

**GLASGOW UNIVERSITY UNION**  
**INQUIRY**  
**2013**

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# PART 1

## Executive Summary

Following an incident at a Glasgow University Union (GUU) Debate in March, 2013, the Union found itself the subject of controversy in relation to its suggested acceptance of inappropriate behaviours within its premises including physical, verbal and sexual harassment of individual members and visitors.

Against that background, the GUU Board commissioned an external review of its working practices in relation to harassment, complaints handling and equality and diversity issues and charged the review panel of Sandra White MSP, Professor Noreen Burrows and Dr Roddy Neilson, to recommend, as appropriate, changes where its current policies were outdated or no longer 'fit for purpose'.

In the course of the review, the Commission addressed the following:

- Is there evidence of discrimination within the Union?
- If so, how does it manifest itself and to what extent?
- What are the drivers of that culture?
- What is required to effect change?
- What are the immediate measures?

The Commission felt that it was better to suggest a 'way forward' for the Union rather than dwell on the past. To this end the Commission undertook a review of the various policies in the Union including its Constitution, Equality and Diversity Policy, Policy on Harassment and its Complaints and Discipline Procedures. Changes in all these policies have been recommended in line with current practice and legislation and are detailed in the report. In summary these include:

- A revision of the GUU Constitution
- An Equality and Diversity Policy that is modern and in line with current best practice
- Revision of the Complaints and Discipline Procedures
- A clear statement on the unacceptability of harassment and bullying; physical, verbal or sexual; and clear guidance on behaviours that will not be tolerated in GUU.

In all the work done, the Commission have been impressed by the desire of the GUU Executive and Board to ensure that appropriate changes are made to safeguard the reputation of GUU and create an environment inside the GUU that, while maintaining all its best traditions and strengths, will ensure that nobody feels excluded by nature of gender, age or sexual orientation.

Professor Noreen Burrows  
Dr Roderick Neilson  
Sandra White MSP

## **PART 2**

### **Terms of Reference**

#### **Commission of Inquiry into the Culture within the Union**

#### **Briefing Document**

##### **1. Background**

On Saturday 2<sup>nd</sup> March Glasgow University Union hosted the annual Ancients Debating competition. At the final four teams competed, one of the teams, named “The QM ” comprised Rebecca Meredith (Cambridge) and Marlena Valles (Edinburgh).

The QM team believe they were jeered with sexist heckling during their speeches. This was supported by a floor speech from another competitor who pointed to sexist comments made by certain members in the Gallery during the debate. The competitors say they complained but that their complaint was not taken seriously on the night. They allege that they were told “that’s just how it is here”.

The following day both competitors posted statements on Facebook about their experience at the GUU on the previous night. These Facebook posts went viral and were picked up by the mainstream media – such as The Telegraph, The Daily Mail, The Herald, Women’s Hour (on radio 4). Over the course of the following few days’ articles written by Rebecca Meredith were published extensively.

The public outcry has been remarkable. Condemnation of the Union has been widespread, from students on Campus to Alumni in Australia and Africa, and from our fellow Student Bodies, and the University. Regardless of any facts the public perception of the Union is one where there is a pervading discriminatory culture.

##### **2. Purpose of the Commission**

This Commission is not charged with investigating the claims of the competitors, and nor is it charged with examining the extent of public perception – it is widespread.

This purpose of this Commission is to investigate the prevalent culture within the Union, to report on evidence of discriminatory organisational behaviour and to make recommendations to effect change where it is required.

In the course of its investigation, it is expected that the Commission will address the following:

- *Is there evidence of discrimination within the Union?*
- *If so, how does it manifest itself and to what extent?*
- *What are the drivers of that culture?*
- *What is required to effect change?*
- *What are the immediate measures?*

##### **3. Members of the Commission**

The Commission will be independent. The GUU Board of Management, and its stakeholders, require advice on this important issue which is entirely impartial and of the utmost integrity.

The members of this Commission are:

#### Sandra White MSP

Sandra White was elected as a Glasgow list MSP in 1999, and in 2011 she was subsequently elected as the Member for Glasgow Kelvin. She is currently a member of Justice Committee and of the Audit Committee, and she is also a member of the Cross-Party Group on Men's Violence Against Women and Children. Her interests in politics are achieving social justice and the regeneration of Glasgow.

#### Professor Noreen Burrows

Noreen Burrows studied law at the University of Edinburgh and joined the University Of Glasgow School Of Law in 1979. She was appointed to the Chair of European Law in 1990 to recognise her teaching and research in this area. Her research interests are European Union law, with a focus on social law, discrimination and women's rights.

#### Dr Roddy Neilson

Roddy Neilson is Consultant Haematologist at Forth Valley NHS Board. Roddy began his medical career in the eighties at Glasgow University and during that time he spent a short stint on the GUU Board of Management. Since then he has been back several times to obtain a Diploma in Forensic Medicine in 1994, an MPhil in Medical Law and Ethics in 2002 and an MLitt in War Studies in 2008. Roddy is currently a Colonel in the British Army where he is Commanding Officer of 205 (Scottish) Field Hospital, and with whom he has served in both Iraq and Afghanistan. He is also a serving Justice of the Peace and is a Life Member of the Union.

It is anticipated that the Commission will use whatever resources it requires to undertake this investigation and that the Union will provide whatever administrative support that is asked of it. The Commission is at liberty to co-op suitably qualified people as it sees fit.

#### **4. Timescales**

We expect the Commission panel to meet for the first time in June 2013. It will then meet as often as required to fulfil its obligations under these terms of reference.

The Commission will then report its findings and recommendations to the Board at the end of August.

## **PART 3**

### **Report**

#### **Background**

We were asked in the summer of 2013 to assist the President and Board of Management of GUU in examining some of the issues arising from allegations made about the conduct of some members of the GUU at a debate held in March 2013. Two of the debaters complained of sexist heckling at the debate. Disciplinary proceedings were instigated by the Senate following a complaint and this process has now concluded.

The members of this Commission have had no involvement with the disciplinary proceedings or with the complaint. University disciplinary proceedings are confidential and we have not been given, neither have we sought, access to information about these proceedings.

Initially we were asked to assist the GUU in examining the culture of the GUU but, in discussions between the three members asked to participate and the President and Honorary Secretary of GUU, we agreed that it was more useful in spending our time looking at ways in which GUU could move forward to address any problems and to ensure that there could be no further cause for complaint. All three members of the Commission were impressed by the commitment shown by the current Executive to ensure that GUU is an open and welcome place for students and that membership of GUU enhances the student experience in Glasgow.

We have not looked at the conduct of debates as part of this process. We have been informed of the changes outlined below which have been put into place to guard against the possibility of racist or sexist abuse in the conduct of future debates.

1. The Standing Orders of debating (the rules that govern the chamber) have been amended so that any offensive or discriminatory language or conduct shall result in giving the Speaker (who is in control of the Chamber) recourse to immediately evict the accused from the chamber.
2. The Board of Management has approved and implemented an 'affirmative action' policy, requiring that 1/3 minimum of each gender be sent to every debating competition. This has been applied to all national and international competitions since March.

We believe that these are positive changes and reflect the commitment of the Debates Convener and the Executive to raising standards. It now falls to all students who participate in debates to adhere to these rules.

The Executive has also taken some further interim measures.

1. It has met with the societies that disaffiliated with GUU because of the Ancients incident and have taken many of their suggestions on Board.
2. The President of GUU has met with the University's Equality Officer to receive advice on equality training for Board members and the staff of GUU. This training can be conducted via Moodle and all student board members have now been trained. Training for staff and non-student board members is currently underway.
3. Bookings for single sex dinners have been temporarily suspended.

4. The Honorary Secretary has met with the incoming and outgoing SRC Gender Equality officers, along with the SRC VP Student Support, to receive advice and feedback on possible training schemes for Board members and staff.
5. The Debates Convener is in the process of arranging a Women's Intersity Debating Competition to show GUU's commitment to tackling the under-representation of women in debating.

