



SABBATICAL TRUSTEE CANDIDATES DECLARATION INCLUDING TERMS AND CONDITIONS OF OFFICE AND CODE OF CONDUCT

This document is designed to ensure that candidates know what is expected of them before, during and after standing in a cross campus election for election as a Sabbatical Trustee Officer. It ensures that candidates are not elected to positions that they are unable to occupy and candidates know their employment terms and conditions, which must be adhered to, in advance of being successfully elected. **It is very important you read and understand this document as by signing, or agreeing to this on line, you agree that this will be part of the legal contract of employment should you be successful in the election you are standing.** If you have any questions in regards to this, please contact the Chief Executive of the Students' Union ceo@lincolnsu.com

SECTION I - SCOPE

1. This document forms part of the conditions of service of a Sabbatical Trustee and should be read in conjunction with the Sabbatical Trustee Contract, Constitution, Byelaws and policies of The University of Lincoln Students' Union Group of companies. ('ULSU'). It shall be the principal document governing the conduct of all members of the Executive Committee.

This document applies to Sabbatical Trustees, Sabbatical Trustees ('Elect') and all candidates standing for a Sabbatical Trustee position (see paragraphs 2 and 3 below).

The employment status of a Sabbatical Trustee requires that:

- The University enrolls them as a student and they remain a student
- They remain in membership of University of Lincoln Students' Union ('ULSU')
- They have been elected into office and continue in office

If one or more of these employment statuses is removed, the employment status of the Sabbatical Trustee will automatically be removed.

SECTION 2 – NOMINATION FOR SABBATICAL TRUSTEES

2. In order to stand for election as a Sabbatical Trustee, individuals must submit a Nomination Form under the terms specified by the Elections Regulations. Upon submitting their Nomination Form for election as a Sabbatical Trustee, all

candidates shall be subject to the Terms and Conditions and the Code of Conduct as stipulated below, for the duration of the election period.

Any candidate standing for the position of Sabbatical Trustee who has been dismissed for misconduct from temporary or permanent employment in ULSU, will be barred from standing.

Any candidate who has previously been removed as an elected officer as a consequence of disciplinary reasons will not be eligible for election in accordance with by-law 7.2.2.5

SECTION 3 – MEMBERS OF THE EXECUTIVE (ELECT)

3. All Sabbatical Trustees (Elect) shall be subject to the terms and conditions within this document. Additionally, a Sabbatical Trustee (Elect) dismissed for misconduct from temporary or permanent employment in ULSU will be disqualified from office.

SECTION 4 – SABBATICAL TRUSTEES

4. Upon signing this document, all Sabbatical Trustees and candidates in Sabbatical Elections agree to be subject to the terms stipulated below. Candidates are unable to stand unless document is signed in advance of the election opening.

Contravention of these terms shall result in disciplinary action as outlined in the relevant paragraphs of this document.

SECTION 5 - ELECTION

5. All candidates shall be subject to the terms governing the conduct of elections (Bye-law 7).

Declaration of Criminal Cautions and Convictions

- i) All Sabbatical Trustee candidates are required to declare whether they have a pending charge, criminal cautions, or convictions on their Nomination Form as part of the nominations process, by emailing the Chief Executive, ceo@lincolnsu.com, as stated in the Candidate declaration. Spent convictions as detailed under the Rehabilitation of Offenders Act must also be declared. If they do not declare these then they will not be eligible to go forward for election. Failure to make an accurate declaration is dealt with as per paragraph vii) of this section.

In order to maintain confidentiality, prior to competing the nomination form on line, candidates are advised to contact the Chief Executive of the Students' Union to discuss the declaration if they believe they need to declare a charge, caution or conviction. Any nominations indicating criminal cautions or/and convictions will be passed to the Chief Executive, who will deal with the matter as outlined below in paragraphs (ii) to (v) below.

- ii) Any candidate who has declared a criminal caution or/and a conviction will then be required to give details of the caution or/and conviction to a select and confidential panel drawn from the membership of the Human Resources Sub Committee of the Board of Trustees., who shall form the 'Select Panel with responsibility for DBS policy'. This panel shall consist of an External Trustees, a Student Trustee and an incumbent Sabbatical Trustee. The Chief Executive shall act as an advisor. In the event of the Chief Executive not being present the Head of Human Resources and Operations may deputise.

The candidate may have a companion, who shall be a student of the University (but not a member of the Union's Board of Trustees), present at the meeting but shall not take part.

The panel will meet as soon as possible after the nomination has been handed in but no more than 5 clear days later. The candidate's nomination shall stand until a decision of the panel has been reached.

