details of the alleged misconduct and meeting of the Discipline Committee shall be issued to the persons alleged to have committed misconduct, normally no later than ten working days after the Sabbatical Executive Committee were informed of the allegation;
- 2.3.4 The Discipline Committee shall explore the allegation by reviewing the evidence and examining all available facts. The Discipline Committee may interview and consult with persons, members or employees or otherwise, where appropriate. Persons alleged to have committed misconduct shall be given every opportunity to explain the circumstances surrounding the allegation and to submit any relevant mitigating evidence for consideration;
- 2.3.5 Normally within five working days of the meeting of the Discipline Committee, the Discipline Committee shall issue the persons alleged to have committed misconduct a copy of notes of the meeting, notification of the decision and, if appropriate, any sanction(s) to be imposed, and advise of their entitlement to submit an appeal against the decision and/or sanction(s) in accordance with the Union's Discipline Regulation.
- 2.4 Should the Discipline Committee be satisfied misconduct has not been established, no further action shall be taken and the original complainant and other relevant persons shall be informed of the outcome in writing by the Discipline Committee normally within five working days of the meeting of the Discipline Committee.
- 2.5 Should the Discipline Committee be satisfied that misconduct has been established, the Discipline Committee shall decide upon any appropriate and proportionate sanction(s) in accordance with the Union's Discipline Regulation. Persons alleged to have committed misconduct shall be informed of the outcome in writing by the Discipline Committee normally within five working days of the meeting of the Discipline Committee.
- 2.6 Should persons alleged to have committed misconduct be unable to attend a meeting of the Discipline Committee, but have provided good reason, a further meeting shall be arranged and confirmed in writing, and advised the subsequent meeting of the Discipline Committee shall proceed even in their absence if necessary, without this constituting grounds for appeal. At the Discipline Committee's discretion, it may allow a case to be presented in writing in the event of a satisfactory reason being provided for non-attendance.
- 2.7 Should persons alleged to have committed misconduct fail to attend a meeting of the Discipline Committee without providing good reason, the meeting shall proceed in their absence, without this constituting grounds for appeal.

3. Misconduct

- 3.1 The following shall constitute acts of misconduct; however, the list is not exhaustive and other matters may justify enacting disciplinary procedures:
- 3.1.1 breaches of stated instruction or Union regulations and policies;
 - 3.1.2 actions that bring or could bring the reputation of the Union or its members into disrepute;
 - 3.1.3 harassment, violence or discrimination of members or staff of the Union;
 - 3.1.4 damage to or misappropriation of Union property or funds;
 - 3.1.5 interference with legitimate activities of other members or processes or procedures of the Union; or
 - 3.1.6 action which endangers the safety of others.
- 3.2 Any person who assists another person to commit misconduct shall be deemed to have committed misconduct and shall be dealt with in accordance with the Union's Discipline Regulation.

4. The Discipline Committee

- 4.1 The Discipline Committee shall have jurisdiction over all members of the Union and all persons within all premises of the Union and shall deal with all allegations of misconduct made against Union members, Elected Officers, Trustees and staff.
- 4.2 The Discipline Committee shall be formed by the Sabbatical Executive Committee based on the required composition, possible conflicts of interest and availability.
- 4.3 The composition of the Discipline Committee when considering allegations against "Members of the Union" and "Any Person on Union Premises" shall be:
- 4.3.1 one of the Sabbatical Presidents, who shall not be the President (Communication and Democracy);
 - 4.3.2 one member of the Executive Committee, who shall not be one of the Sabbatical Presidents; and
 - 4.3.3 the Chief Executive Officer of the Union, or their nominee.
- 4.4 The composition of the Discipline Committee when considering allegations against "Elected Officers of the Union", excluding Sabbatical Presidents, shall be:
- 4.4.1 one of the Sabbatical Presidents, who shall not be the President (Communication and Democracy);
 - 4.4.2 one member of the Executive Committee, who shall not be one of the Sabbatical Presidents; and
 - 4.4.3 the Chief Executive Officer of the Union, or their nominee.
- 4.5 The composition of the Discipline Committee when considering allegations against "Trustees of the Union", including Sabbatical Presidents, shall be:
- 4.5.1 one Student Trustee or Sabbatical Trustee, who shall not be the President (Communication and Democracy);
 - 4.5.2 one External Trustee or the University Trustee; and
 - 4.5.3 the Chief Executive Officer of the Union, or their nominee.
- 4.6 The composition and procedure for the Discipline Committee when considering allegations against "Staff of the Union", excluding Sabbatical Presidents, shall be as stated in the Staff Handbook and relevant contracts of employment.

Regulation A7: Discipline

- 4.7 The Discipline Committee shall have a quorum of three.
- 4.8 The Discipline Committee shall have the right to request the attendance of Union staff to support the running of the meeting.
- 4.9 All individuals called to serve on the Discipline Committee shall have a responsibility to acknowledge any relationship or conflict of interest they have with persons alleged to have committed misconduct prior to the meetings.
- 4.10 No individual called to serve on the Discipline Committee shall be able to be involved if they have any involvement in the case of discipline. The Discipline Committee shall at all times remain independent and impartial, and where conflict is raised, a replacement member shall be nominated by the Sabbatical Executive Committee.