It is clear that the current Executive is determined to improve both the image of GUU and the experience of students. Whilst we have not conducted any research ourselves as part of this process, we have had access to information posted by students on web sites and have been made aware of concerns from current and former students from these sources, which are publicly available, about sexist and misogynistic behaviour on the part of some student members of the GUU, including some of whom have held office. We are taking it as read therefore that there have been problems amounting to institutional sexism which have alienated a good number of students from the GUU. At the same time we do not wish to give the impression that we believe that the majority of members of GUU display sexist or misogynistic behaviour nor that many students over the years have had anything but a positive experience at GUU.

The purpose of our report is to give GUU some tools to use as they see fit to ensure that all students have a positive experience of GUU and that GUU is compliant with equality legislation and Glasgow University procedures. It was agreed that we would report on the following matters: equality and diversity policies for GUU; reviewing the GUU constitution; incident reporting and management (complaints); training issues and same sex dining clubs. Before addressing these in turn we examine the relationship between Glasgow University and Glasgow University Union to make clear where lines of responsibility lie for equality matters and for standards of behaviour. We then outline the legal framework (the Equality Act) which sets out the requirements to be followed. We make recommendations at the conclusion of each section.

### **The relationship between University of Glasgow and GUU**

The University of Glasgow and Glasgow University Union are separate bodies, each having its own charitable status. The relationship between the two is governed by the Education Act 1994. That Act defines a students' union as being 'an association of the generality of students...whose principal purposes include promoting the general interests of its members'.

The Court of the University of Glasgow is required, under the terms of this Act, to:

Secure the fair and democratic working of the Union and to ensure that the GUU is accountable for its finances;

Ensure that GUU has a written constitution;

Ensure that appointment to major offices in GUU is by election in a fair and secret ballot;

Ensure proper accounting for GUU finances and that allocation of finances to groups or clubs is fair; Ensure that external affiliations are duly recorded;

Ensure that a complaints procedure is available when students are dissatisfied with their dealings with GUU – the Court should include provision for the appointment of an independent person to investigate and report on complaints and ensure that complaints are dealt with effectively and, where upheld, an effective remedy is provided for;

The University Court is required to issue a code of practice setting out how the requirements set out above are to be put into practice and bring this code to the attention of students every year.

The University is therefore responsible for ensuring appropriate governance arrangements and the University Court is the body within the University responsible for exercising this oversight.

The University funds the GUU by way of an annual block grant. In academic year 2012-2013 this amounted to £225,000. GUU also funds its activities through its shop, bar and functions and catering activities. The University owns the premises where the GUU is located, with the Union occupying the building under an occupancy agreement.

Apart from this general oversight by the University Court, the GUU is an autonomous body. The Board of Management is responsible for the running of the Union delegated to an Executive for day to day matters. The Board is responsible to an Annual General Meeting. The Board may issue bye-laws for matters relating to the activities of the Union.

GUU employs a number of members of staff who are not members of staff of the University of Glasgow.

In terms of standards of behaviour, all registered students are covered by the Code of Student Conduct issued by the University Senate. The Code sets out the disciplinary powers of the University. It applies to students when they are within the premises of GUU. Members of GUU are also bound by the GUU Disciplinary memorandum when they are in the premises of GUU. The Code of Student Conduct makes reference to the existence of such local arrangements and states that minor breaches should be dealt with under the GUU Discipline memorandum whereas major breaches may be dealt with under the Code of Student Conduct.

The Code of Student Conduct makes clear that where behaviour complained of may amount to criminal behaviour the matter will be referred to the police.

### **The Legal framework for equality and diversity**

The Equality Act provides the legal framework which applies to the University of Glasgow and to the GUU. The public sector equality duty requires the University, in everything that it does, to:

Have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act;

Advance equality of opportunity;

Foster good relations between persons who share a protected characteristic and those who do not share that characteristic.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

These obligations fall on the University Court as the governing body of the University.

In its relationship with GUU two matters appear to be relevant. First, in carrying out its obligations under the Education Act 1994, discussed above, the University needs to ensure that the constitutional arrangements for the GUU comply with equality requirements. For example, in approving the constitution of the GUU, the Court must satisfy itself that the constitution does not

contain discriminatory provisions and in preparing and issuing its code of conduct the University should use the code to enhance equality of opportunity for all students. Second, in providing funding and premises, the University must ensure that such funding is used in such a way as to comply with its public sector equality duty.

The Equality Act applies to GUU in its capacity as an employer. Provisions relating to recruitment, employment and pay are relevant in this context. Also relevant are duties to ensure that members of staff are protected from harassment and other discrimination at work.

GUU may also be subject to the public sector duty outlined above. The constitution of the GUU states that it is a private members club, managed by a Board of Management, some of whom are the trustees of GUU. GUU has charitable status, separate from the charitable status of the University of Glasgow. It is a students' union under the 1994 Education Act. It provides services to students. The Office of the Scottish Charity Regulator advises that where charities have a public function, for example if they are publicly funded, they may be subject to the public sector equality duty. As GUU is in part dependent on funding from the University of Glasgow, which is itself publicly funded, it may be that GUU is subject to the public sector duty. It would be good practice to assume that these duties apply to GUU.

It is the responsibility of the trustees to ensure compliance with the relevant legislation. The Office of the Scottish Charity Regulator advises charities that 'as a matter of good practice, charity trustees might want to explain in an equality policy how they will make sure they treat people fairly, and think about whether training is needed'. It further states that 'if you are responsible for managing a charity you should familiarise yourself with the broader equality requirements that apply both to charities and other organisations'. The charity will have obligations if it employs people, is an association of more than 25 members, it provides services or it carries out public functions. GUU complies with each of these criteria.

The development of an appropriate equal opportunities and diversity policy requires consultation with stakeholders as there is no one size fits all model. In the timeframe of the work of our Commission we could not achieve this but we remain willing to work with GUU to develop an appropriate policy.

The University of Glasgow should ensure that in fulfilling all of its duties under the 1994 Education Act it ensures that it meets its public sector equality duty. Further, the University of Glasgow should ensure that in the provision of funding or the provision of facilities or premises that it meets its public sector equality duty.

## **Recommendations**

*The Board of Management of GUU and its Trustees should ensure compliance with its equality duties under the Equality Act. It should ensure that all members of the Board of Management understand their individual responsibilities in this regard and should undergo training. The Trustees should develop an equality and diversity policy and ensure that it is followed. Such a policy need not be unduly complex but it should cover all issues as provided by under the Equality Act.*

## **Harassment policy**



We were asked to suggest a short document which could be given to all students setting out GUU policy on harassment. This is because a number of students complained of inappropriate behaviour within the premises of GUU which created an intimidating, uncomfortable or unwelcoming atmosphere. Some of the comments posted on the web sites following the debating incidents also pointed to possible criminal behaviour with sexual assaults being carried out in the form of groping, touching, or forcing sexual advances. There was some suggestion that such sexualised behaviour from some student members had become normalised with some of the female students accepting the behaviour as part of membership of GUU. Students need to realise the implications of their behaviour both on the victims and, potentially, on themselves.

The University of Glasgow has published its own Dignity at Work Policy which covers staff and students of the University of Glasgow.

### **Recommendations**

*We recommend that GUU provides each student with information regarding harassment, including a definition of harassment, an explanation of the kind of behaviour which is not tolerated by GUU and the possible legal consequences of inappropriate behaviour. A sample leaflet is attached to this report in Annex 1.*

*The Board of Management of GUU should ensure that members of GUU understand the harassment policy of the GUU and the Dignity at Work policy of the University of Glasgow. It should take immediate steps to ensure that staff members, members of the Union or visitors to the Union are not subject to harassment or bullying.*

### **Reviewing the GUU constitution**

We were asked to look at the GUU constitution to see if there were any matters which might raise concerns about equality and diversity in addition to the obvious fact that the constitution is written in gender specific terms.

