



Full Time Guild Officer Group Discipline and Appeals Policy

Manager Responsible for Review: **HR and Admin Manager**

Method of Approval: **HR Committee**

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Next scheduled Review Date: **April 2020**

Related Policies:
Guild Officer Code of Conduct

1. Statement

In being an elected Full Time Officer, there is an inherent obligation to conduct yourself in a highly responsible and professional manner, and in accordance with the law, which includes for these purposes, charity law, company law, the Education Act 1994, University legislation and any other relevant legislation or regulations that impact on any aspect as a Full Time Officer.

In addition, Full Time Officers should be familiar with and act in accordance with the governing documents of the Guild of Students. The governing documents include for these purposes the Articles of Association, Bye-Laws, Guidance & Strategy documents, and relevant policies and procedures

This policy should be read together with the Full Time Officer Group Code of Conduct.

2. Purpose and Scope

2.1 Every Full Time Officer is expected to carry out their duties to the best of their ability and to always take into consideration the best interests of the Guild of Students. As employees of the Guild there is an expectation that all paid elected Officers meet the same high standards of behaviour as other employees and act in accordance with the Guilds' values at all times.

2.2 This policy applies to all Full Time Officers, who for the avoidance of doubt, are also Trustees of the Guild of Students.

The purpose of the policy is to:

- a. promote high standards of behaviour in the treatment of individuals and in the conduct of Officer relations;
- b. assist the Guild of Students to operate effectively;
- c. set standards of conduct and performance for the Full Time Officers;
- d. Provide a fair method of dealing with alleged failures to maintain those standards.

2.3 This policy is intended to be corrective rather than punitive. Where performance or conduct falls short of an acceptable standard, then this policy will ensure that there is an opportunity to make improvements and achieve the levels required. However, in some cases serious action may result in removal from office.

3. Making a Complaint

3.1 Any person may make a complaint about alleged unsatisfactory performance or misconduct of a Full Time Officer.

3.2 The complaint should be made in writing to the Appointed Person, which is one of the following:

3.2.1 The President;

3.2.2 A nominated Trustee (where the complaint is regarding the President); or

3.2.3 The Chair of the Trustee Board (where the complaint is received from a member of Guild staff or is regarding the entire of the Full Time Officer Group).

3.3 In normal circumstances the complaint will be made to Appointed Person appropriate role c/o the HR team.

3.4 The complaint should give details of the name(s) of the person(s) involved, together with details of alleged poor performance or misconduct (including the date and place at which the alleged misconduct took place), and be delivered as soon as possible after the events complained of (and ideally within ten working days of the occurrence).

3.4.1 The HR team will acknowledge receipt of the complaint.

3.4.2 The Appointed Person will determine whether the nature of the complaint is that of misconduct, and thus handled by the procedure outlined below (section 4) or where the matter is of political performance, it is referred to 'Your Ideas 'or Referendum. (See section 6)

4. Informal Action

4.1 Minor misconduct and unsatisfactory performance will be dealt with informally, usually by the Appointed Person discussing the concerns with the Full Time Officer. In the case of minor misconduct and unsatisfactory performance against the President, the Chair of Trustee Board or nominee, will usually discuss the concerns with the President.

4.2 The Appointed Person will determine what further action to take in relation to the complaint. Criticism should be constructive, with the emphasis being on finding ways for the Full Time Officer to improve and for the improvement to be sustained. The Appointed Person will inform the Full Time Officer of any agreed action. This may include further training and personal development. The Complainant will be informed as appropriate and in line with Data Protection regulations.

4.3 Where appropriate, the Full Time Officer will be advised of the standard required to improve conduct or behaviour and the timescale within which the Full Time Officer should improve.

4.4 The Full Time Officer will receive written notification at this informal stage. A note of the discussion will be kept on their confidential HR file and will be used as the basis for monitoring conduct going forward.

4.5 Where there is a more serious case of unsatisfactory performance or misconduct or in situations following the informal approach, the Full Time Officer fails to improve and maintain that improvement, Appointed Person formal action may be instigated by the Appointed Person and the disciplinary procedure outlined in section 5 below may be invoked.

5. Grounds for invoking the Disciplinary Procedure

5.1 The disciplinary procedure will usually be invoked when all informal procedures have been exhausted or if the complaint is of a serious nature.

5.2 It is impossible to specify all the circumstances that would warrant invoking the formal disciplinary procedure, but typical cases would be where the Full Time Officer's standard of performance, general conduct falls below the standard required by the Guild of Students, including that set out in the Full Time Officer Code of Conduct.

