

**GLASGOW UNIVERSITY UNION**  
**DISCIPLINE MEMORANDUM 2023**

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## 1. Authority

1.1 The following Standing Orders were proposed to the Board of Management on the thirty first day of January 2023 in pursuance of its powers under Article V.9.a.vii of the Union Constitution to institute enquiries into offences against the person, offences relating to property or contravention of the Rules or Bye-Laws of the Union and to establish a procedure to regulate the same.

1.2 All time frames within the Disciplinary Memorandum are to be interpreted by reference to working days during term. During University vacation periods, the procedure of the Memorandum pauses unless agreed otherwise by the parties relevant to that procedure under the Memorandum..

1.2.1 The Board of Management reserves the right to impose temporary suspensions of membership at their sole discretion during these paused periods. For the avoidance of doubt, the Board of Management may refuse any person access to its buildings, functions, events and any other activity at any time.

## 2. Reports of Misconduct

### **Reports by a reporting person**

2.1 Reporting an incident of potential misconduct can be done by any of the methods outlined in this section (2), or by alternative methods at the discretion of the Board of Management.

2.2 The person who reports an incident of potential misconduct shall hereafter be referred to as the ‘Reporting Person’:

2.2.1 A report of potential misconduct may be made by a member of the Board of Management, a member of staff employed by the Union, a steward employed by the Union, a member of the Union or a guest of the Union. The report of potential misconduct may be made in the form of the prescribed Misconduct Reporting form appended to this Discipline Memorandum at Appendix B.

2.2.2 Completion of an incident report (from a member of staff, steward or Board of Management only).

2.2.3 A complaint of behaviour reported to the President through the Complaints Procedure. The President shall redirect the complaint to the Honorary Secretary to investigate in accordance with the Discipline Memorandum.

2.3 The Reporting Person shall lodge the Prescribed Form with the Honorary Secretary as soon as it is reasonably practicable following the incident of the potential misconduct.

### **Potential Misconduct leading to a Report of Misconduct**

2.4.A A report of potential misconduct can be made against any member of the Union.

2.4.B A report of potential misconduct can be made in respect of conduct that takes place on or near Union property, when acting on union business, when acting as a representative of the Union, an offence relating to property or conduct which constitutes a breach of the Rules or Bye-Laws in force at the time may.

2.4.C An indicative list of reportable conduct can be found in the prescribed list of charges in Appendix A of this Discipline Memorandum.

## **The Chargee**

2.5 A member of the Union reported for conduct shall hereinafter be referred to as ‘the Chargee’.

2.6 The Reporting Person shall not discuss the event with the Chargee once the prescribed form has been submitted to the Honorary Secretary.

## **Witnesses**

2.7 Any person (including but not limited to) a member of the Board of Management, a member of staff employed by the Union, a steward employed by the Union, a member of the Union or a guest of the Union may be cited as a witness to a report of potential misconduct.

2.7.1 Witnesses may be contacted to provide a statement and attend the disciplinary diet.

2.7.2 A witness shall not discuss the event with the Chargee once contacted by the Honorary Secretary.

## **Miscellaneous**

2.8 In order to obtain details required by the prescribed form or incident report, the Honorary Secretary may require the Reporting Person and Chargee to provide membership information and contact details.

2.8.1 The Honorary Secretary may delegate this power to the Duty Executive member, Steward employed by the Union and/or staff employed by the Union.

2.9 If the duty executive member believes it is in the best interests for the safety and protection of the Union and its members, he or she may evict the Chargee from the Union at the time of the incident.

2.10 Any member of the Board of Management who is the Reporting Person, or named in the report of potential misconduct, or named as a witness, may not participate in the Disciplinary Process on behalf of the Board of Management.

2.10.1 If the President is thus voided from participating then the role of Chair of the Diet of the Disciplinary Panel shall be filled by one of the Depute-Chairs appointed under the procedure described in s. 6.8.

2.10.2 If the Honorary Secretary is thus voided from participating then his or her role shall be conducted by the Convener of Debates. Failing that, the Convener of Games, then Libraries, then Entertainments, then Communications.

2.10.2.1 If the Honorary Secretary is thus voided from participating the relevant amended email will be provided on the letter of notice.

2.10.3 If the Assistant Honorary Secretary is thus voided from participating then his or her role shall be conducted by the Convener of Debates; failing that, the Convener of Games, then Libraries, then Entertainments, then Communications.

### 3. Charges

3.1 Upon receipt of the prescribed form or incident report containing the allegations of misconduct (hereinafter referred to as the 'report') the Honorary Secretary shall investigate the incident.

3.1.1 The Honorary Secretary shall have a period of fourteen days from the date of receiving the report to decide whether any of the charges listed in Appendix A are competent and appropriate.

3.1.2 Evidence for the investigation used can include but is not limited to incident reports, CCTV, phone video/image footage and recordings and witness statements.

3.2 If the Honorary Secretary decides that a charge or charges are competent he or she shall present the evidence and his or her recommendation as to how to proceed to the Board of Management at the next full meeting of the Board of Management or House Committee.

3.2.1 Recommendations can vary from no discipline, warning letter which shall be noted and recorded on file, discipline hearing, or temporary suspension from the union until conclusion of the disciplinary hearing.

3.3 The Board of Management shall consider the evidence and the recommendation of the Honorary Secretary and shall come to a decision as to how to proceed.