Note. Although we were not asked to comment on matters outside the area of equal opportunities we would take this opportunity to mention that the constitution is out of date in a number of respects. Amendments are required to update the constitution in light of changes to the structure of the academic year, the changes to Glasgow University governance, the demolition of the Extension, the shift from matriculation to registration of students, the modernisation of communications and entertainment (does GUU require a committee to look after the gramophone records?). Certain Articles are repeated. For example Article VII (x) repeats verbatim Article 5 (a) and Article VII repeats verbatim Article 5 (b). The opportunity to look again at the constitution might afford the GUU the opportunity to revisit and modernise the constitution as a whole.

We identified the following matters as areas for consideration: communication issues, composition of the Board of Management, composition of committees, limitation of membership, perceived elitism, absence of a link to a complaints procedure, absence of an equality clause.

Communication issues. The constitution refers on several occasions to communicating important matters to students relating to elections and other aspects of the conduct of business. Such communications are to be posted in the Union, on the Union notice board (Art VIII regarding

elections or Article XI regarding display of minutes of meetings). This aspect does not comply with equality duties in respect of disabled students who may have sight issues or find access to the notice board difficult. In practice GUU is likely to use alternative methods of communicating these matters.

Composition of the Board of Management. The Board of Management is composed of elected members. The Education Act requires that 'appointment to major union offices should be by election' so it is quite proper that some elected officers of GUU should form part of the Board of Management. The composition of the Board of Management should reflect the actual activities undertaken and the purpose of the Union. We believe that the way that the Board is currently constituted might lead to discrimination. We do not have information about the gender composition of the Board of Management over the past five or ten years but we surmise that the majority of its members have been male thus not representative of the student body as a whole.

Composition of committees. A number of standing committees are provided for in Art X. It is not clear how some of the members of these committees are identified and we are not clear if any attempt is made to ensure that the membership of the committees is representative of the student body as a whole.

Limitation of membership. Art III (12) of the constitution states that 'Membership of Glasgow University Union and of Queen Margaret Union shall be mutually exclusive'. There does not appear to be a similar exclusion in the constitution of the QMU and it does not appear that the University Court has made this a condition on the Unions. There are two issues to be considered with this article. The first is that it may not comply with the Education Act 1994 which states that a union is 'an association of the generality of students at an establishment'. The exclusion of a sizeable part of the student population might mean that GUU is not in fact a union for the purposes of the Education Act with the necessary consequences that would entail. There are also concerns from an equality perspective. Although we have not conducted our own research there is clearly a perception that the GUU is not a welcoming place for some groups of students. There is some evidence to suggest that the behaviour of some members of GUU is such as to deter particular groups from joining and thus creating a 'them and us' mentality which is not desirable since it effectively makes GUU a no go area for some students. Opening membership of GUU to all students would allow for greater participation in the activities of the GUU for the totality (the generality) of the student population.

Perceived elitism. Special arrangements exist in Article III (2) (d) to deem the Presidents of the other three ancient universities in Scotland to be enrolled as Ordinary members. There is no reference to other Universities including the other Glasgow universities. This may give rise to a perception of elitism. By the same token, references to international students as 'foreign' may also be seen to be elitist and/or offensive to such students.

Absence of an equal opportunities provision. The constitution of the QMU contains a specific reference to equal opportunities. This is in line with the public sector duty contained in the Equality Act. The inclusion of such a provision would reinforce the message that GUU is open to membership from all members of the student population.

## **Recommendations**

*The constitution should be amended to remove gender specific language. References to he or him and her should be replaced with he or she and him or her. In paragraphs relating to elections the title*

*of Returning Officer should be used in place of the pronoun wherever possible and where a pronoun is used it should be he or she. The term 'ungentlemanly conduct, should be replaced by unbecoming conduct in article XV 93). The term 'Chairman' in Article XIII 94) should be replaced by the word Chair or Chairperson.*

*The constitution should be amended to ensure that access to important information as defined in the constitution is communicated effectively to all students and is available in formats which allow all students to participate in the life of the GUU.*

*The Board of Management should investigate the composition of the Board over the past five years and report on its composition in terms of gender, ethnic minority and representation of students with disabilities. Should it find that the composition of the Board does not broadly reflect the composition of the student body, it should consider what steps it should take to ensure that the Board is representative in the future. Such steps might be to reconsider the composition of the Board, to require a certain percentage of members to be of sex or other appropriate measures.*

*The constitution should make clear how members of Standing Committees are selected. It should state that as far as possible GUU will strive to ensure that Standing Committees are representative of the student body as a whole.*

*Article II1 ( 12) should be deleted.*

*Article III (2) (d) should be amended by removing the words 'three ancient'. Article II (1) should be amended to replace the word 'foreign' with 'international' students.*

*The constitution should include an equal opportunities clause such as that found in Section VII of the constitution of the QMU.*

### **Incident reporting and management (complaints)**

We were asked to suggest procedures to deal with complaints and discipline which are comprehensive, effective and understandable.

Complaints by students of the University of Glasgow against GUU are governed by the Education Act. This requires that the University Court should ensure that there should be a complaints procedure available to all students or groups of students who are dissatisfied with their dealings with the GUU. Such a procedure needs to include appeal to an independent person appointed by the Court to investigate and report on complaints. Complaints should be investigated fairly and promptly and, when upheld, there should be an effective remedy.

The University Court has agreed a procedure with the Student Unions and the SRC in relation to complaints by students. This allows for an investigation of the complaint to be made by the Union with appeal first to the University Court and then to an independent person. This procedure is written into the Code of Practice.

We have proposed a student complaints procedure which follows this arrangement with the first stage of investigation and resolution taking place within the GUU with appeal to the University Court. We believe that our proposal complies with the Education Act and with the University of

Glasgow Code Of Practice although GUU might wish to discuss the proposed procedure with the Secretary of Court to ensure that it is compliant.

There is no legislative requirement with regard to complaints from members of the public or visitors to the Union or members of staff (except that a grievance procedure should be in place to deal with workplace grievances). The University of Glasgow Code of Conduct does not deal with complaints except as they refer to student complaints.

We have taken the view that a general procedure could be developed which allows for complaints from members of the public, staff of the University of Glasgow or of GUU to be dealt with first by GUU with appeal to an independent person. That person should not be a member of staff of the University of Glasgow or of the GUU and should not be, or ever have been, a member of GUU. He or she should be appointed for the specific purpose of reviewing complaints on the basis on a transparent appointment procedure.

We have taken the view that insofar as possible the student complaints process and the general complaints process should be based on the same principles so we have suggested an adapted version of the student complaints procedure for general complaints. GUU has authority to issue bye-laws setting out its powers to act in matters where there has been a breach of discipline by one of its members. We were asked to review the memorandum on Discipline. It is important that GUU members understand that charges might be brought against them and the range of sanctions for breach of discipline. It is also important to specify the relationship between the complaints procedures and the disciplinary procedures. We have drafted a Code of Discipline which aims to achieve these goals.

## **Recommendations**

*We recommend that the GUU develops a student complaints procedure and incorporates this as a bye-law. Reference should be made to the complaints procedure in the text of the constitution. A proposed procedure for student complaints is in Annex 2.*

*We recommend that the GUU develops a general complaints procedure for complaints from members of staff and members of the public and incorporates this as a bye-law. A proposed procedure for general complaints is in Annex 3.*

*We recommend that a bye-law be passed setting out a code of discipline which allows GUU to frame specific charges and sets out its powers of sanction. We suggest that the code set out in Annex 4 might provide a template for such a code.*

## **Training issues**

As noted above, the current Executive group have discussed the need for training for staff and members of the Board of Management with the SRC and with those responsible for equality matters in Glasgow University. This is a good first step. All members of the Board of Management and members of staff need to understand their responsibilities under the Equality Act and under the policies of the GUU. There is therefore a constant need for training as changes occur in staffing and in leadership of GUU. It falls to the Trustees of the GUU to ensure compliance with the relevant

legislative provisions in regard to training. The GUU Executive should therefore discuss training issues as part of their on-going work programme.