5. Meetings of the Discipline Committee

- 5.1 The Discipline Committee shall hold meetings as and when disciplinary matters are referred to it by the Sabbatical Executive Committee. Its functions shall be to establish, on the evidence before it, whether misconduct has taken place and, where appropriate, to decide upon any appropriate and proportionate action.
- 5.2 The Discipline Committee shall:
- 5.2.1 ensure persons alleged to have committed misconduct receive written details of the alleged misconduct and notification of details of the meeting of the Discipline Committee normally no later than ten working days after the Sabbatical Executive Committee were informed of the allegation;
 - 5.2.2 ensure a meeting of the Discipline Committee is called normally no later than fifteen working days after the Sabbatical Executive Committee were informed of the allegation;
 - 5.2.3 ensure persons alleged to have committed misconduct and other appropriate persons are provided with at least five working days written notice of a meeting of the Discipline Committee;
 - 5.2.4 be entitled to call witnesses and undertake investigations, as appropriate;
 - 5.2.5 ensure persons alleged to have committed misconduct are advised of their right to attend the meeting of the Discipline Committee and, if they so wish, be accompanied by no more than two persons;
 - 5.2.6 ensure persons alleged to have committed misconduct are given the opportunity to address the meeting of the Discipline Committee and to call witnesses;
 - 5.2.7 prepare notes of the meeting, notification of the decision and, if appropriate, notification of any other action to be imposed, and advise persons alleged to have committed misconduct of their entitlement to submit an appeal against the decision in accordance with the Union's Discipline Regulation, and issue such communication normally within five working days of the meeting of the Discipline Committee;
 - 5.2.8 reserve the right to extend the timescales as to when a decision shall be reached, and in the instance this right is exercised, the Discipline Committee shall notify all appropriate persons as to when a decision can be expected;
 - 5.2.9 reserve the right to be accompanied by HR representatives, or administrative staff to support the process.

- 5.3 The procedure for meetings of the Discipline Committee shall be:
- 5.3.1 The Discipline Committee shall host a pre-meeting at which a Chair for the meeting shall be established and the evidence considered;
 - 5.3.2 The Discipline Committee shall hold the meeting to which the persons alleged to have committed misconduct and their accompanying person(s) shall be invited;
 - 5.3.3 The Chair of the Discipline Committee shall read out the grounds of the misconduct and afford the persons alleged to have committed misconduct the opportunity to accept or reject the grounds of misconduct;
 - 5.3.4 The Chair of the Discipline Committee shall detail the case of misconduct, and to present any evidence, statements or witnesses to support the allegations and afford the persons alleged to have committed misconduct the opportunity to present any evidence, statements or witnesses, and to outline any mitigating circumstances;
 - 5.3.5 The Chair of the Discipline Committee shall allow all parties sufficient time to present their case and to raise any questions;
 - 5.3.6 The Chair of the Discipline Committee shall close the meeting of the Discipline Committee and inform the persons alleged to have committed misconduct that the Discipline Committee are to consider all of the evidence.
 - 5.3.7 The Chair of the Discipline Committee shall issue notes of the meeting, notification of the decision and, if appropriate, notification of any other action to be imposed, and advise persons alleged to have committed misconduct of their entitlement to submit an appeal against the decision in accordance with the Union's Discipline Regulation, and issue such communication normally within five working days of the meeting of the Discipline Committee.
- 5.4 Persons alleged to have committed misconduct are entitled to be accompanied at a meeting of the Discipline Committee by no more than two persons if they so wish. Accompanying persons are to provide support and guidance and may consult with persons alleged to have committed misconduct during proceedings. However, they shall not contribute to proceedings nor speak on behalf of persons alleged to have committed misconduct unless otherwise requested to do so by the Discipline Committee.

6. Powers of Discipline Committee

- 6.1 Should any person be found to have committed misconduct, the Discipline Committee shall be entitled to impose one or more of the following sanctions; this list is not exhaustive and other appropriate sanctions may be imposed:
- 6.1.1 a reprimand or written warning;
 - 6.1.2 charges to cover the cost of any damage or loss to the Union as a consequence of the misconduct;
 - 6.1.3 a fine not exceeding the amount the Trustee Board considers appropriate;
 - 6.1.4 suspension from positions within the Union for a prescribed period of time;
 - 6.1.5 dismissal from positions within the Union;
 - 6.1.6 suspension from membership for a prescribed period of time;
 - 6.1.7 termination of membership of the Union;
 - 6.1.8 permanent or temporary exclusion from the Union premises.
- 6.2 Failure by any person to adhere to a sanction may permit the Discipline Committee to issue a further sanction.

6.3 Reprimands and Written Warnings

- 6.3.1 Verbal warnings shall normally be issued in the case the misconduct was minor and the first known case of misconduct, and may be recorded on membership records;
- 6.3.2 First written warnings shall be issued in the case of repeated incidences of misconduct, or in the case the misconduct is considered more serious, and may be recorded on membership records;
- 6.3.3 Final written warnings shall be issued in the case of repeated incidences of misconduct, or in the case the misconduct is considered more serious as to warrant only one warning, or in the case conduct does not improve, and may be recorded on membership records.