3.4 The quorum for such a meeting of the Board of Management shall be ten.

3.5. The Board of Management shall instruct the Honorary Secretary to contact the Chargee by drafting a complaint and citation on the prescribed forms and cause these to be delivered via recorded delivery hard copy if possible and in all instances tracked email through the address provided on their membership form and student email from matriculation number as provided on membership form, with a copy of these Standing

Orders to the Chargee within seven term time days of the Board of Management coming to a decision.

3.5.1 Should the Honorary Secretary fail to cause the said forms to be delivered within the required period the charges libelled shall be deemed not competent and may not be brought subsequently.

3.5.2 The chargee may waive their right to delivery within seven term time days in order to allow cases to be expedited outside of term time.

3.6 If the Board of Management concludes that no charges are competent the Honorary Secretary shall intimate the same to the Chargee within seven days of the decision of the Board of Management. It shall not be competent for charges arising from the original Report to be brought thereafter.

3.7 No citation shall be valid if served less than ten clear days before the cited Diet. Should the Honorary Secretary fail to cause the said forms to be delivered with the required period of notice, the charges libelled may be brought to a subsequent Diet of the Disciplinary Hearing Panel.

3.7.1 The Chargee may waive his or her right to ten clear term days' notice, and appear before a cited Diet at which other cases will be heard.

3.8 The Union Executive may refuse the Chargee use of the Union until his or her charge has been heard.

3.8.1 This Executive action must be ratified by the Board of Management at the earliest opportunity, either at a meeting of the Full Board of Management or House Committee.



3.8.2 As is within the powers of a licensed premises, and as is stated in the constitution article XVII.2 (as may be updated from time to time), the Board of Management may refuse any person entry to the building or use of the Union's affiliated online platforms.

#### 4. Responding and Charges

4.1 A Chargee may contest or admit the charges by use of prescribed template response letter in Appendix B, in which he or she may state any circumstances they wish to have considered in mitigation of sentence.

4.1.1 The onus to present the prescribed form either by post, email or personally to the Honorary Secretary before the cited Diet rests with the Chargee.

4.1.2 The Chargee must return the prescribed form to the Honorary Secretary at least two days' before the date of the proposed diet.

4.2 A Chargee shall be bound to attend personally at the cited Diet unless:

4.2.1 They accept all charges by letter or email;

4.2.2 They make a written application which may be in email for postponement to the Honorary Secretary at least four days before the cited Diet. Such a written application may be in email.

4.2.2.1 This right to postponement may only be exercised once.

4.2.2.2 Upon receipt of a valid application for postponement the Honorary Secretary shall schedule their case for the next Diet of the Disciplinary Hearing Panel in consultation with the Chargee.

4.3 Where a Chargee fails to appear at the cited Diet the case against them may proceed in their absence. The Diet shall have absolute discretion to remit consideration of the case to the next Diet.

4.4 Where the chargee accepts all the charges no diet of the discipline memorandum will be called. The chargee may elect to present mitigating factors in writing or in person to the acting trustee.

4.5 The onus to inform the Honorary Secretary either personally, in writing or by email of reasonable cause for failure to appear before the cited Diet rests with the Chargee.

4.6 If the Chargee or any witness requires assistance or advice relating to the procedure of the diet they may speak with the Honorary Secretary or acting substitute under **s.2.8.2.**

4.7 Upon request, the Chargee shall have the right to be made aware in advance of all evidence against themselves which shall be presented.

## 5. Disciplinary Hearing Panel

5.1 In accordance with article v.9.a of the Union Constitution, the Board of Management shall establish and maintain as described in Provisions 5.3 and 5.4 a Disciplinary Hearing Panel which shall exercise the functions of the Board as they relate to the discipline of members.

5.2 The duties and responsibilities of the Board of Management under Article v.9.a shall be exercised subject always to the following:

5.2.1 A Diet of the Disciplinary Hearing Panel shall have exclusive competence in hearing charges;

5.2.2 A Diet of the Disciplinary Hearing Panel shall have exclusive competence in finding a complaint proven or not proven.

5.2.3 A Trustee, as defined by Provision 5.3.1, sitting on the Diet of the Disciplinary Hearing Panel shall have exclusive competence in recommending to the Board of Management an appropriate penalty in terms of Provision 5.7 where the Diet of the Disciplinary Hearing Panel has found the complaint proven.

5.3 The Disciplinary Hearing Panel shall comprise:

5.3.1 The Trustees of the Union as defined by Article XI of the Constitution of the Union, excepting members of the Executive Committee as defined by Article V 1.a.ii.

5.3.2 If all Trustees of the Union as defined by Provision 5.3.1 are unable to attend, the Assistant Honorary Secretary shall arrange for a Former Student Member

as defined by Article V 1.b.ii of the Constitution of the Union to henceforth fulfil the Trustee's duties at the current diet.

5.3.3 No fewer than 30 Members of the Union who are not at the time members of the Board of Management.

5.3.3.1 Honorary Members, Associate Members and Ordinary Members who have not completed one Academic Session of membership shall be ineligible for service on the Disciplinary Hearing Panel.

5.3.3.2 There shall be no fewer than five Life Members on the Register at any time.

5.4 The Assistant Honorary Secretary shall maintain a Register of Members of the Disciplinary Hearing Panel under provision 5.3. This register shall be ratified by the Board of Management at its full board meetings in October of each calendar year.