5.3 The disciplinary procedure will be invoked where the alleged complaint or unsatisfactory performance constitutes misconduct.

Disciplinary procedure may be taken in respect of any breach of discipline:

- a. On Guild premises.
- b. Whilst using Guild facilities or at a Guild event.
- c. In the use of public or private social media channels.
- d. Whilst representing or acting on behalf of the Guild at any event of whatever kind and wherever held.
- e. In relation to actions or incidents with Guild Officers, Staff, Volunteers, members and stakeholders where the Officer is participating in a Guild activity including online activities.

5.4 The following is a non-exhaustive list of examples that the Guild regards as misconduct:

- a. Failure to work in accordance with Guild policies & procedures.
- b. Lateness and/or poor timekeeping.

- c. Absence from work, including going absent during work without a valid reason, notification or authorisation.
- d. Wasting Guild resources.
- e. Refusal to comply with reasonable management instructions.
- f. Not performing duties in a satisfactory manner.
- g. Poor attitude demonstrated towards work.
- h. Carelessness with Guild or other people's property.
- i. Potentially dangerous pranks or horseplay.
- j. Unacceptable standards of dress or personal hygiene.

5.5 It is not practical to compile an exhaustive list of what will constitute gross misconduct, but the following are some important examples:

- a. Disruption of, or improper interference with, the administrative, social or other activities of the Guild of Students whether on the Guild of Students' premises or elsewhere.
- b. Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the Guild of Students or any authorised visitor to the Guild of Students.
- c. Violent, indecent, disorderly, threatening, or offensive behaviour or language whilst on the Guild of Students' premises or engaged in any Guild of Students activity.
- d. Any form of theft, fraud, deceit or dishonesty in relation to the Guild of Students or its staff or in connection with the holding of any office in the Guild of Students or in relation to being a member of the Guild of Students.
- e. Action likely to cause injury or impair safety on the Guild of Students' premises, including wilful disregard of health and safety rules.
- f. Harassment of any kind of any student member of staff or other employee or any visitor of the Guild of Students.
- g. Conscious unlawful acts of racial, sexual or disability discrimination or harassment against Officers, staff or job applicants.
- h. Malicious damage to, or defacement of, the Guild of Students' property, the property of other members of the Guild of Students' community or property available for the use by its members.
- i. Unauthorised possession or misuse use of the Guild of Students' premises or items of property.
- j. Behaviour which is likely to bring the Guild of Students or any constituent part of the Guild of Students into disrepute.
- k. Alcohol, drug or substance abuse in the course of work, within working hours or on the Guild of Students' premises.
- l. Gross carelessness resulting in damage or injury or other unacceptable loss.
- m. Conduct which, if proved in a court of law, would constitute a criminal offence or affected other members of the Guild of Students.
- n. Serious and substantial breach of the Full Time Officer Group Code of Conduct.

5.6 Concerns regarding the political performance in the role as a Full Time Officer will be dealt with through 'Your Ideas' as outlined in section 6 or Referendum.

6. 'YOUR IDEAS'

6.1 Concerns regarding the political performance in the role as a Full Time Officer will be dealt with through 'Your Ideas' or via a Referendum as outlined in Article 20

6.2 'Your Ideas' have the following courses of action against Full Time Officers:-

- Censures (3 censures trigger a vote of no confidence) OR
- A vote of no confidence via a Referendum as outlined in Article 20

6.3 A Full Time Officer may receive censures through 'Your Ideas' if a Full Time Officer receives 3 censures during their term in office, this will introduce a motion of no confidence in the next 'Your Ideas' cycle.

6.4 In circumstances, when the publishing of the motion of no confidence could lead to serious reputational, financial or legal issues for the Guild, the Appointed Person will decide whether the matter can be debated in 'Your Ideas' or should be dealt with by the disciplinary procedure.

6.5 When the vote of no confidence is triggered, the vote will be scheduled at the next cycle of 'Your Ideas'.

6.6 The Full Time Officer will be given at least 14 days to prepare a written response to the alleged unsatisfactory political performance. All documentation must be provided to 'Your Ideas' at least 7 days in advance.

6.7 The vote of no confidence shall require a simple majority vote of a quorate 'Your Ideas' cycle to pass.

6.8 If of the vote of no confidence is passed by 'Your Ideas' in the Full Time Officer, a formal recommendation will be recorded giving the details and evidence of the unsatisfactory political performance. These details will form the basis of the complaint against the Full Time Officer and will be submitted to the Appointed Person.