6.4 Suspension

- 6.4.1 The Union may suspend a person from a position or from membership for a prescribed period of time. For those who are employed by the Union, the Discipline Committee may decide whether or not the individual shall be entitled to continue to be remunerated while suspended;
- 6.4.2 While suspended, persons shall not be entitled to access or participate in any Union services or activities without the express permission of the Discipline Committee. They shall not be allowed to attend meetings on the behalf of the Union or vote in any democratic processes of the Union;
- 6.4.3 In exceptional circumstances, where allegations are considered to be of a serious nature, persons may be suspended, with pay in the case of employees, pending the outcome of an investigation by the Discipline Committee. They must attend meetings when requested, and given reasonable notice of any such meeting.

6.5 Dismissal

- 6.5.1 Where conduct remains unsatisfactory, or acts of gross misconduct are committed, the Discipline Committee may act to dismiss persons from positions or employment from the Union, or terminate their membership with the organisation;
- 6.5.2 The Union shall undertake all legal responsibilities to comply with regulations and protect employee rights while taking disciplinary action.

7. Appeal

- 7.1 Any person against whom an allegation of misconduct is established shall have the right of appeal against the decision of the Discipline Committee in relation to the decision reached, the sanction or both.
- 7.2 An appeal must be made in writing, and in which it must state clearly the grounds on which the appeal is based, to the President (Communication and Democracy), within ten working days of receiving notification of the decision of the Discipline Committee.
- 7.3 An appeal shall be deemed valid for consideration only if it is received within 10 working days of receiving notification of the outcome from the Discipline Committee.
- 7.4 An appeal shall not be deemed valid for consideration if it is received after 10 working days of the outcome from the Discipline Committee being issued. Any appeal submitted beyond the 10 working-day period shall be dismissed, and the

Regulation A7: Discipline

person shall have no further right of appeal. The President (Communication and Democracy) shall notify the person accordingly

- 7.5 The President (Communication and Democracy), normally within 10 working days of receipt of the written submission of the appeal, shall form the Robert Gordon University Student Association Appeals Committee (the “Appeals Committee”), which shall be comprised of:
- 7.5.1 President (Communication and Democracy);
 - 7.5.2 One Student Trustee; and
 - 7.5.3 the University Trustee, or their nominee.
- 7.6 None of the members of the Appeals Committee shall be a member of the Discipline Committee which dealt with the original case.
- 7.7 The quorum of the Appeals Committee shall be three.
- 7.8 In the event of a conflict of interest of any member of the Appeal Committee, or of an inability to reach quoracy, the Sabbatical Executive Committee shall nominate a replacement from the Trustee Board, Executive Committee or Union staff.
- 7.9 The Appeals Committee shall receive the notes and decision of the previous meeting and any evidence relevant to the grounds for appeal, and shall follow the same timescale and procedures as to that of the Discipline Committee.
- 7.10 Having considered an appeal against a decision of the Discipline Committee, the Appeals Committee shall determine either:
- 7.10.1 the appeal be dismissed, misconduct has been established, the decision of the Discipline Committee and the sanction be confirmed; or
 - 7.10.2 the appeal be upheld, misconduct has not been established, the decision of the Discipline Committee be annulled and the sanction cancelled.
- 7.11 Having considered an appeal against a sanction of the Discipline Committee, the Appeals Committee shall determine either:
- 7.11.1 the appeal be dismissed, the sanction determined by the Discipline Committee be confirmed; or
 - 7.11.2 the appeal be upheld, the sanction determined by the Discipline Committee be modified to that of a lesser sanction.
- 7.12 The decision of the Appeals Committee shall normally be communicated within five working days of the meeting of the Appeals Committee.
- 7.13 In the event the Appellant is unsuccessful, they shall have the right to refer the matter to the Principal and Vice Chancellor of the University, who on the behalf of the Board of Governors, shall appoint an independent person to undertake an investigation as to the Union’s compliance with complaints, discipline and appeals regulations.
- 7.13.1 The decision of the independent person shall be reported within twenty working days, and that decision shall be final and not open to further appeal.

8. General

- 8.1 No expelled member, nor member who has resigned, and who has not subsequently been re-instated as a member, and no member during a period of suspension may be introduced to Union premises as a guest or in any other capacity.
- 8.2 For the avoidance of doubt, members who have exercised their right to opt out of membership in accordance with the Education Act 1994 are not subject to the preceding clause, solely because they have exercised their right to opt out.
- 8.3 The Chief Executive Officer of the Union may suspend any person from Union premises or from accessing Union services pending the outcome of a Disciplinary Committee hearing.
- 8.4 The Union's Discipline Regulations shall be applicable to any function held by the Union or the buildings of a Union with which the Union has a reciprocal agreement, or while a member is representing the Union, or while using property belonging to, loaned to, or hired by the Union whether inside or outside of Union premises.