Staff training is also essential. Staff employed by GUU are not members of staff of the University of Glasgow. University equality policies therefore do not apply to them. The Board of Management and the Trustees are responsible for ensuring that appropriate policies are in place to support and protect staff and to ensure that equal treatment is applied in matters such as recruitment, promotion, pay, redundancy etc.

### **Recommendations**

*GUU should have an equal opportunity and diversity policy in place to reflect its role as an employer. It should ensure that it has an appropriate complaints and grievance procedure in place to ensure the safety and well-being of staff.*

*All staff in a managerial position and the Executive Board and Trustees should be trained, before taking up office, on their respective obligations for equality and diversity.*

*All members of GUU, all visitors, all contractors should be made aware of GUU policies, including equal opportunities policies and complaints policies.*

### **Same sex dining clubs**

It has been the practice of GUU to allow room hire by groups of students to hold dinners. Some of these dinners are restricted to one sex only. We do not believe that there is anything in principle to prohibit or condemn such dinners. Any group of individuals might wish to meet and eat together, particularly if they have something in common such as membership of a sports team.

However, in practice, there is a perception among some people that some same sex dinners have been held to allow male and female members of GUU to express their misogynistic views on eligibility for membership of GUU. At others there are claims that staff have been abused by participants. It should be noted that actions have been taken by GUU to eradicate such dinners in the past, such as the banning of the 139 Dinner under the 2010-11 Board of Management. At the time of writing the arrangement of same sex dinners has been suspended. A balance needs to be struck between the legitimate desire of members to dine together and the abuse of this privilege on GUU premises.

### **Recommendations**

*Same sex dinners should be permitted provided that the purpose of the dinner complies with the objects of the Union and that participants agree to be bound by these objects and by the standards of behaviour set out in the Code of Conduct of Student Behaviour (even when they are no longer students).*

*Members of staff should be made aware of their rights not to be subject to harassment or abuse and that they should report any abuse to the on-duty executive board member at the time. They should be told that it is their right not to continue to work in conditions where they are not comfortable.*

*Security staff should be instructed by the on-duty executive board member to remove any participant who harasses a member of staff.*

**DR. RODERICK NEILSON;  
PROFESSOR NOREEN BURROWS;  
SANDRA WHITE M.S.P.  
September 2013**

## **PART 4**

### **GUU Response to Inquiry Report**

The Board of Management would like to thank Sandra White MSP, Professor Noreen Burrows, and Dr. Roderick Neilson for their report. On 3<sup>rd</sup> September 2013 the Board of Management held an extraordinary meeting to discuss the report, and provide comments. The purpose of this document is to provide comments on the content of the report and our intentions for taking this forward.

It should be noted the Board approve of any content within the report that is not highlighted herein.

#### **The relationship between University of Glasgow and GUU**

This is a useful outline of the relationship between GUU and the University and is important in setting the context of the report.

Moving forward, the Board of Management will seek to clarify the legal relationship between the two bodies, as well as our respective obligations within this relationship.

#### **The legal framework for equality and diversity**

##### **Recommendations**

*The Board of Management of GUU and its Trustees should ensure compliance with its equality duties under the Equality Act. It should ensure that all members of the Board of Management understand their individual responsibilities in this regard and should undergo training. The Trustees should develop an equality and diversity policy and ensure that it is followed. Such a policy need not be unduly complex but it should cover all issues as provided by under the Equality Act.*

This recommendation was passed by the Board. The Honorary Secretary and a Present Student Member have been tasked with writing an equality and diversity policy to be presented to the Board at the end of October.

#### **Harassment Policy**

##### **Recommendations**

*We recommend that GUU provides each student with information regarding harassment, including a definition of harassment, an explanation of the kind of behaviour which is not tolerated by GUU and the possible legal consequences of inappropriate behaviour.*

This recommendation was passed by the Board. A working committee shall be tasked with reviewing the sample leaflet to be presented to the Board at the end of October.

*The Board of Management of GUU should ensure that members of GUU understand the harassment policy of the GUU and the Dignity at Work policy of the University of Glasgow. It should take immediate steps to ensure that staff members, members of the Union or visitors to the Union are not subject to harassment or bullying.*

This recommendation was passed by the Board. The President has been tasked with creating a Dignity at Work policy based on the University's policy to be presented to the Board at the end of October.

#### **Reviewing the GUU constitution**

The Board notes that the constitution is out of date in a number of respects. As such, a sub-committee of board members shall be tasked with reviewing the entire constitution, taking into account the comments expressed by the panel as well as their own revisions. The Board recognise that this is a sizeable task which will require a greater length of time to complete and that any amendments to the constitution must follow the relevant protocol as stipulated by the constitution itself. The working group should aim to complete their revisions by the end of this Board's term, in order to hold a SGM to vote on the proposed amendments before demitting office.

Limitation of membership.

It should be noted that despite the exclusion in the constitution, the Board believes all students have the ability to join GUU and are free to make the choice to do so. It is recognised that this issue must be considered by the sub-committee tasked with revising the entire constitution.

## **Recommendations**

NB. All recommended constitutional amendments which were passed by the Board shall be taken forward by a sub-committee tasked specifically with revising the entire constitution.

*The constitution should be amended to remove gender specific language. References to he or him and her should be replaced with he or she and him or her. In paragraphs relating to elections the title of Returning Officer should be used in place of the pronoun wherever possible and where a pronoun is used it should be he or she. The term 'ungentlemanly conduct, should be replaced by unbecoming conduct in article XV 93). The term 'Chairman' in Article XIII 94) should be replaced by the word Chair or Convenor.*

This recommendation was passed by the Board and will be taken forward by the constitution sub-committee.

*The constitution should be amended to ensure that access to important information as defined in the constitution is communicated effectively to all students and is available in formats which allow all students to participate in the life of the GUU.*

This recommendation was passed by the Board. The Assistant Honorary Secretary has been tasked with this.

*The Board of Management should investigate the composition of the Board over the past five years and report on its composition in terms of gender, ethnic minority and representation of students with disabilities. Should it find that the composition of the Board does not broadly reflect the composition of the student body, it should consider what steps it should take to ensure that the Board is representative in the future. Such steps might be to reconsider the composition of the Board, to require a certain percentage of members to be of sex or other appropriate measures.*

The Board shall investigate the composition of the Board over the past five years. Should it find that the composition of the Board does not broadly reflect the composition of the student body, it shall consider measures to encourage participation in elections. This task will be completed by the end of November.

*The constitution should make clear how members of Standing Committees are selected. It should state that as far as possible GUU will strive to ensure that Standing Committees are representative of the student body as a whole.*

The Board shall investigate the composition of the committees and shall consider measures to encourage participation in elections. This task will be completed by the end of November.



*Article III (12) should be deleted.*

*Article II (2) (d) should be amended by removing the words 'three ancient'. Article II (1) should be amended to replace the word 'foreign' with 'international' students.*

These recommendations were passed by the Board. These recommendations will be taken forward by the constitution sub-committee.

*The constitution should include an equal opportunities clause such as that found in Section VII of the constitution of the QMU.*

This recommendation was passed by the Board. This recommendation will be taken forward by the constitution sub-committee, who shall write a proposed equal opportunities clause.

