
BY-LAW 12 APPENDIX 7

Procedures relating to Elected officers including Sabbatical Officers

1. Introduction

- 1.1. All members of the Students' Union may stand for election to office. Once elected these officers have committed to discharge their responsibilities to the best of their ability. As these individuals carry additional responsibilities there are additional processes for holding them to account.
- 1.2. Sabbatical Officers are democratically accountable to the membership and they are also employees of the Students' Union. This means that the disciplinary process for sabbatical officers has additional stages in order to ensure fair treatment and comply with employment law.

2. Procedures relating to Elected Officer's Political Performance (including Sabbatical Officers)

- 2.1. Elected officers are held accountable to the members through the political processes. Where the political performance of an Officer is in question the following procedure will be followed.
- 2.2. Under Article 38, an elected Officer can be removed from Office by;
 - a) A motion of no confidence in the Elected Officer passed by a two thirds majority vote at a quorate All Students Meeting. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 1% of members.
 - b) A motion of no confidence in the Elected Officer is passed by a two thirds majority in a vote of the Student Council. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 0.5% of Members.
- 2.3. The motion must contain details of the way in which the Officer is deemed to have failed in their duties.

3. Investigation

- 3.1. A sub-committee of Student Council will be set up to investigate the allegation in order to gather factual information.
- 3.2. The Investigation Sub Committee will consist of two members of Council.
- 3.3. In the case where No Confidence is a possible outcome, there will be an independent presence, likely to be the Human Resources Manager or another member of the Human Resources Department although there may be another suitably qualified member of staff.

4. Student Council/All Student Meeting

- 4.1. In the interest of fairness, the meeting will be presented with;
- a) The motion (of no confidence or censure)
 - b) The findings of the Investigation Sub Committee
 - c) Any representations from the Elected Officer

A vote will be taken in compliance with the By Laws and Memorandum and Articles of Association.

- 4.2 There is no right of appeal against a motion of No Confidence

5. No Confidence in a Sabbatical Officer

In the specific case where a motion of No Confidence in a Sabbatical Officer is passed after this process, the following procedure must be followed:

- 5.1 The Trustees will determine whether it is appropriate to suspend the Sabbatical Officer from their employment duties whilst the processes relating to their employment are carried out. Suspension is not a form of disciplinary action.
- 5.2 Following a vote of No Confidence, the Officer will no longer be an office holder and as such will not be required to represent the SU or its members in any formal capacity. They will be eligible to continue as an Officer Trustee under Article 34 of the Memorandum and Articles. In the event that the Trustees meet to discuss any issues relating to the vote of No Confidence, the Officer would need to declare a conflict of interest and take no part in the discussion or participate in any vote.
- 5.3 As an investigation has already been carried out, there will not normally be a requirement to carry out a further investigation. The facts of the removal from office will be a matter of record.
- 5.4 If an investigation is required, the Trustees will determine who should conduct the investigation. It would normally be a member of the Trustee Board.
- 5.5 The Chief Executive or their delegated representative will support the Trustees throughout in respect of procedure.
- 5.6 A Disciplinary Hearing will be convened. (Refer to the SU's Staff Disciplinary Procedure for details relating to informing the Officer and administration of the hearings, before, during and afterwards).

- 5.7 The Disciplinary Panel will normally be:
- a) A Lay Trustee
 - b) A Sabbatical Officer Trustee (normally the Chair)
 - c) A Student Trustee
- 5.8 No member of the Panel can have participated on the motion of No Confidence.
- 5.9 Where this means that no Sabbatical Officer or Student Trustee can participate in the panel, a Sabbatical Officer Trustee and/or a Student Trustee from another Students' Union can be called upon.
- 5.10 The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
- 5.11 The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
- 5.12 In the circumstances of an Officer being No Confidenced, the reason for consideration of dismissal as an employee would normally be that of dismissal by reason of "some other substantial reason". The Elected Officer has to be a member of the Students' Union and an Officer holder to be employed as a Sabbatical Officer. If these are no longer the case, the Officer can no longer remain an employee.