6.9 A Disciplinary meeting will be organised as quickly as possible. In the period after the vote of no confidence and the date of the disciplinary hearing, the Full Time Officer will take leave with full pay.

6.10 The successful vote of no confidence shall also serve as a request to the Trustee Board to remove the Full Time Officer as a Trustee by the process outlined in Article 22.

7. Investigation Procedure

7.1 As a consequence of a vote of no confidence by 'Your Ideas' & Officer Question Time against a Full Time Officer or where there is a case of poor performance or misconduct, or the Full Time Officer fails to improve and maintain that improvement, a disciplinary investigation should be invoked. The Appointed Person may convene an Investigation Panel as required.

7.2 The Investigation Panel will usually include a Full Time Officer and a member of the Guilds' Management team. The Investigation Panel will be supported by a member of the HR & Administration team who will be in attendance to act as an advisor and as note taker.

7.3 The Investigation Panel shall be appointed by the Appointed Person from the Full Time Officer Group and Management team pool, usually based on the criteria below.

- a. The experience of the persons concerned in dealing with disciplinary matters.
- b. Whether the person will have any conflict of interest in the matter.
- c. Availability of the persons (to ensure that timescales are not unnecessarily protracted).

7.4 The Full Time Officer of which the complaint or poor performance affects will be written to and advised of the allegations against them and provided with a copy of this policy.

7.5 The matter will then normally be investigated by the Investigation Panel.

7.6 The purpose of the investigation is to establish a fair and balanced view of the facts relating to the allegations against the Full Time Officer. The Investigation Panel may obtain statements from witnesses whose evidence is relevant, and consider additional allegations. The Investigation Panel will deal with the investigation as quickly as is practicable. The panel will aim to confirm the findings within 4 weeks. However it may be necessary to extend this timeline, depending on the nature of the allegations and will be at the discretion of the Appointed Person which instigated the disciplinary investigation (and will usually be for no more than 2 weeks).

7.7 Following the investigation, the Investigation Panel will make one of the following recommendations to the Relevant Authority who requested the Investigation Panel:

- a. to take no further action;
- b. referral to an Disciplinary Committee to hold a disciplinary hearing; or
- c. to pass to 'Your Ideas' or Referendum to hold a Vote of No Confidence
- d. to inform the University authorities so that action may be pursued either under the University Disciplinary Procedures, by the police or under the disciplinary procedures of a body that is deemed appropriate.

7.8 It is recognised that being the subject of investigation can be difficult, and the Guild will therefore endeavour to undertake an investigation with appropriate discretion, care and consideration. No Full Time Officer or staff member shall comment publicly on any investigation or disciplinary (apart from to confirm at what stage the process is at)

8. Suspension

8.1 At any stage of the disciplinary process, it may be necessary to suspend the Full Time Officer from work on full pay until such time as an investigation and/or the disciplinary procedure is complete. Alternative options, for example working in a different location, restricted duties and increased supervision may be considered.

8.2 Most disciplinary situations will not require suspension. It should only be considered exceptionally if there is a serious allegation of misconduct and:

- There are reasonable grounds to believe that the Officer being investigated might seek to tamper with or destroy evidence, influence witnesses and/or sway an investigation into the disciplinary allegation;
- If working relationships are severely broken down to the point that there is a genuine risk to other Officers, Guild staff, members, stakeholders, suppliers or Guild operations if the Officer remains in the workplace:
- The Officer is subject to criminal proceedings which may affect whether they can do their role.

8.3 A suspension will be without prejudice and will not constitute disciplinary action, and will be reviewed to ensure it is not unnecessarily protracted.

8.4 Any suspension will be reported to the Chair of the Trustee Board and a suspension decision may be overturned by the Chair of the Trustee Board.

8.5 The Full Time Officer Group may allocate the duties of a suspended Officer as appropriate.

9. Disciplinary Committee

9.1 The Disciplinary Committee shall be convened as soon as is practicable, to hear allegations of unsatisfactory political performance, poor performance or alleged misconduct or alleged gross misconduct.