## **Incident reporting and management (complaints)**

### **Recommendations**

*We recommend that the GUU develops a student complaints procedure and incorporate this as a bye-law. Reference should be made to the complaints procedure in the text of the constitution.*

*We recommend that the GUU develops a general complaints procedure for complaints from members of staff and members of the public and incorporates this as a bye-law.*

These recommendations were passed by the Board. A working committee shall be tasked with reviewing the proposed complaints procedures to be presented to the Board at the end of October.

*We recommend that a bye-law be passed setting out a code of discipline which allows GUU to frame specific charges and sets out its powers of sanction.*

This recommendation was passed by the Board. A working committee shall be tasked with reviewing the proposed code of discipline to be presented to the Board at the end of October.

## **Training issues**

### **Recommendations**

*GUU should have an equal opportunity and diversity policy in place to reflect its role as an employer. It should ensure that it has an appropriate complaints and grievance procedure in place to ensure the safety and well-being of staff.*

This recommendation was passed by the Board.

*All staff in a managerial position and the Executive Board and Trustees should be trained, before taking up office, on their respective obligations for equality and diversity.*

This recommendation was passed by the Board. External training courses will be sought for the General Manager, Commercial Manager and Internal Services Manager. A bye-law shall be passed ensuring that all board members are trained upon election.

*All members of GUU, all visitors, all contractors should be made aware of GUU policies, including equal opportunities policies and complaints policies.*

This recommendation was passed by the Board.

## **Same sex dining clubs**

### **Recommendations**

*Same sex dinners should be permitted provided that the purpose of the dinner complies with the objects of the Union and that participants agree to be bound by these objects and by the standards of behaviour set out in the Code of Conduct of Student Behaviour (even when they are no longer students).*

This recommendation was passed by the Board. It should also be noted that all bookings are presented to the Board on a weekly basis during term time, and must be passed before the event can go ahead.

We intend to pass a code of discipline, complaints procedure(s), equality and diversity policy and harassment and bullying policy at the end of October which will be presented in one document to any person making a booking to ensure their understanding of our policies and procedures.

### **Annexes 1-4**

The Board are grateful of the proposed documents. As indicated above, working groups made up of board members shall be tasked with writing a code of discipline, complaints procedure(s), equality and diversity policy and harassment policy using Annexes 1-4 as a template. These documents shall be presented to the Board at the end of October and upon being passed shall constitute the Code of Conduct for members of Glasgow University Union.

**GAVIN TULLOCH  
PRESIDENT  
FOR AND ON BEHALF OF THE BOARD OF MANAGEMENT  
GLASGOW UNIVERSITY UNION  
October 2013**

# ANNEX 1

## Glasgow University Union

### Policy on Harassment and Bullying (Draft)

August 2013

1. All members of, visitors to, and employees of the GUU have a right to socialise and work in an environment free from harassment and bullying. Harassment and bullying may contravene civil law, criminal law or both.

2. Even if civil or criminal law has not been contravened, harassment and bullying are fundamentally incompatible with the standards of conduct required in the GUU and will not be tolerated.

#### What is Harassment?

3. A person subjects another to harassment where he or she engages in unwanted conduct which has the purpose or effect of violating that other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

4. Grounds for harassment include among others:

- |                                |                       |
|--------------------------------|-----------------------|
| a. Race.                       | f. Sexual orientation |
| b. Colour.                     | g. Religious belief   |
| c. Nationality.                | h. Appearance         |
| d. Ethnic or national origins. | i. Age                |
| e. Gender.                     | j. Disability         |

5. Harassment can have devastating consequences for the individual concerned and all members of the GUU have a responsibility therefore to prevent harassment whether it is of other members, visitors or employees of the GUU.

6. The following are typical examples of harassment:

- a. Verbal or physical threats or abuse, including derogatory or stereotypical statements or remarks.
- b. Innuendo, mockery, lewd or sexist/ racist jokes or remarks.
- c. Personal comments about a person's physical appearance or character, which cause embarrassment or distress.
- d. The use of offensive language in describing someone with a disability, or making fun of someone with a disability.
- e. Displaying or circulating racially offensive or sexually suggestive or offensive material.

- f. Making or sending unwanted, sexually suggestive, hostile or personally intrusive phone calls, e-mails, texts, faxes or letters or electronic communications.
- g. Leering, rude gestures, touching, grabbing, patting or other unnecessary bodily contact such as brushing up against others.
- h. Unwarranted, intrusive or persistent questioning about a person's relationship status, personal life, sexual interests or orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion.
- i. Unwelcome attention, such as pestering, overly familiar behaviour, or unwelcome verbal or physical attention.

### **What is Bullying?**

- 7. Bullying is the abuse of power or position to threaten, abuse, intimidate, insult or criticise; to humiliate and undermine a person so that their confidence and self-esteem is destroyed. It may happen in public or in private and may range from overt forms such as shouting to more subtle forms such as marginalising and ignoring a person. It may arise from the personal style of the bully and attacks may be irrational, unpredictable and unfair.
- 8. Examples of bullying include:
  - a. Violence
  - b. Shouting and sarcasm
  - c. Constant destructive criticism
  - d. Behaviour that is ignoring, patronising or ostracising.

### 9. Criminal law issues:

In some circumstances, harassing behaviour can amount to a criminal offence. For example, touching, grabbing, patting or other unnecessary bodily contact might amount to the offence of sexual assault (under section 3 of the Sexual Offences (Scotland) Act 2009), while unwanted and sexually suggestive communications might amount to the offence of communicating indecently (section 7 of the same Act). A number of the other examples listed above could also result in police involvement and even prosecution. Conviction for any offence is a serious matter which can have damaging consequences for any person's future career. In particular, conviction for a sexual offence would result in the individual concerned being subject to the sexual offences notification procedure (commonly referred to as being placed on the sex offenders' register), with all the consequences this entails.

**None of the above behaviours will be tolerated in GUU. They will constitute grounds for complaint and possible disciplinary action.**

## **ANNEX 2**

### **Glasgow University Union**

#### **Complaints Procedure (University of Glasgow students) (Draft)**

**August 2013**

#### **What is a complaint?**

For the purpose of the present procedure, a complaint may be defined as:

An expression of dissatisfaction by one or more students about their dealings with GUU.

A complaint may relate to:

The quality and standard of services provided by GUU

Failure to provide a service

Treatment by or attitude of another member or employee

Inappropriate behaviour by another member or employee

The failure of GUU to follow procedures defined in its constitution or bye-laws.

#### **Who can make a complaint?**

Any registered student or group of students of the University of Glasgow

#### **Anonymous Complaints**

Anonymous complaints will be considered if there is enough information in the complaint to enable the GUU to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However, GUU may give consideration to the issues raised if it will help us improve GUU.

A decision not to pursue an anonymous complaint will be taken by the President. He/she will report his/her decision to the Board of Management.

#### **Time limits for making a complaint**

Complaints should be made with the GUU as soon as problems arise. Complaints will not normally be investigated after twelve months from the date of the matter arising.

#### **Stage 1**

A complaint made be made in writing, face-to-face, by phone or by email.

Complaints should be addressed to the President and should set out why the student or group of students is dissatisfied with their dealings with GUU.

If the complaint is against the President, the matter should be raised with the Honorary Secretary.

The complainant should, if possible, set out any proposed solution to the matter.

The President (or the Honorary Secretary in the case of a complaint against the President) will investigate the complaint.

### **Straightforward complaints**

The President will resolve the matter within five working days where the issue is straightforward and easily resolved. These complaints might be resolved by an apology, explanation or other action to resolve the complaint. The President will inform the complainant of the decision and explain the reasons for coming to it in writing, in a face to face meeting, by email or by phone. The details of the complaint, outcome and action taken will be recorded, used for improvement of GUU services and reported in an annual report to the General Meeting.