- iii) The panel shall assess, under the terms stipulated by the Rehabilitation of Offenders Act, Charity Commission guidance and Charity Law, and those reasons stipulated below, whether the offence is relevant to the position of Sabbatical Trustee of University of Lincoln Students' Union, and therefore whether the candidate shall be able to continue in the elections.

Charges, Cautions and Convictions that are relevant to the position of Sabbatical Trustee of University of Lincoln Students' Union are:-

- Violent crime or assault
 - Financial irregularity – that shall include theft, fraud, deception to gain funds.
 - Acts of discrimination – that shall include racism, homophobia and sexism.
 - Acts of crime involving the use, possession or supply of controlled substances
 - Acts of crime involving sexual behaviour
 - Acts of crime against vulnerable individuals
- iv) If the panel agree by a majority that the conviction is deemed relevant to the position of Sabbatical Trustee of University of Lincoln Students' Union, and is deemed to impact upon the ability of the candidate to carry out the duties of a Sabbatical Trustee, the candidate in question shall be withdrawn from the elections (subject to (v) below). In determining the outcome, the panel should take into account how the charge, caution or conviction occurred and any mitigating circumstances (e.g. pleading guilty) and the severity of the penalty.
- v) A candidate who is deemed unfit to stand in the elections by the panel has the right to appeal. They will be required to submit their letter of appeal within 2 clear days of the time of the result of the panel being made

available to the candidate. The letter must outline the reasons for the appeal and it must be submitted to the Chief Executive (CE) or in their absence their nominated deputy in a sealed envelope marked "Strictly Private and Confidential". By making an appeal, the candidate consents to his convictions being heard by the Appeal Panel.

If, after the allotted 2 days, no appeal has been received, the candidate will be assumed to have withdrawn from the election, and the Nomination Forms on notice boards will be so marked. No reason for the withdrawal will be revealed.

The appeal shall be considered by the Appeal Panel comprising the remaining three members of the Human Resources Sub Committee of the Board of Trustees. In the event a trustee not being available the equivalent (External/Student/Sabbatical) of Trustee can deputise.

The Chief Executive or in their absence, the Head of Human Resources and Operations, shall act as advisor. Should the Appeal Panel uphold the appeal, the candidate will be allowed to continue in the election.

- vi) Should the Appeal Panel uphold the disqualification, the candidate shall be withdrawn from the election, and their Nomination Forms on notice boards will be marked as such.
- vii) If a criminal caution, charge or/and conviction is not declared at the time of nominations, but is later revealed on the subsequent DBS check that all Sabbatical Trustees (Elect) must undergo, the Sabbatical Trustee (Elect) will be automatically disqualified, and unable to take up office as a Sabbatical Trustee. Sabbatical Trustees will not be permitted to take up the post in office until a DBS check has been received by the Students' Union
- viii) If a Sabbatical Trustee is charged, convicted of a crime or receives a criminal caution whilst in office, they shall be subject to the enquiry procedure stated above. The charge, caution or conviction must be declared to the Chief Executive within 24 hours of the effective date. If the Sabbatical Trustee concerned is a member of the Human Resources Sub Committee of the Board of Trustees, another Sabbatical Trustee shall be appointed to sit on the Select Panel.
- ix) In all processes above, if any member of the panel feels they are unable to assess the case fairly or has an interest in the party concerned, they must declare their interest and shall be replaced on the panel by another equivalent Trustee, In the event that there are insufficient Trustees or equivalent Trustees able to form the Select Panel or the Appeals Panel then a members of the Students' Union Senior Management team, chosen by the Chief Executive, may sit on the panel.

SECTION 6 - EMPLOYMENT

- 6. As per the Student Employment Policy, Sabbatical Trustees will not be allowed to be employed by the University of Lincoln Students' Union or Lincoln Students'

Union Trading Ltd in Permanent Staff Positions within the first two years following the end of their term in office.

SECTION 7 – REMUNERATION

7. The Sabbatical Trustees are entitled to remuneration as approved by the Articles of Association.

SECTION 8 - ATTENDANCE

8. i) **Candidates for Sabbatical Trustees**

All individuals wishing to stand in the sabbatical trustee elections must attend the following meetings:

- Candidate Briefing
- Election Question Time

If a candidate cannot attend the above meetings, they must give apologies and have exceptional circumstances as a reason to the returning officer, at least two clear days in advance of the meeting unless in exceptional circumstances. The Returning Officer of the Elections will have final jurisdiction over what are deemed to be 'exceptional circumstances'.