5.4.1 He or she shall select randomly for service on the Disciplinary Hearing Panel from eligible members of the Union whenever the number of those listed under Provision 5.3.3 falls below thirty and approved by the Board of Management.

5.4.2 He or she shall select randomly for service on the Disciplinary Hearing Panel from Life Members whenever the number of those listed under Provision 5.3.3.2 falls below five and approved by the Board of Management.

5.5 Where a Diet of Disciplinary Hearing Panel finds a complaint against the Chargee proven, the case shall be referred to the Trustee of the Union sitting on the Diet of the Disciplinary Hearing Panel as defined by Provision 5.3.1 for consideration of penalty.

5.6 Notwithstanding that a Diet of the Disciplinary Hearing Panel finds a complaint against a Chargee proven, The Trustee sitting at the Diet of the Disciplinary Hearing Panel shall have power to grant an Absolute Discharge to the Chargee. This fact must be reported to the Board of Management with reasons, but will not form part of the disciplinary record of the Chargee.

5.7 Where the Trustee considers that a penalty is required they shall have power to recommend to the Board of Management:

5.7.1 The Member be admonished;

5.7.2 A specified fine be imposed;

5.7.3 The member be suspended from the privileges of membership for such a period as he or she thinks fit;

5.7.4 The member be expelled from membership and declined subsequent readmission and declared Persona Non Grata.

5.8 A recommendation under Provision 5.7 must be reported to the Board of Management in its minutes, and will form part of the disciplinary record of the Chargee.

## 6. Diets of the Panel.

6.1 The Honorary Secretary shall schedule Diets of the Disciplinary Hearing Panel as required, having regard to the volume of cases

6.2 The Assistant Honorary Secretary shall select nine persons who are members of the Disciplinary Hearing Panel under Provision 5.3.3

6.2.1 This selection will be by random draw from the Register, arranged in alphabetical order, after the removal of all persons de-barred on the grounds of involvement in any of the cases cited, the members of the Disciplinary Hearing Panel serving in rotation.

6.3 In addition to those selected under Provision 6.2, the Assistant Honorary Secretary shall select a Trustee who is a member of the Disciplinary Hearing Panel under Provision 5.3.1 to sit at the Diet.

6.3.1 The Trustee will not partake of the decision making of the Diet in so far as finding whether the complaint is proven or not proven. They may observe all proceedings of a said diet as they see fit.

6.3.2 The Trustee will have exclusive competence in recommending a penalty in those cases the Diet finds proven.

6.4 The Assistant Honorary Secretary shall inform the selected members of the Disciplinary Hearing Panel of the date, time and place of the Diet as soon as possible.

6.5 If any Disciplinary Hearing Panel member selected is unable to attend, the Assistant Honorary Secretary shall arrange for the next in order to serve.

6.6 The President shall be Chairperson of Diets of the Disciplinary Hearing Panel ex officio,

unless he or she is the Reporting Person or a witness named in the investigation period.

6.7 Excluding the Chairperson and the Trustee, the quorum at a Diet of the Disciplinary Hearing Panel when finding whether a complaint is proven or not proven shall be five.

6.8 At its first full meeting following the Union Annual General Meeting, the Board of Management shall appoint from among the non-Trustee Board Members two suitably experienced persons to act as Deputy-Chairperson. In the absence of the President from a Diet of the Panel, one of the Deputy-Chairpersons shall chair the Diet. In the event of the President of the Union being ineligible to participate in a particular hearing on the grounds of involvement in the cases cited, one of the Deputy-Chairpersons shall chair the diet for that hearing and in such cases be an ex officio member of the Diet.

## 7. Procedure at Diets

7.1 The Honorary Secretary shall be responsible for presenting the case against the Chargee, unless he or she is the Reporting person or a witness named in the investigation period.

7.2 The Assistant Honorary Secretary shall act as Clerk to the Diet recording its decisions and ushering persons before it. He or she shall ensure that there is no communication between or among the witnesses until the conclusion of the hearing of a particular case. He or she is not a member of the Diet and takes no part in its deliberations.

7.3 Where the Chargee is present,

7.3.1 The Chairperson shall convene the Diet;

7.3.2 The Assistant Honorary Secretary shall usher in the Honorary Secretary and the Chargee who shall take their places.

7.3.3 The Chairperson shall ask the Chargee if they are the person named in the complaint and to state whether they are a member of the Union.

7.3.4 The Honorary Secretary shall read the Complaint to the Diet.

7.3.5 The Chairperson shall invite the Chargee to indicate how they intends to plead.

7.4 Where the Chargee is present and accepts the complaints,

7.4.1 Where the Chargee accepts the complaint they must have given notice in writing of his intention to do so at least two days prior to the date of the cited Diet.

7.4.2 Where the Chargee accepts the complaint, the Trustee as defined in Provision 5.3.1 shall sit alone for consideration of penalty.

7.4.3 Any questions of fact which the Trustee wishes to raise may be asked of the Honorary Secretary and the Chargee.

7.4.4 The Chargee may make a plea in mitigation of sentence.

7.4.5 The Chargee may then call witnesses.

7.4.6 These witnesses may be questioned firstly by the Chargee, then by the Honorary Secretary and if present finally by any member of the Diet. The



Chairperson may then allow further questioning by all participants in any order he considers appropriate.