### **Complex or serious complaints or complaints which may bring the GUU into disrepute**

The Executive will investigate such complaints. The purpose of the investigation is to establish all the facts and to provide a full, objective and proportionate response. A hearing may be required to hear witnesses but a hearing is not essential in all cases. If a hearing is to be held, the Honorary Secretary will inform all parties, including the complainant, seven days in advance. The Executive will try to conclude such complaints within 20 working days of receipt of the complaint. If an extension of time is needed, the Executive will explain the reasons to the complainant and try to reach an agreement with him/her on the length of time needed. The Executive will decide what remedy is required. The remedy will depend on the nature of the complaint. In case of a serious complaint against the behaviour of a GUU member, including a member of the Board of Management, it may temporarily or permanently suspend membership of the GUU. Lesser remedies may include the imposition of a fine or the requirement to issue an apology. The Executive will inform the complainant of the outcome of their decision, with reasons. The Executive will report the details of such complaints and the action taken in an annual report to the General Meeting.

### **Stage 2**

If a complainant is dissatisfied with the outcome of the stage 1 process outlined above, he/she may appeal to the University Court. The complainant should outline why he or she is dissatisfied with the outcome. He or she should write to the Secretary of Court within 14 days of receiving the decision of GUU. It is not sufficient to appeal solely on the grounds that the student disagrees with the outcome. Potential reasons for bringing an appeal would be, for example, if the GUU had not taken significant facts into account in reaching its decision or that it had acted unfairly in reaching its decision.

The Court will set up a panel of three of its members. The panel will obtain such information as it needs to come to a decision. It may come to a decision with or without a hearing. If a hearing is arranged, a notice period of 7 days will be given to the complainant and the President of GUU.

The panel may decide to uphold or dismiss the appeal. If the panel upholds the appeal it may recommend a remedy to the University Court.

The panel will explain its reasons in writing and the Secretary of Court shall inform the complainant and the President of its decision. The Secretary of Court will inform the complainant that he or she has the right to appeal to an independent person.

### **Stage 3**

If a complainant is dissatisfied with the outcome of Stage 2 outlined above he or she should write to the Secretary of Court within 14 days of receipt of the decision of the panel and ask the Secretary of Court to appoint an independent person to investigate the complaint. It is not sufficient to appeal solely on the ground that the appellant disagrees with the decision of the panel.

The Court will appoint the independent person after consultation with the GUU. The person shall normally be a person familiar with higher education at a local university. He or she may not be a student or an employee of the University of Glasgow or a member of the University Court.

The independent person will consider the appeal and may dispose of it with or without a hearing. Seven days' notice of any hearing will be given to both the complainant and the President.

The decision of the independent person will be final.

The decision will be reported to the University Court.

The President will report on the outcome of any appeal at either Stage 2 or Stage 3 to the General Meeting.

### **Alternative procedures**

If the complaint concerns matters covered by the Code of Student Conduct, a complainant may report an allegation through the Director of the Senate Office for consideration under that Code.

### **Potential criminal offences**

Where the GUU believes that the complaint shows that a criminal offence may have been committed it may refer the matter to the police. GUU will support the complainant if he or she wishes to refer the matter to the police.

## **ANNEX 3**

### **Glasgow University Union**

#### **Complaints Procedure (General) (Draft)**

**August 2013**

#### **What is a complaint?**

For the purpose of the present procedure, a complaint may be defined as:

An expression of dissatisfaction by one or more students about their dealings with GUU.

A complaint may relate to:

The quality and standard of services provided by GUU

Failure to provide a service

Treatment by or attitude of another member or employee

Inappropriate behaviour by another member or employee

The failure of GUU to follow procedures defined in its constitution or bye-laws.

#### **Who can make a complaint?**

Any employee of GUU, any employee of the University of Glasgow, any member of the public. Student complaints are dealt with under the complaints procedure for students.

#### **Anonymous Complaints**

Anonymous complaints will be considered if there is enough information in the complaint to enable the GUU to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. However, GUU may give consideration to the issues raised if it will help us improve GUU.

A decision not to pursue an anonymous complaint will be taken by the President. He/she will report his/her decision to the Board of Management.

#### **Time limits for making a complaint**

Complaints should be made with the GUU as soon as problems arise. Complaints will not normally be investigated after twelve months from the date of the matter arising.



## **Stage 1**

A complaint made be made in writing, face-to-face, by phone or by email.

Complaints should be addressed to the President and should set out why the student or group of students is dissatisfied with their dealings with GUU.

If the complaint is against the President, the matter should be raised with the Honorary Secretary.

The complainant should, if possible, set out any proposed solution to the matter.

The President (or the Honorary Secretary in the case of a complaint against the President) will investigate the complaint.

### **Straightforward complaints**

The President will resolve the matter within five working days where the issue is straightforward and easily resolved. These complaints might be resolved by an apology, explanation or other action to resolve the complaint. The President will inform the complainant of the decision and explain the reasons for coming to it in writing, in a face to face meeting, by email or by phone. The details of the complaint, outcome and action taken will be recorded, used for improvement of GUU services and reported in an annual report to the General Meeting.

### **Complex or serious complaints or complaints which may bring the GUU into disrepute**

The Executive will investigate such complaints. The purpose of the investigation is to establish all the facts and to provide a full, objective and proportionate response. A hearing may be required to hear witnesses but a hearing is not essential in all cases. If a hearing is to be held, the Honorary Secretary will inform all parties, including the complainant, seven days in advance. The Executive will try to conclude such complaints within 20 working days of receipt of the complaint. If an extension of time is needed, the Executive will explain the reasons to the complainant and try to reach an agreement with him/her on the length of time needed. The Executive will decide what remedy is required. The remedy will depend on the nature of the complaint. In case of a serious complaint against the behaviour of a GUU member, including a member of the Board of Management, it may temporarily or permanently suspend membership of the GUU. Lesser remedies may include the imposition of a fine or the requirement to issue an apology. The Executive will inform the complainant of the outcome of their decision, with reasons. The Executive will report the details of such complaints and the action taken in an annual report to the General Meeting.

## **Stage 2**

If a complainant is dissatisfied with the outcome of Stage 1 outlined above he or she should write to the Honorary Secretary of GUU within 14 days of receipt of the decision and ask that of Court to independent person be appointed to investigate the complaint. It is not sufficient to appeal solely on the ground that the complainant disagrees with the decision. He or she should explain the reasons for dissatisfaction with the decision. The complainant may believe that GUU has ignored facts or has acted unfairly. The complainant should explain these reasons.

The GUU will appoint an independent person to investigate the complaint. The person shall normally be a person familiar with higher education at a local university. He or she may not be a student or an employee of the University of Glasgow or a member of the University Court. He she may not be or ever have been a member of the GUU.

The independent person will consider the appeal and may dispose of it with or without a hearing. Seven days' notice of any hearing will be given to both the complainant and the President.

The decision of the independent person will be final.

The decision will be reported to the President of the GUU and the complainant..

The President will report on the outcome of any appeal to the General Meeting.

### **Alternative procedures**

If the complaint concerns matters covered by the Code of Student Conduct, a complainant may report an allegation through the Director of the Senate Office for consideration under that Code.

### **Potential criminal offences**

Where the GUU believes that the complaint shows that a criminal offence may have been committed it may refer the matter to the police. GUU will support the complainant if he or she wishes to refer the matter to the police.

## **ANNEX 4**

### **Glasgow University Union**

#### **Discipline Memorandum (Draft)**

**August 2013**

#### **1. PURPOSE OF THIS MEMORANDUM**

- 1.1 The object of Glasgow University Union is to provide recreational facilities, the organisation of recreational activities and welfare support services to students in full or part-time education and to fulfil the function of a Club, particularly for Members, at which the objects of the Union are promoted and which forms a centre to which various University Societies may be affiliated.
- 1.2 Those objectives can be achieved only if the members of the Union community can live and work in conditions of safety and security and with respect for the rights of others. This memorandum is intended to support these objectives by prescribing sanctions against misconduct by members or others which interferes with the proper functioning of the Union, its activities, or with the legitimate interests of those associated with the Union. This code should be read and applied in the light of the above.