9.2 The Disciplinary Committee shall be comprised of:

- a. A Full Time Officer, elected by the Full Time Officer Group;
- b. Two Trustees (at least one of which shall be a Student Trustee) appointed by the Chair of the Trustee Board);
- c. the Chair of 'Your Ideas' & Officer Question Time or Deputy Chair;
- d. A Guild Officer, elected by the Guild Officer Group

9.3 A member of the HR & Administration team will be in attendance to act as an advisor to the Disciplinary Committee and as the note taker and administrator.

9.4 The quorum of the Disciplinary Committee shall be three and the Chair shall be elected from the Committee.

9.5 The Chair shall give the Full Time Officer 7 days' notice of the date and time of the Disciplinary Committee meeting.

9.6 The Full Time Officer has the right to attend the meeting and be accompanied and/or represented by any other full member.

9.7 The Disciplinary Committee shall endeavour to provide the Full Time Officer with a copy of the allegation against him or her and any written evidence to be presented to the Disciplinary Committee at least 5 working days before the date of the meeting. These papers shall be deemed confidential by all parties.

9.8 The Disciplinary Committee shall ensure that the Full Time Officer Group is given information about the investigation and any subsequent disciplinary proceedings.. This information will remain confidential and will be given as appropriate and in line with Data Protection.

10. Discipline Hearing Procedure

10.1 The Chair will ensure that copies of the allegation and of all written evidence, and the names of any witnesses to be called is distributed to the members of the Disciplinary Committee who will be given time to read the material carefully.

10.2 The Full Time Officer may be accompanied at the hearing by a Trade Union representative or work colleague from the Guild of Students.

10.3 The findings of the investigation shall be presented by the Investigation Panel.

10.4 The findings and conclusions of the Investigation Panel shall be presented first.

10.5 The Full Time Officer will be asked whether they admit or deny the allegation.

10.6 If the Full Time Officer admits the allegation, the Chair will proceed as in section 10.13 below.

10.7 If the Full Time Officer denies the allegation, the Full Time Officer or their representative shall then be able to present their defence. Either side may present witnesses to support their case.

10.8 Either party may ask questions of witnesses, as may the members of the Committee.

10.9 The Committee may invite such other witnesses as it thinks fit to be summoned, or such other evidence as it considers relevant to be produced.

10.10 The Chair or Full Time Officer may ask for a short adjournment at any time for consideration of information, points of procedure or emotional distress.

10.11 The Chair may also consider adjourning the hearing, particularly if the meeting is protracted. The meeting should be reconvened as soon as is possible, and within 10 days.

10.12 The ruling of the Chair as to whether any question or evidence is or is not permissible shall be final.

10.13 The Full Time Officer may make a final statement, which may include mitigation for their actions.

10.14 The Committee shall then withdraw to consider its decision.

10.15 The Committee should attempt to reach a unanimous decision but if a vote is required then a simple majority will be deemed sufficient.

10.16 If the Committee finds that the allegation has not been proved, the hearing will end but official notes shall be retained and placed on the Officer's confidential HR file, and the Full Time Officer will be informed in writing.

10.17 If the Committee finds that the allegation has been proved, the Committee shall consider the appropriate sanction and their reasons for making such a sanction. The Committee may consider any mitigation that the Full Time Officer has made.

10.18 The Chair shall endeavour to communicate the decision to the Full Time Officer and to the Complainant within 5 days of the hearing. The Chair will also communicate the decision to the relevant parties. The disciplinary actions that may be taken are set out in section 11 below. The written outcome will advise the Full Time Officer of his or her right of appeal as set out at section 12 below.

11. Disciplinary Action

11.1 Disciplinary action may be implemented at any stage of the procedure if the Full Time Officer's alleged misconduct or poor performance warrants such action. If the offence is of a serious nature, then it may be necessary to begin the procedure at a later stage in the process depending on the circumstances.

11.2 Normally, any formal warnings will expire six months after issue, unless specifically indicated to the contrary.

Formal Verbal Warning

11.3 If conduct or performance does not meet the required standard, the Full Time Officer will normally be given a formal verbal warning. He or she will be advised of the reason for the warning, the improvement required, and the timescale. The Full Time Officer will also be informed that it is the initial stage of the Disciplinary Procedure.

11.4 The Full Time Officer will be told of the likely consequences should the failure be repeated, should there be a further incidence of unacceptable conduct or performance, or should the required improvement not be made within the specified time period and then maintained. A record detailing the reasons for the warning will be given to the Full Time Officer and a copy kept on their confidential HR file.