If apologies are not received for the Candidate Briefing, candidates will not be entered on the ballot paper. In the result of apologies being received the returning officer will arrange for a private briefing to occur before the elections open.

If a good reason is not provided to the returning officer for the Election Question Time event, the candidate shall be disqualified from the elections.

ii) **Sabbatical Trustee (Elect)**

a) All Sabbatical Trustees (Elect) must attend All Student members' meetings following their election, and any other meetings that are arranged from time to time by the University of Lincoln Students' Union or the University of Lincoln, which request their presence. If a Sabbatical Trustee (Elect) is unable to attend such meetings, they must give their apologies to the current Sabbatical Trustee of their position. In the case of All Students' Members' Meetings this must be five clear days in advance of the meeting, and apologies should be given to the President. In the case of any other meetings, apologies must be given to the current Officer in their position at least 3 clear days in advance of the meeting. If apologies are not received, Sabbatical Trustees (elect) may be subject to the disciplinary procedures for Sabbatical Trustees as stipulated below.

b) Sabbatical Trustees (Elect) **must** also attend the period of handover that precedes their taking up of office, and not take annual leave during Sabbatical Training scheduled weeks. These dates are as follows:

iii) **Sabbatical Trustees**

- a) Sabbatical Trustees are required to fulfil such duties as are specified in the rules and regulations of their position, all duties that are necessary to fulfil the aims and objectives of the University of Lincoln Students' Union; and to ensure the effective running of the University of Lincoln Students' Union.
- b) Sabbatical Trustees are required to attend such meetings of All Student Members meetings, the Executive Committee and other standing committees as directed by rules and regulations, and to attend those meetings that may be called from time to time to ensure the effective running of the University of Lincoln Students' Union; and the representation and support of the membership.
- b) When in post, the Sabbatical Trustees are obliged to work 37 hours in a working week. They are required to work outside of, or in excess of, these hours when their responsibilities and duties dictate. Lieu hours may be recorded, however at the end of the contract, no payment will be made for hours or annual leave not taken. It is the responsibility of the Sabbatical Trustee to manage their own working schedule.
- c) Sabbatical Trustees are not permitted to work from home, all working hours must be completed in line with their working schedule as prescribed by their working schedule. No request by a Sabbatical Trustee to work from home will be granted.
- d) Annual leave should routinely be taken outside term time. If annual leave is taken during term time, then no more than 2 consecutive days will be permitted. The Chief Executive, on behalf of the Board is the line manager of the Sabbatical Trustees and the point of contact for any queries about Annual Leave and other employment matters. Annual Leave is approved by the Executive Committee for all Sabbatical Trustees, including the President. If more than 2 consecutive days is requested to be taken during term time, both Executive Committee and Board of Trustee Approval is required. This does not affect leave granted by any other policy as detailed in the Sabbatical Trustee Handbook.

Prolonged absence without good cause or a failure to fulfil the duties as specified above shall result in Sabbatical Trustees being held to account by the Board of Trustees, or by an All Students' Members meeting, as detailed in the disciplinary procedures stipulated below.

SECTION 9 - BEHAVIOUR

9. This section shall apply in full to all candidates wishing to stand as a Sabbatical Trustee, who have submitted their Nomination Form, all Sabbatical Trustees (Elect) and Sabbatical Trustees.
- i) It is required they shall conduct themselves in a manner that shows due respect to the Union's members, guests, all individuals working at all levels and grades, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, home workers, casual workers, agency staff, volunteers, interns, agents, sponsors or any other person associated with the University of Lincoln Students' Union; or any of our subsidiaries or their employees, wherever located; and in accordance with the Constitution, Bye Laws and rules and regulations.
 - ii) It is required that whilst bound by the Terms and Conditions of Office and Code of Conduct, they conduct themselves in a manner that does not bring the University of Lincoln Students' Union into disrepute.
 - iii) Whilst bound by the terms of the Terms and Conditions and Code of Conduct, anyone who commits any offence that would be cause for disciplinary action, shall be subject to the disciplinary procedures as outlined below.
 - iv) In the case of sabbatical trustee candidates, any allegations of offence directly relating to the election process, as outlined in bye-law 7 shall be dealt with by the Election regulations.
 - v) All Trustees of University of Lincoln Students' Union are expected to base their behaviour on the Seven Principles of Life in Public Service (after the Nolan Report):

Selflessness

Trustees should take decisions solely for the benefit of the University of Lincoln Students' Union. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Trustees should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out ULSU business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Trustees should make choices on merit only.

Accountability

Trustees are accountable for their decisions and actions to ULSU members, and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Trustees should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider membership's interest clearly demands.