#### **2. AUTHORITY**

- 1.1 The following Standing Orders were proposed to the Board of Management on the (.....) in pursuance of its powers under Article vi.9.a 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.

#### **3. FORMS OF MISCONDUCT**

- 3.1 A person who, without good cause, does any of the following is guilty of misconduct under this Memorandum:
  - 3.1.2 Seriously disrupts, or seriously interferes with the administrative, sporting, social or other activities of the Union, whether on Union premises or elsewhere;
  - 3.1.3 Obstructs, or seriously interferes with, the functions, duties or activities of any student, member of staff or other employee of the Union or any authorised visitor to the Union.
  - 3.1.4 (a) Behaves in a violent, indecent, disorderly, threatening or offensive manner whilst on Union premises or engaged in any Union activity;
  - (b) Uses threatening, abusive or offensive language whilst on Union premises or engaged in any Union activity;

- 3.1.5 Engages in deception or other forms of dishonesty in relation to the Union or its staff or in connection with holding any office in the Union or in relation to being a student of the Union;
- 3.1.6 Behaves in a way likely to cause injury to any person or impair safety on Union premises or while engaged in any Union activity;
- 3.1.7 Harasses any member, member of staff or other employee of the Union or any authorised visitor to the Union. For these purposes “harassment” means behaviour or language which is regarded by the person to whom it is directed as harassment and which would be regarded as harassment by any reasonable person. Where a member alleges harassment by another member, there must be a direct connection to the Union in relation to the allegation.
- 3.1.8 Discriminates against any member, member of staff or other employee of the Union or any authorised visitor to the Union on any ground such as colour, race, nationality, national origins, disability, sexual orientation, religion or belief, family circumstances, political beliefs, gender, gender reassignment, trade union membership, age or any other unfair distinction.
- 3.1.9 Intentionally or recklessly damages Union property or the property of other members of the Union or of any authorised visitor to the Union.
- 3.1.10 Steals Union property, or the property of other members of the Union or of any authorised visitor to the Union.
- 3.1.11 Deliberately does, or fails to do, anything which thereby causes the Union to be in breach of a statutory obligation.
- 3.1.12 Fails to comply with a previously-imposed penalty under this Memorandum.

#### **4. MISCONDUCT AND THE CRIMINAL LAW 4.1**

##### **Misconduct which is also a criminal offence**

- 4.1.1 A person who, without good cause, engages in conduct which is a criminal offence according to the law of Scotland, is guilty of misconduct under this Memorandum provided that the conduct in question:
  - (a) took place on Union premises, or
  - (b) is committed by a student engaged on a Union activity, or
  - (c) affects or concerns other members of the Union, or
  - (d) is an offence of dishonesty, where the student holds an office of responsibility in the Union.

##### **4.2. Union policy on criminal misconduct**

- 4.2.1 The Union may report to the police any allegation of criminal misconduct if it believes that this will best serve the interests of the Union and its membership or the wider public interest.

4.2.2 The Union will report to the police any allegation of criminal misconduct:

- (a) where failure to do so may expose the Union to criminal proceedings; or
- (b) if it is of a serious nature.

4.2.3 The Union encourages any student who has been the victim of a criminal offence to report this to the Union and to the police.

- (a) Where alleged misconduct under this code constitutes a criminal offence, the Union may take action under this code whether or not the matter has been referred to the police and whether or not criminal proceedings have been initiated.
- (b) The Union may, at its discretion, await the outcome of any criminal proceedings before deciding whether to initiate any internal action in respect of alleged criminal misconduct.
- (c) The Union may, at its discretion, suspend any internal disciplinary action in respect of alleged criminal misconduct to await the outcome of any criminal proceedings.
- (d) Where a Union Member is convicted of an offence, that conviction may be relied upon as evidence in any Union disciplinary proceedings provided that the circumstances leading to that conviction are directly relevant to those proceedings.

## **5. PROCEDURE IN CASES OF ALLEGED MISCONDUCT**

### **5.1 Reporting allegations of misconduct**

- 5.1.1 Anyone may draw to the attention of the Honorary Secretary of the Union any circumstances which he or she considers may constitute misconduct by a member of the Union.
- 5.1.2 The Honorary Secretary will also determine if a complaint raises issues falling within this memorandum.

### **5.2 Disciplinary responsibilities**

- 5.2.1 It is for either an Investigating Officer or a Disciplinary Committee appointed by the Board of Management of the Union to decide whether the conduct complained of, if admitted or proved, constitutes misconduct and if so, what penalty should be imposed.
- 5.2.2 In the first instance any formal complaint received which appears to involve a matter of discipline will be referred to an Investigating Officer appointed by the Board of Management to investigate cases of alleged misconduct.
- 5.2.3 The Investigating Officer shall usually be the Honorary Secretary of the Union. Where the Honorary Secretary is the person against whom an allegation of misconduct is being made the Investigating Officer will be the Assistant Honorary Secretary whom failing any other competent person identified by the Board of Management.

### **5.3 Preliminary investigation by Investigating Officer**

- 5.3.1 The Investigating Officer shall conduct such preliminary investigation as seems appropriate to the case, including the consideration of such representations as may be submitted by interested parties.
- 5.3.2 After preliminary investigation the Investigating Officer may:
- (a) dismiss the allegation of misconduct, or
  - (b) conduct a hearing on the alleged misconduct and determine the case in accordance with paragraphs 5.4 below
- 5.3.3 The Investigating Officer will refer a case to a Disciplinary Hearing only if there appear to be good reasons for believing that misconduct may have occurred.

#### **5.4 Disciplinary Committee Panel**

- 5.4.1 The Disciplinary Committee are appointed from the Disciplinary Committee Panel. The Disciplinary Committee panel shall comprise:
- (a) The Trustees of the Union as defined by Article XII of the Constitution of the Union, excepting members of the Executive Committee as defined by Article VI 1.a.ii.
  - (b) If all Trustees of the Union as defined by Provision 5.3.1 (a) are unable to attend, the Assistant Honorary Secretary shall arrange for a Former Student Member as defined by Article VI 1.b.ii of the Constitution of the Union to henceforth fulfill the Trustee's duties at the current diet.
  - (c) Members of the Union who are not at the time members of the Board of Management.
  - (d) Honorary Members, Associate Members and Ordinary Members who have not completed one Academic Session of membership shall be ineligible for service on the Disciplinary Committee Panel.
  - (e) There shall be no fewer than six Life Members on the Register at any time.
- 5.4.2 The Assistant Honorary Secretary shall maintain a Register of Members of the Disciplinary Committee Panel.
- (a) He or she shall invite applications for service on the Disciplinary Committee Panel from eligible members of the Union whenever the number of those listed under Provision 5.3.2 (c) falls below twenty.
  - (b) He or she shall invite applications for service on the Disciplinary Committee Panel from Life Members whenever the number of those listed under Provision 5.3.2 (e) falls below six.

#### **5.4 Disciplinary Hearings**

- 5.4.1 The Honorary Secretary shall schedule Disciplinary Hearings as required, having regard to the volume of cases.

- 5.4.2 When the Honorary Secretary has fixed a hearing date he or she shall inform the Assistant Honorary Secretary who shall select five persons who are members of the Disciplinary Committee Panel under Provision 5.3.2.
- 5.4.3 This selection will be made 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 Committee Panel serving in rotation.
- 5.4.4 In addition to those selected under Provision 5.4.2, 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. In this respect:
- (a) 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.
  - (b) The Trustee will have exclusive competence in recommending a penalty in those cases the Diet finds proven.
- 5.4.5 The Assistant Honorary Secretary:
- (a) Shall inform the selected members of the date, time and place of the Hearing as soon as possible.
  - (b) If any Disciplinary Hearing Panel member selected is unable to attend, the Assistant Honorary Secretary shall arrange for the next in order to serve.
- 5.4.6 The President shall be Convenor of the Hearing ex officio.
- 5.4.7 Excluding the Chairman and the Trustee, the quorum at the Hearing shall be five.
- 5.4.8 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 Depute-Convenor. In the absence of the President from a Diet of the Panel, one of the Depute-Convenors 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 Depute-Convenors shall chair the diet for that hearing and in such cases be an ex officio member of the Diet.