6. Appeals Procedure

- 6.1 If the Officer is dismissed from employment, they can appeal that decision.
- 6.2 The Appeals Panel would consist of:
- a) A Chief Executive/General Manager and Sabbatical Officer of another Students' Union
 - b) A full member of Warwick SU who is not a member of Student Council or a Trustee
 - c) A representative of the University of Warwick

7. Disciplinary Processes relating specifically to Sabbatical Officers

Where a Sabbatical Officer breaches the SU Code of Conduct or is accused or misconduct relating to their employment (see below for examples of misconduct and gross misconduct in employment), the following procedure will be followed:

7.1 Investigation

- a) The Board of Trustees will set up an Investigation Panel. This would normally be a nominated and suitably experienced member of the Board of Trustees but may, at the discretion of the Trustees, comprise up to three members of the Board. In this case, there will be one Student Trustee, one Lay Trustee and One Sabbatical Officer Trustee.

- b) The Investigation will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive
- c) The Investigation will be carried out in accordance with the Staff Disciplinary procedure unless specified otherwise in this procedure
- c) Suspension may be considered. This is not disciplinary action. Where immediate suspension is required due to a serious issue, suspension may be carried out by the President or another member of the Sabbatical team accompanied by a member of the Senior Management Team.

7.2 Disciplinary Hearing

If, following investigation, the panel deem there to be grounds for a Disciplinary Hearing, the following procedure will be followed:

- a) The Board of Trustees will set up a Disciplinary Panel. The Panel will include:
 - i A Lay Trustee
 - ii A Sabbatical Officer Trustee (normally the Chair)
 - iii A Student Trustee
- b) No member of the Panel can have participated in the Investigation
- c) Where this, along with any potential conflicts of interest means that there is no Sabbatical Officer or Student Trustee who can participate in the panel, a Sabbatical Officer Trustee and/or a Student Trustee from another Students' Union can be called upon.
- d) The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
- e) The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
- f) The Hearing will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.
- g) The sanctions following a hearing are set out in the Staff disciplinary procedure.

7.3 Appeals Process

Any Sabbatical Office who has received any disciplinary sanction following a hearing can appeal that decision. The following procedure will be followed:

- a) The Board of Trustees will set up an Appeals Panel. The Panel will include:
 - i A Chief Executive/General Manager of another Students' Union

- ii A Sabbatical Officer of another Students' Union
 - iii A full member of Warwick SU who is not a member of Student Council or a Trustee
- b) The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
 - c) The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
 - d) The Hearing will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.

7.4 Grounds for Appeal

An appeal may be made against the decision of the Disciplinary Panel. Appeals may be submitted on the following grounds:

- a) That there was a material irregularity or failure in procedure in the conduct of the original Disciplinary Hearing.
- b) That there appears to be evidence of prejudice or bias in the preparation for or during the original Disciplinary Hearing.
- c) That relevant and apparently credible evidence has come to light which could not have been obtained with reasonable diligence for the original Disciplinary and which would probably have had an important influence on the Hearing.
- d) That in the light of such new evidence, the penalty imposed by the Disciplinary panel is excessive in relation to the offence committed.

7.5 Definitions of a Breach of SU's Code of Conduct or Misconduct in Employment

7.5.1 Misconduct

The following gives examples of conduct deemed to be unacceptable, warranting disciplinary action but not instant dismissal for a first offence. This list is not exhaustive and is intended to give guidance, negligent breaches of organisational regulations or procedures or misconduct, e.g.:

- a) Failure to adhere to Financial Regulations
- b) Failure to follow Health and Safety Regulations
- c) Misuse or wastage of organisational resources
- d) Failure to comply with the Equal Opportunities By law
- e) Falsification of expense claims
- f) Failure to adhere to the Computer Use Policy
- g) Being intoxicated or under the influence of drugs whilst carrying out required duties (in circumstances where subsequent behaviour is unacceptable or where health and safety of themselves or others is put at serious risk, this may be deemed to be Gross Misconduct)
- h) Poor timekeeping or attendance
- i) Behaviour towards colleagues, members or other stakeholders which

cause difficult relationships or damages the organisation's reputation

- j) Failure to make the most cost effective travel arrangements
- k) Distortion of records of personal or organisational performance
- l) Breaches of confidentiality (except in cases under the remit of the Public Interest Disclosure Act, refer to "Whistleblowing Policy)
- m) Breach of the Conflict of Interest Policy
- n) Breach of the Anti-Bribery Policy
- o) Failure to carry out actions required by Warwick SU policy
- p) Coercion for proxy votes for use at General Meetings

7.5.2 Gross Misconduct

The following list sets out examples of Gross Misconduct, behaviour that may result in the summary dismissal for a first offence. The list is not exhaustive: Deliberate or flagrant breaches of regulations or serious misconduct:

- a) Theft or fraud
- b) Failure to adhere to Financial Regulations
- c) Failure to follow Health and Safety Regulations/Procedures that have or could have resulted in serious consequences
- d) Failure to comply with the Equality and Diversity By-Law
- e) Acts of sexual impropriety
- f) Illegal acts during work or whilst clearly identifiable as an Officer or Trustee of the Students' Union
- g) Falsification of expense claims
- h) Breach of the Conflict of Interest Policy
- i) Breach of the Anti-Bribery Policy
- j) Failure to adhere to the Computer Use Policy
- k) Distortion of records of personal or organisational performance
- l) Fighting on the premises, including assault of any other person
- m) Bullying of colleagues, members or other stakeholders
- n) Harassment of colleagues, members or other stakeholders
- o) Abusive behaviour towards a colleague, visitor or member
- p) Committing an act of unlawful discrimination
- q) Malicious damage of company property, colleagues' property or members' property
- r) Possession of illegal drugs on the premises
- s) Committing an act of gross misconduct or criminality outside the Students' Union whilst representing Warwick SU

- t) Serious negligence which causes or might cause unacceptable loss, damage or injury

8. Procedure if University of Warwick withdraws a Sabbatical Officer's Student Status

8.1 Sabbatical Officers of the Students' Union are granted student status by the University of Warwick. If this status is withdrawn for whatever reason, the Officer is no longer a member of the Students' Union and thus can no longer continue as an Elected Officer. Refer to Article 11 of the Memorandum and Articles of Association.

8.2 Once student status is removed, the Elected Officer is also removed from any ex officio positions such as Director of any subsidiary companies. They will be eligible to continue as an Officer Trustee under Article 34 of the Memorandum and Articles. In the event that the Trustees meet to discuss any issues relating to the removal of Student Status, the Officer would need to declare a conflict of interest and take no part in the discussion or participate in any vote.

8.3 Such an occurrence has implications for their continued employment.

8.4 Investigation

- a) The Trustees will determine whether it is appropriate to suspend the Sabbatical Officer from their employment duties whilst the processes relating to their employment are carried out. Suspension is not a form of disciplinary action.
- b) They will no longer be an office holder and as such will not be required to represent the SU or its members in any formal capacity.
- c) The Board of Trustees will set up an Investigation Panel. This would normally be a nominated and suitably experienced member of the Board of Trustees but may, at the discretion of the Trustees, comprise up to three members of the Board. In this case, there will be one Student Trustee, one Lay Trustee and one Sabbatical Officer Trustee.
- d) The Investigation will be supported and advised by a suitably experienced member of Students' union staff, nominated by the Chief Executive.
- e) The Investigation will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.
- f) The Chief Executive or their delegated representative will support the Trustees throughout in respect of procedure.

8.5 Appeal Procedure

- a) If the Officer is dismissed from employment, they can appeal that decision.
- b) The Appeal Panel will consist of:

- i A Chief Executive/General Manager and Sabbatical Officer of another Students' Union
- ii A full member of Warwick SU who is not a member of Student Council or a Trustee
- iii A representative of the University of Warwick

Refer to the Staff Disciplinary Procedure for details relating to informing the Officer and administration of the hearings, before, during and afterwards.

9. Procedure Relating to the Capability of an Officer (where not raised under Political Performance)

9.1 Objective Setting

- a) Officers will be required to provide their objectives for their Term of Office to the Student Council
- b) These should be submitted to the first Student Council meeting of each academic year
- c) Support will be given to Officers to enable them to meet this requirement.

9.2 Review of Officer Objectives

Student Council will review these objectives at least once a term or as often as they feel is appropriate.

9.3 Procedures if Performance is Unsatisfactory

- a) Where there is concern expressed by the Student Council following review of objectives, they will appoint an Investigating Officer to meet with the Officer concerned with a view to developing an Officer Development Plan. This process will be supported by a member of staff of the Officer under scrutiny's choice.
- b) In the case of a Sabbatical Officer, this will normally be their staff mentor and in the case of a non-Sabbatical Union Officer, this will be either a member of the Advice Centre staff team or the HR staff team.
- c) The role of this person will be to support the Officer under scrutiny and ensure fairness of the process.
- d) Progress against the Officer Development Plan will be carried out by the Investigating Officer, again, in the presence of a member of staff.
- e) If progress continues to be unsatisfactory, the Disciplinary Procedure will be invoked as above.
- f) This process does not usurp the process of censure or no confidence.

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App Oct 2015