7.4.7 The Honorary Secretary may then call witnesses.

7.4.8 These witnesses may be questioned firstly by the Honorary Secretary, then by the Chargee and if present finally by any member of the Diet. The Chairperson may then allow further questioning by all participants in any order he or she considers appropriate.

7.4.9 Any witness may be recalled at the insistence of the Honorary Secretary, the Chargee or the Diet.

7.4.10 No witness may be present during the evidence of another witness.

7.4.11 The Honorary Secretary and the Chargee shall withdraw.

7.4.12 The Assistant Honorary Secretary shall provide relevant information, including but not limited to on previous offences proven against the Chargee and any penalties imposed or admonishments.

7.4.13 The Trustee may require the Assistant Honorary Secretary to provide a summary of penalties imposed for similar offences at previous Diets with reference to Provision 5.7. The Trustee is free to make what use it pleases of this information.

7.4.14 The Assistant Honorary Secretary shall usher in the Honorary Secretary and Chargee who shall take their places.

7.4.15 The Chairman shall inform the Chargee of any admonishments or penalties with reference to Provision 5.7. The Chargee will then withdraw.

7.5 Where the Chargee is present and contests the Complaints,

7.5.1 The Honorary Secretary shall state the case against the Chargee.

7.5.2 The Chargee shall state any relevant defence.

7.5.3 The Honorary Secretary may then call witnesses.

7.5.4 These witnesses may be questioned firstly by the Honorary Secretary, then by the Chargee and finally by any member of the Diet. The Chairman may then allow further questioning by all participants in any order he considers appropriate.

7.5.5 The Chargee may then call witnesses.

7.5.6 These witnesses may be questioned firstly by the Chargee, then by the Honorary Secretary and finally by any member of the Diet. The Chairman may then allow further questioning by all participants in any order he considers appropriate.

7.5.7 Any witness may be recalled at the insistence of the Honorary Secretary, the Chargee or the Diet.

7.5.8 No witness may be present during the evidence of another witness.

7.5.9 The Honorary Secretary and the Chargee shall withdraw and the Diet shall consider its verdict of “Proven” or “Not Proven” upon balance of probabilities.

7.5.10 If any charge within the Complaint is proven,

7.5.10.1 The Diet excluding the Trustee shall withdraw while the Trustee considers any penalty he may recommend.

7.5.10.2 The Assistant Honorary Secretary shall provide information on previous offences proven against the Chargee and any penalties imposed of admonishments to the Trustee.

7.5.10.3 The Trustee may require the Assistant Honorary Secretary to provide a summary of penalties imposed for similar offences at previous Diets with reference to Provision 5.7 and relevant other information. The Trustee is free to make what use it pleases of this information.

7.5.10.4 The Assistant Honorary Secretary shall usher in the Honorary Secretary and Chargee.

7.5.10.5 The Chairman shall inform the Chargee of the Verdict and Penalty.

7.5.10.6 Before discharging the Chargee,

7.5.10.6.1 The Chairman shall inform him that the decision does not come into effect until it is ratified by the Board of Management.

7.5.10.6.2 The Chairman shall inform the Chargee that they may submit an appeal against the findings of the Diet and/or the Penalty to the Board of Management at the Board Meeting at which the Diet's recommendations will be given. The Chargee

may also appeal on procedural grounds if they feel that they were prejudiced by the conduct of the Diet of the Disciplinary Hearing Panel.

7.5.10.6.3 A chargee shall have 14 days to submit any appeal. Should the Board of Management meet within this period to consider the Diet's recommendations, the Honorary and Assistant Honorary Secretaries shall have the power to suspend any follow up action until an appeal, if received, has also been considered by the Board of Management,

7.5.10.6.4 The Chairman shall inform the Chargee that the Union Executive may refuse the Chargee the use of the Union until Board has ratified the decision of the Diet of the Disciplinary Hearing Panel.

7.5.10.7 The Chargee will then withdraw.

7.5.11 If any charge within the complaint is found not proven,

7.5.11.1 The Assistant Honorary Secretary shall usher in the Honorary Secretary and Chargee.

7.5.11.2 The Chairman shall inform the Chargee of the verdict and the charges shall be dismissed.

7.6 Where the Chargee is absent without cause shown,

7.6.1 The Complaint will be read as in Provision 7.5 and the hearing will proceed as if the Chargee had contested the Charges.

7.6.2 The Chargee will be informed of the findings of the Diet by the Assistant Honorary Secretary by letter.

7.7 Where the Chargee accepts the charges by letter and no disciplinary hearing is called:

7.7.1 The Honorary Secretary shall inform the Chargee that they shall be informed of their penalty once ratified by the Board of Management. Until ratification, the penalty does not come into effect and, if applicable, their temporary suspension as in Provision 3.2.1 from the Union stands.

7.7.2 The Honorary Secretary shall present all evidence and a letter of mitigating factors to the acting trustee who shall decide the penalty.

## 8. Submission to the Board of Management.

8.1 In all cases the Diet shall draw up and formally adopt a standard statement of Facts and Findings before proceeding to its next business.

8.2 Where the Trustee has elected to grant an absolute discharge in accordance with Provision 5.6, the Assistant Honorary Secretary shall ensure that the said decision, with reasons, is transmitted to the Board at its next full meeting. The Facts and Findings document will be used for this purpose.