## **5.5 Disciplinary Hearings Procedure**

The following procedure shall be followed in all cases of alleged misconduct that proceed to hearing.

### **5.5.1 Procedure prior to the hearing**

- 5.5.1.1 Any member of the Union who is the subject of disciplinary proceedings shall be informed in writing of any allegations made against him or her or her under the terms of Section 3 of this memorandum and of the date and venue of the proposed hearing, normally with notice of at least seven days during term-time and fourteen days out of term.
- 5.5.1.3 The member shall be invited to respond in writing to these allegations, but shall not be required to do so.
- 5.5.1.4 The member shall be provided with a copy of this memorandum
- 5.5.1.5 The hearing may be adjourned to a later date if the interests of justice would be served thereby.
- 5.5.1.6 The member shall receive copies of all written submissions which are to be considered at the hearing, normally at least seven days before the hearing during term-time and fourteen days out of term.

### **5.5.2 Representation**

- 5.5.2.1 The member, and, where the proceedings are based on an alleged offence against another person, that person (“the complainer”), may be accompanied or represented at any hearing of the case by one person of his or her choice. The Convenor of the Disciplinary Committee (“the Convenor”), has the discretion to permit other persons to accompany the student or the complainer at the hearing.
- 5.5.2.2 The Union will not provide legal or other representation for complainers or for members subject to disciplinary proceedings under this Memorandum.

### **5.5.3 Conduct at the hearing**

- 5.5.3.1 The Convenor will outline the procedures to be followed, after which the witness(es) will be asked to leave until called to give evidence.
- 5.5.3.2 The Convenor will then outline the nature of the allegation(s) against the member and invite the member to state whether he or she admits or denies the allegations.
- 5.5.3.3 The Convenor will invite the Investigating Officer to make a statement regarding the decision he/she reached following the disciplinary hearing.



- 5.5.3.4 The Committee will take the opportunity to seek clarification on any points raised with the Investigating Officer.
- 5.5.3.5 The Convenor will invite the member to make a statement.
- 5.5.3.6 The member and/or the member 's representative may at this stage present supporting evidence to the Committee. Evidence may include oral evidence of witnesses or written submissions.
- 5.5.3.7 The Committee will take the opportunity to seek clarification on any points raised, both with the member and any witness(es).
- 5.5.3.8 Any oral evidence will be taken in the presence of the member or, in his or her absence, and with his or her approval, in the presence of his or her representative.
- 5.5.3.9 The member and/or his or her representative will be invited to address questions through the Convenor to the Investigating Officer or witness(es) on their statement(s) and on their written submissions.
- 5.5.3.10 The member and/or his or her representative will be invited to give a concluding statement.
- 5.5.3.11 When all statements have been made, all witnesses heard and all questioning completed, all persons present other than the members of the Disciplinary Committee must leave the room. The Clerk may, however, remain with the Disciplinary Hearing.
- 5.5.3.12 The Disciplinary Committee will consider the evidence and reach a decision, which will be communicated to the member in writing **normally** within five working days of the Disciplinary Committee reaching a decision.

## **5.6 Determination of the case in the absence of the member**

- 5.6.1 Where a member cannot attend an initial interview or hearing he/she, as an alternative, can either select another person to represent him or her, or submit further representations in writing, but shall not be required to do so. Where a student elects to select another person to represent him or her, written notification of this must be submitted to the Honorary Secretary as Investigating Officer.
- 5.6.2 In the event that a hearing is deferred at the request of the member, the hearing must be rescheduled to take place on a date normally within 6 weeks of the date originally notified to the member. If the member is unable to attend the rescheduled hearing the case will be considered and a decision reached in the absence of the member. Under the terms of paragraph 5.6.1 the member can either select another person to represent him or her, or submit further representations in writing.
- 5.6.3 If the Investigating Officer or the Disciplinary Committee believes that a member has wilfully refused to attend a formal hearing, the case may be considered and a decision reached in the absence of the member.

## **5.7 Penalties**

- 5.7.1 Where the Disciplinary Hearing finds a complaint against the member proven, the case shall be referred to the Trustee of the Union sitting at the hearing as defined by Provision 4.3.1 for consideration of penalty.
- 5.7.2 Notwithstanding that a Diet of the Disciplinary Hearing Panel finds a complaint against a member proven, the Trustee sitting at the Disciplinary Hearing shall have power to grant an Absolute Discharge to the member. This fact must be reported to the Board of Management with reasons, but will not form part of the disciplinary record of the member.
- 5.7.3 Where the Trustee considers that a penalty is required he or she shall have power to recommend to the Board of Management that;
- (a) The member be admonished
  - (b) A specified fine be imposed
  - (c) The member be suspended from the privileges of membership for such a period as he or she thinks fit
  - (d) The member be expelled from membership and declined subsequent readmission.
  - (e) Any combination of (b) and (c) as is thought appropriate.
- 5.7.4 A recommendation under 5.6.3 must be reported to and ratified by the Board of Management , and will form part of the disciplinary record of the member.

## **6 RIGHTS OF APPEAL**

- 6.1 There shall be a Disciplinary Appeal 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.
- 6.2 The Assistant Honorary Secretary shall maintain a list of eligible members of the Union who have expressed a willingness to serve on the Disciplinary Appeal Committee.
- 6.3 A quorum of the Disciplinary Appeal Committee shall be three.
- 6.4 A member has the right of appeal to the Disciplinary Appeal Committee against:
- (a) a finding of misconduct by a Disciplinary Hearing and/or
  - (b) any penalty imposed by a Disciplinary Hearing
- 6.5 An appeal against a decision of a Disciplinary Hearing, must be made in writing to the Honorary Secretary, stating clearly the grounds of appeal, within fourteen days of the date of the Disciplinary Hearing's written decision.

- 6.6 An appeal to the Disciplinary Appeal Committee will only be considered on the following grounds:
- (a) that the Disciplinary Committee, in reaching the decision challenged, did not follow the approved procedures for determining misconduct, as set out in this memorandum; and/or
  - (b) that the decision of the Disciplinary Hearing was unreasonable, that is, that the decision reached was one which no reasonable person, properly advised, could have reached.
- 6.7 An appeal against a decision of a Disciplinary Committee will normally be heard within twenty-eight days of the date on which the appeal is lodged with the Honorary Secretary.
- 6.8 The Assistant Honorary Secretary shall give the member appealing at least five days' notice by recorded delivery of the meeting of the committee.
- 6.9 The Convenor of the Disciplinary Committee and the member 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. The following shall apply:
- (a) The Appeal Committee may only review those issues raised by the member in his or her appeal.
  - (b) The member may offer a plea in mitigation.
  - (c) The member may lead new evidence as it affects the findings of the hearing but only if already intimated to the Appeal Committee in terms of provision 6.9.(a)
  - (d) The member may lead evidence as to the procedural unfairness of the conduct of the original hearing.
- 6.10 The Disciplinary Appeal Committee may:
- (a) set aside the finding of misconduct and quash any penalty imposed;
  - (b) in the case of an appeal against the penalty, waive, uphold or reduce the penalty imposed by the Disciplinary Committee, or substitute a penalty which could competently have been imposed by the Disciplinary Committee, provided that it is not more severe than that which was imposed by the Disciplinary Committee.
- 6.11 In all cases, the Appeal Committee's decision shall be final, and shall not be subject to ratification by the Board of Management.

[END]