First Written Warning

11.5 If the required improvement does not take place, or if the offence is of a serious nature, a first written warning will be given to the Full Time Officer. This will give details of the disciplinary issue, the improvement required and the timescale. It will warn that if there is no satisfactory improvement, or there is further unsatisfactory conduct or performance then it may be necessary to move to the next stage of the procedure. A copy of the written warning will be given to the Full Time Officer and one will be kept on their confidential HR file.

Final Written Warning

11.6 If there is still a failure to improve conduct, or performance is still unsatisfactory, a final written warning will be given to the Full Time Officer. If the misconduct is

sufficiently serious to warrant only one written warning, but insufficiently serious to justify a referral to the Trustee Board a first and final written warning will be issued.

11.7 The warning will give details of the complaint and will advise the Full Time Officer that removal from Office will result if there is no satisfactory improvement, or there is further unsatisfactory conduct or performance. The Full Time Officer will also be told of the right to appeal. A copy of the warning will be given to the Full Time Officer and a copy kept on their confidential HR file.

Gross Misconduct

11.8 If, after investigation, it is confirmed by the Disciplinary Committee that the Full Time Officer has committed an offence deemed gross misconduct, (See Section 5), the normal consequences will be dismissal without notice or payment in lieu of notice from the fixed term Full Time Officer contract. The Full Time Officer will be removed as an employee and as an Officer.

11.9 In the case of a Full Time Officer who is also a Trustee of the Guild of Students,

11.10 The Trustee Board will be removed the Full Time Officer as a Trustee of the Guild of Students in accordance with Article 22 of the Articles of Association of the Guild of Students.

11.11 The Disciplinary Committee reserves the right to refer the matter to the University Authorities.

12. Appeals

12.1 The Full Time Officer may appeal against the Disciplinary Committee's decision to the Chair of the Trustee Board (and copied to the HR team), in writing, within 7 days of the receipt of the Disciplinary Committee's decision.

12.2 In the event of an appeal, the Chair of the Trustee Board shall convene a meeting of the Appeal Committee.

12.3 The Appeal Committee shall be convened, usually within fourteen working days within receipt of an appeal.

12.4 The Appeal Committee shall be comprised of:

- a. The Chair of the Trustee Board or nominee;
- b. A Guild Officer, elected by Guild Officer Group who has not previously been involved;
- c. A Student Trustee, appointed by the Board, who has not previously been involved.

12.5 Each member of the Appeal Committee shall be independent and shall not have had any substantive involvement in the matter under appeal. A member of the HR & Administration team will be in attendance to act as an advisor to the Disciplinary Committee and as the note taker and administrator.

12.6 The quorum of the Committee shall be three and the Chair shall be the Chair of the Trustee Board.

12.7 The Full Time Officer will be notified of the date and time of the Appeal Committee meeting.

12.8 The Full Time Officer shall have the right to attend the meeting and be accompanied by a Trade Union representative or work colleague from the Guild of Students. The Chair will, at the same time, instruct the Full Time Officer to submit in writing as soon as possible, and in any event not later than 5 working days before the hearing a detailed statement why the Full Time Officer is appealing and on what basis.

12.9 The Chair, on receipt of the information above, will then confirm the date, time and place of the hearing with all involved.

13. Appeal Hearing Procedure

13.1 The Chair will distribute copies of the original allegation and all original written evidence, and the written confirmation of the Disciplinary Committee's decisions and reasons for them, along with the letter of appeal. The members of the Appeal Committee will be given time to read the material carefully.

13.2 The Chair will then invite the Full Time Officer into the meeting who will be asked to make a statement as to their reason for appeal.

13.3 The Appeal Committee may ask the Full Time Officer any questions it thinks fit.

13.4 When the Chair is satisfied that the Appeal Committee has enough information on which to base a decision, the Full Time Officer will be asked if they wish to make a final statement.

13.5 The Appeal Committee will consider, in private, whether the appeal should be upheld.

13.6 The Appeal Committee may alter the decision of the Disciplinary Committee.

13.7 The Appeal Committee should attempt to reach a unanimous decision, but if a vote is required then a simple majority will be deemed sufficient.

13.8 The Chair will inform the Full Time Officer and complainant of the Appeal Committee's decision in the most appropriate way it thinks relevant. The Chair will endeavour, within 5 working days of the hearing, to send the Full Time Officer written confirmation of the Appeal Committee's decisions. The Chair will also communicate the decision to the relevant parties, as appropriate and in line with Data Protection.

13.9 The decision of the Appeal Committee will be final and will represent the decision of the Guild.