8.3 Where the Trustee has elected to recommend a penalty or penalties in accordance with

Provision 5.7, the Assistant Honorary Secretary shall ensure that said recommendations are transmitted to the Board at its next full meeting. The Facts and Findings Document will be used for this purpose.

8.4 The Board shall have power to discuss, approve or alter any such recommendation under provision 7.3.

8.4.1 If the recommendation is approved, the penalty shall be imposed.

8.4.2 The Assistant Honorary Secretary shall be responsible for giving notice of any penalty to the Chargee and enforcing said penalty

8.4.3 If the recommendation is altered then a statement explaining the reasons for the alteration must be issued to the Chargee.

8.5 Where the Chargee has submitted an appeal against (a) the findings or sentence imposed by the Diet of the Disciplinary Hearing Panel, or (b) on procedural grounds, the Board shall have the power to allow or disallow the appeal at the next meeting of the Full Board of Management.

8.5.1 Those members of the Board of Management involved in the conduct of the Diet shall be ineligible to vote on the decision of whether to allow or disallow the appeal.

8.5.2 The Assistant Honorary Secretary will read out the application of appeal from the Chargee and the basis for the appeal.

8.5.3 An appeal on the findings of the Diet will only be allowed where the Chargee has new evidence for consideration that was not available at the original Diet.

8.5.4 Where the Chargee appeals on both findings and penalty, the Board of Management has the power to allow an appeal on both points or penalty only.

8.5.5 The decision will be made by a majority vote.

8.6 Should the Board approve an appeal , that appeal will be remitted to the Disciplinary Arbitration Committee described in Provision 9 below.

8.6.1 It shall be the responsibility of the Assistant Honorary Secretary to transmit the appeal to the Disciplinary Arbitration Committee.

8.7 Should the Board deny the appeal from the Chargee, they will be deemed to have approved the recommendations of the Diet of the Disciplinary Hearing Committee, as in Provision 8.4.

## 9. Disciplinary Arbitration Committee

9.1 There shall be a Disciplinary Arbitration Committee comprising members of previous Union Executive Committees who are not members of the Disciplinary Hearing Panel and have not served on the Board of Management within the previous three years.

9.2 To facilitate the prompt convening of a meeting of the Disciplinary Arbitration Committee, the Assistant Honorary Secretary shall maintain a Register of eligible members of the Union who have expressed a willingness to serve on the Disciplinary Arbitration Committee. They shall report to the full Board of Management on this register at the meeting in March and October of each calendar year.

9.3 Where the Board of Management allows the appeal of the Chargee, the Assistant Honorary Secretary shall convene a meeting of the committee within ten days of the Board meeting mentioned in Provision 8.6. To this purpose, he shall:

9.3.1 Contact all members of previous Union Executive Committees registered under the terms of Provision 9.2;

9.3.2 Post a notice in the Standard Form on the Secretary's Notice Board intimating the date, time and place of the forthcoming Arbitration Committee meeting. Any eligible member not previously registered may make his intention to attend the Arbitration Committee known to the Assistant Honorary Secretary before 5.00pm on the day before the meeting.

9.4 The quorum shall be three.

9.5 The Committee shall elect a Chairman from among those present at the time of the meeting.

9.6 The Assistant Honorary Secretary shall give the Chargee at least five days notice by recorded delivery, email and/or student email of the meeting of the committee.

9.7 The Committee has the power to review the appeal of the Chargee in respect of the findings and penalty of the Diet of the Disciplinary Hearing Panel and in respect of any prejudice he may have suffered as a result of any procedural unfairness in the conduct of the Diet.



9.8 The Committee may only review those issues raised by the Chargee in his appeal.

9.9 The Chairman of the Diet and the Chargee shall appear before the committee which have full power to investigate the nature of the offence in so far as it affected the findings and/or penalty as raised in the appeal.

9.10 The Chargee may offer a plea in mitigation.

9.11 The Chargee may lead new evidence as it affects the findings of the Diet.

9.12 The Chargee may lead evidence as to the procedural unfairness of the conduct of the Diet.

9.13 The Arbitration Committee may overturn the findings of the Diet where the Chargee leads new evidence which materially affects the original findings.

9.14 The Arbitration Committee shall have the power to amend the penalty recommended by the Diet raised in the appeal. Its decisions in respect of a particular case shall be confined to one of the following:

9.14.1 Accept and ratify the original recommendation of the Diet.

9.14.2 Grant the Chargee an absolute discharge as described in Provision 5.6.

9.14.3 Impose one of the Penalties listed in Provision 5.7.

9.15 Where the committee finds the Chargee to have been prejudiced by procedural unfairness in the conduct of the Diet, the Committee shall have the power to refer the

case back to the Honorary Secretary and order the case to be re-raised at another Diet of the Disciplinary Hearing Panel in order to ensure the procedural fairness in the conduct of the Diet.

9.16 In all of the above instances, the Committee shall have the power to reject the appeal of the Chargee and confirm the findings and penalty of the Diet of the Disciplinary Hearing Panel.

9.17 In all cases, the Arbitration Committee's decision shall be final, and shall not be subject to ratification by the Board of Management.

9.18 In all cases, the Committee shall draw up and formally adopt a Findings standard document, which may include relevant suggestions and observations arising from its deliberations.

9.19 The Assistant Honorary Secretary who shall act as Clerk to the Committee shall be responsible for intimating, recording and implementing its decisions.

9.20 The Assistant Honorary Secretary shall intimate the decision of the appeal to the University of Glasgow at the order and discretion of the Board of Management.

## APPENDIX A – CHARGES

### Part 1: Offences against the Person

#### s.1 Assault

- a) A person who attacks another person, presents a weapon at another person in a menacing manner or uses force against another person, without that person's consent, is guilty of the offence of assault.
- b) For the purposes of this section, attacking a person includes punching, kicking hitting, biting, grabbing or pushing that person; striking, stabbing or cutting that person with a weapon or implement; causing that person to come into contact with any object or structure to that person's injury; and otherwise infringing that person's interest in bodily integrity.
- c) For the purposes of this section, attacking a person also includes verbal abuse. The verbal abuse must be of an intentional nature and must cause actual fear, alarm or significant distress.

#### s.2 Violent and Alarming Behaviour

- a) A person who by violent behaviour intentionally or recklessly causes another person actual fear, alarm or significant distress is guilty of the offence of violent and alarming behaviour.

#### s.3 Sexual Molestation

- a) A person who-

i) has sexual contact with another person, without the consent of that person;  
and

ii) knows that, or is reckless as to whether, the other person does not consent,  
is guilty of the offence of sexual molestation

b) For the purposes of this section

i) “sexual activity” includes sexual intercourse and sexual contact.

ii) “sexual contact” includes masturbation, any other sexual stimulation of either party by contact, and any touching in a sexual manner, but does not include sexual intercourse.

iii) “touching in a sexual manner” means touching which is intended by the person doing the touching to be sexual or which can be perceived by the ‘reasonable person’ as sexual touching.

#### s.4 Indecent Conduct

a) A person who-

i) engages in sexual activity;

ii) exposes the sexual organs or buttocks;

iii) or urinates or defecates in such a way or in such circumstances as to cause, or to be likely to cause offence to a reasonable person is guilty of the offence of Indecent Conduct.

b) For the purposes of this section “sexual activity” has the same meaning as in s.3.

#### s.5 Resisting or hindering a Board Member or Steward or Staff Member.

a) A person who resists or hinders a Board Member or Steward or Staff Member carrying out his or her proper duties is guilty of the offence of resisting or hindering a Board Member or Steward or Staff Member.

b) This section includes, but is not restricted to,

i) theft or misuse of a radio

ii) Refusal to leave the building after instruction by a Board Member or Steward or Staff Member.

## s.6 Aggravated Offences

- a) Any of the offences under s.1, 3-4 may be aggravated if committed against an on-duty Board Member, a member of Union Staff, or a Steward.
- b) The consequence of an offence being aggravated will be reflected in sentencing.

## Part 2: Offences Relating to Property

### s.7 Theft

- a) A person who steals the property of the Union or the property of a person within the Union is guilty of the offence of theft.
- b) Stealing is appropriating property, without the owner's consent, with the intention of depriving the owner either permanently or temporarily of it.
- c) Waste of product deliberately.

### s.8 Improper Entry

- a) A person who, not having any right of entry, breaks into the Union is guilty of the offence of Improper Entry.
- b) A person who, not having any right to do so, enters a function within the Union is guilty of the offence of Improper Entry.
- c) A person who, not having any right to do so, overcomes the security of a locked place within the Union without the consent of a person authorised to give access to that place, is guilty of the offence of Improper Entry.
- d) An unauthorised person who enters a bar area in use or unable to be locked when unattended.

### s.9 Damage to Property

a) A person who intentionally or recklessly causes the destruction of, or damage to, property of the Union, or property of any person within it, without the Union or the Person's consent, is guilty of the offence of Damage to Property.

#### s.10 Unauthorised Interference with Union Property

a) A person who, without reasonable cause or authorisation, interferes with:-

1. fire-fighting equipment or the fire alarm system (including activating the fire alarm without

good cause)

2. closed-circuit television (CCTV) apparatus or similar systems or similar systems or equipment

3. any equipment or system intended to support the safe operation of the Union building and

activities within it, is guilty of the offence of Unauthorised Interference with Union Property.

### Part 3: Miscellaneous Offences

#### s.11 Unauthorised Transference

a) A person who intentionally, without authorisation from the Union, transfers tickets of

membership or tickets of admission to functions within the Union is guilty of the offence of

Unauthorised Transference.

b) It is also an offence under this section to receive an unauthorised ticket of membership or

ticket of admission to functions within the Union if the recipient knew or ought to have

known that they were unauthorised.

#### s.12 Possession of Illegal Substances

a) A person found to be in possession of illegal substances within the Union is guilty of the

Offence of Possession of Illegal Substances.

b) For the purpose of this, Illegal Substances include the consuming or hiding of alcohol breaching the terms of Article XVIII.7 of the GUU Constitution.

#### s.13 Attempt

a) A person who, intending to commit an offence under s.6-8, embarks upon but does not

complete the commission of the offence is guilty of an attempt to commit the offence.

b) The consequence of an offence having been attempted will be reflected in sentencing.

#### S. 14 Causing the Union to be brought into Disrepute

a) A person who causes the reputation of the Union to be sullied in any way shall be guilty of the offence of causing the Union to be brought into disrepute.

b) Reputational damage of the kind mentioned in s. a) above includes, but is not limited to, the name, image and perception of the Union to be degraded in some way.

c) Reputational Damage may be, but is not limited to, manifestation via social media and/or print media.

d) For the purposes of this section and offences under all other sections, disrepute can be caused or exacerbated if an individual is acting as a representative of the Union.

#### s. 15 Advertising an external licensed premise within the Union

a) A person who advertises an external licenced premise within Glasgow University Union or on a website or web page associated with Glasgow University Union without the permission of the Board of Management shall be guilty of the offence of advertising an external licensed premise within the Union.

APPENDIX B - PRESCRIBED FORMS

1. The Incident Report referred to in Provision 2.1.1 shall have the following form:

**Misconduct Reporting Form**

Please fill all information to the best of your knowledge.

Part A: THE CHARGE

Below provide the required information on the Chargee:

Name: .....

Membership/L.M Number: .....

Date of Birth: .....

Address: .....

.....

.....

Part B: LOCUS

Below provide the required information about the incident:

Date: .....

Time: .....

Exact Location: .....

Part C: THE INCIDENT

Below give a clear narration of the events which led you to make this report. Use additional sheets if required.

Part D: CORROBORATION

Below provide the name, membership number, date of birth and contact details of any witness able to corroborate your statement.



Part E: DECLARATION

I consider that the conduct of the Chargee named in Part A above and narrated in Part C

above constitutes behaviour which is chargeable within the meaning of Provision 3.1 and

Appendix A of the Standing Orders for Union Discipline.

Name: ..... Date:.....

2. The named Witnesses shall complete the following form:

### **Witness Statement**

If the Honorary Secretary wishes to compile evidence from witnesses named in the Incident Report or identified by any other means, then the witness must fill out the following form.

Please fill all information to the best of your knowledge.

#### Part A: Name of Witness

Below provide the required information of the Witness:

Name: .....

Membership/L.M Number: .....

Date of Birth: .....

Address: .....

.....

.....

#### Part B: LOCUS

Below provide the required information about the incident:

Date: .....

Time: .....

Exact Location: .....

#### Part C: THE INCIDENT

Below give a clear narration of the events which led you to make this report. Use additional sheets if required.

#### Part D: CORROBORATION

Below provide the name, membership number, date of birth and contact details of any witness able to corroborate your statement.

Part E: DECLARATION

I consider I am the person names in Part A of this form and that the account I have given

is, to the best of my knowledge, a true and accurate statement of events.

Name: ..... Date:.....

3. The Complaint referred to in Provision 3.5 shall have the following form:

**COMPLAINT**

NAME OF CHARGE: .....

MEMBERSHIP/L.M NUMBER: .....

FIRST: That on {DATE} at {TIME} you did {DESCRIPTION OF OFFENCE},  
which

constitutes the offence of {NAMED ITEM FROM APPENDIX A};

SECOND: That on {DATE} at {TIME} you did {DESCRIPTION OF OFFENCE},  
which

constitutes the offence of {NAMED ITEM FROM APPENDIX A};

THIRD: That on {DATE} at {TIME} you did {DESCRIPTION OF OFFENCE},  
which

constitutes the offence of {NAMED ITEM FROM APPENDIX A};

{LIST CONTINUED AS NECESSARY}

(Signed)

HONORARY SECRETARY

4. The citation referred to in Provision 3.5 shall have the prescribed letter following form:

[Honorary Secretary's Name]  
Honorary Secretary  
Glasgow University Union  
32 University Avenue  
Glasgow  
G12 8LX  
[Date]

Recorded Delivery

[Chargee Initials] [Chargee Surname]

[Address 1]

[Address 2]

[Address 3]

[Address 4]

[Postcode]

Dear [Chargee Title] [Chargee Surname],

I [hereby/am directed by the Board of Management to] serve the enclosed complaint against you arising from a recent incident in or near the Union and I cite you to appear before a Diet of the Disciplinary Hearing Panel on [date of panel] at [time of hearing] in the Board Room of the Union.

You are invited to make a formal reply by filling in the attached form. You have three options.

Firstly, you may accept all the complaints. In this case you may include a statement of

circumstances you wish to be considered by the Sentencing Decision Maker in mitigation of any penalty or penalties he/she may recommend to the Board of Management. You may also attend the Diet to make representations regarding any possible penalty personally. Please indicate on the attached form if you wish to exercise this right.

Secondly, you may contest all the complaints against you, in which case you must personally attend the Diet of the Disciplinary Hearing Panel. If you wish to bring witnesses you should name them on the attached form witnesses you should name those individuals on the attached form. You will be unable to change the list of the attending witnesses once you have returned your form.

Thirdly, you may wish to accept some of the complaints against you and contest other, by indicating so on the attached form. Should you choose this option, you may include on the form a statement of circumstances you wish the Sentencing Decision Maker to consider in mitigation of the complaints you accept. You may also indicate on the attached form if you wish to attend the diet to make these representations in person. You must personally attend the Diet of Disciplinary Hearing Panel as cited to answer the complaints you wish to contest.

Again, you must indicate on the attached form any witnesses you wish to bring. You will be unable to change the list of attending witnesses once you have returned your form.

Should you be unable to attend as cited, you are entitled to a postponement provided that you submit a written request on the attached form at least four days in advance. I must warn you that this right may only be exercised once.

Should you fail to appear before the Diet of the Panel without just cause being shown, the complaint(s) against you may be heard in your absence.

I have attempted to draw you attention to the salient points of the disciplinary procedure as it affects you. A full copy of the Union's Standing Orders of Union Discipline is enclosed. Please do not hesitate to contact this office should require clarification of any points or further information.

Yours sincerely,

[Hon. Sec.]

Honorary Secretary

5. Prescribed response template letter referred to in Provision 4.1:

(Insert your address above)

[Date]

Dear Honorary Secretary,

In response to your letter of citation dated ....., I wish to do the following  
(delete as  
applicable):

1. Accept the complaint cited. (See section 1)
2. Contest all of the charges (See section 2)
3. Accept some of the charges and contest others (see section 3)

**SECTION 1**

If you wish to submit any mitigating circumstances for consideration by the acting trustee please do so below. You are not required to provide mitigating factors.

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If you would like to provide your mitigating factors in person to make your representations please tick this box and a suitable date shall be arranged. (Please note if you accept all cited complaints no disciplinary panel is called.)

**SECTION 2**

If you wish to bring witnesses with you to your hearing please name them in the space below, along with their addresses and membership status and which charges their appearance relates to.

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**SECTION 3**

Please state in the space below which charges you wish to accept (go to subsection A)

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Please state in the space below which charges you wish to contest (go to subsection B)

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SECTION 3 - MITIGATING FACTORS SECTION 3 SUBSECTION A

If you wish to submit any mitigating circumstances for consideration by the Diet please use the space below.

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If you would like to attend the discipline Diet in person to make your representations please tick this box.

SECTION 3 - WITNESS NAMES SECTION 3 SUBSECTION B

If you wish to bring witnesses with you to your hearing please name them in the space below, along with their addresses and membership status and which charges their appearance relates to.

---

-----  
I am able/unable (please delete as applicable) to attend the Diet of Disciplinary Panel  
as cited.

Yours sincerely,

[Please sign your name here]

[Please print your name here]

5. The standard statement of facts and findings referred to in Provision 8.1 shall have the following form:

### **FACTS AND FINDINGS STATEMENT**

On {DATE OF DIET} a Diet of the Disciplinary Hearing Panel considered the complaints brought against {NAME OF CHARGE} {MEMBERSHIP/L.M NUMBER}. The Panel, having considered the submissions made by the Honorary Secretary or his representative and those made by the Chargee, has established the following facts:

- 1.
- 2.
- 3.
- 4.

On the basis of these facts the Panel has found {NAME OF CHARGE} has committed a Breach of Union rules in terms of Section {SECTION NUMBER} of Appendix A of the Standing Orders for the Union discipline namely {ITEM}.

The Trustee sitting at the Diet, therefore, [recommends to the Board of Management that the following penalty be imposed/advises the Board of Management that he has granted the Chargee an Absolute Discharge\*]:

The Trustee's reasons for the imposition of this penalty:

[\*\*\* END OF FACTS AND FINDINGS STATEMENT\*\*\*]

(\* Delete as appropriate)

## APPENDIX C: TIMELINE OF PROCEDURE

All time frames within the Disciplinary Memorandum are in working days. During University vacation periods, the procedure of the Memorandum pauses; however, the Board of Management can still impose temporary suspensions at their discretion during these paused periods.

- 1) The Honorary Secretary shall have fourteen days to investigate the incident lodge and provide their recommendation of proceedings to the Board of Management.
- 2) The Chargee must be contacted to be informed of the recommendations within seven days.
- 3) The Chargee may waive their right to delivery from seven days of initial delivery.
- 4) The Honorary must provide citation of a Disciplinary Hearing no less than ten days prior to the Diet.
- 5) The Chargee must return the prescribed response letter no later than two days before the hearing date.
- 6) The Chargee may request for their disciplinary hearing to be postponed no later than four days before the hearing.
- 7) The Chargee may submit an appeal of penalty following their disciplinary hearing.
- 8) The Assistant Honorary Secretary shall notify the Chargee of the next meeting of the Disciplinary Arbitration Committee no later than five days in advance.

## APPENDIX D: OUTLINE OF ROLES

- 1) Who can be considered a 'Chargee'
  - a) Any current Member or Life Member of the Union.
  
- 2) Who can be considered a 'Reporting Person'
  - a) Any current Member or Life Member of the Union.
  - b) A member of the Board of Management
  - c) A Steward
  - d) A member of Staff
  - e) A visitor or guest of a member.
  
- 3) Who can be considered a 'Witness'
  - a) Any current Member or Life Member of the Union.
  - b) A member of the Board of Management
  - c) A Steward
  - d) A member of Staff
  - e) A visitor or guest of a member.
  
- 4) Who can act as Chairperson of a Disciplinary Diet
  - a) President unless voided.
  - b) Depute elected chairperson under Provision 6.8.
  
- 5) Who can investigate and present a Disciplinary Case
  - a) Honorary Secretary unless voided.
  - b) The Conveners of Debates, Games, Libraries, Entertainment and Communications asked in this order.life
  
- 6) Who can act as clarke for a Disciplinary Diet
  - a) Assistant Honorary Secretary unless voided.

- b) The Conveners of Debates, Games, Libraries, Entertainment and Communications asked in this order.
- 
- 7) Who can act as the Acting Trustee for a Disciplinary Diet
    - a) Either Vice President.
    - b) The Honorary Treasurer
    - c) Only one of the trustees listed in provision 4.a-b is required per Disciplinary Diet.
- 
- 8) Who can be added into the pool for a Disciplinary Panel
    - a) Any current Member or Life Member of the Union