Honesty

Trustees have a duty to declare any private interests relating to their ULSU duties and to take steps to resolve any conflicts arising in a way that protects the interests of ULSU.

Leadership

Trustees should promote and support these principles by leadership and example.

SECTION 10 – VACANT POSTS

10. In the case of a Sabbatical Trustee (elect) withdrawing from or being withdrawn from the election process, or being disqualified from taking office, the process as outlined in Bye-Law 5.5 will be carried out.

SECTION 11 – DOCUMENTATION

11. It is required that all Sabbatical Trustees candidates, Sabbatical Trustees (elect) and Sabbatical Trustees of the University of Lincoln Students' Union read the following documents carefully:
 - University of Lincoln Students' Union Articles of Association
 - University of Lincoln Students' Union Byelaws
 - University of Lincoln Students' Union Standing Orders
 - Sabbatical Trustee Contract
 - Role Description
 - Relevant Policies and Procedures for their position

SECTION 12 - DEALING WITH A COMPLAINT AGAINST A SABBATICAL TRUSTEE

12. i) **Scope**

This section shall apply in full to all Sabbatical Trustees, candidates wishing to stand as a Sabbatical Trustee who have submitted their Nomination Form and Sabbatical Trustees (Elect). The words 'Sabbatical Trustee' take the same meaning as 'Sabbatical Trustee (Elect)' or 'Sabbatical Trustee candidate' when the complaint is made against a member holding that position. Complaints will be considered where the issue takes place:

- On ULSU, University of Lincoln or National Union of Students' (NUS) premises
- Whilst using ULSU, University of Lincoln or NUS facilities or at an event organised by one or more of them
- Whilst representing or acting on behalf of ULSU, the University of Lincoln or NUS at any event of whatever kind and wherever held

- In relation to actions or incidents between the Sabbatical Trustee(s) and other members of ULSU or NUS, ULSU or NUS staff or stakeholders in any or none of the settings above

12. ii) **Process**

Following the receipt of a written complaint against a Sabbatical Trustee, the complaint shall be considered by a selected external trustee (the "Supervising Trustee") nominated to be responsible for overseeing this procedure. He/she will determine which procedure shall be followed: the Disciplinary Procedure or the Democratic Political Complaints Procedure. Generally speaking where the complaint is about behaviour or misconduct the Disciplinary Procedure will apply. Where the complaint is about failure to carry out duties and responsibilities as defined in the relevant role descriptions, policies applicable to that position, the Democratic Political Complaints Procedure will apply.

12. iii) **The Sabbatical Trustee Disciplinary Procedure**

Introduction

Discipline rests on two basic principles. The first is that ULSU is entitled to maintain reasonable standards of conduct. The second is that employees are entitled to know what standards are expected of them, and to be given a fair hearing before any disciplinary decision is taken against them.

Notwithstanding the disciplinary procedure outlined below, ULSU reserves the right to suspend with pay a Sabbatical Trustee pending investigation.

In certain circumstances, for example in cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to the University of Lincoln Students' Union property or responsibilities to other parties, consideration will be given to a brief period of suspension with pay whilst an unhindered investigation is conducted –as authorised by the Chief Executive, on behalf of the Board of Trustees, or in his/her absence the Head of Human Resources and Operations. Such suspension will only be imposed after careful consideration, and every effort will be made to ensure that the period of suspension is not protracted. It will be made clear that suspension is not considered as disciplinary action;

This Disciplinary Procedure forms part of the Terms and Conditions of the employment of all Sabbatical Trustees.

Disciplinary Guidelines

Specific guidelines as to timekeeping, conduct and working arrangements are set out in detail in the Disciplinary Guidelines below.

It is important that Sabbatical Trustees read these Disciplinary Guidelines carefully and if in any doubt as to their meaning, consult the Chief Executive.

Training will be provided to the Board of Trustees to ensure they gain the knowledge, skills and experience necessary to operate this policy effectively and in a fair and consistent manner.

SECTION 13 – DISCIPLINARY PROCEDURE

13. i) Minor Offences

Minor lapses in behaviour will normally be addressed by informal advice, coaching or counselling rather than via the Disciplinary Procedure. However, there may be occasions when an informal oral warning, issued by the Supervising Trustee, is warranted. The Sabbatical Trustee should be offered the option of a colleague (who is not a member of the Union's Trustee Board) accompanying them. A file note will be kept of any such informal warning on the Sabbatical Trustee's personnel file, and the Board of Trustees will be informed of the matter at the next meeting under 'Reserved Business'. The Sabbatical Trustee should be advised of the following:

- The nature of the problem
- The standard required and how it should be achieved and maintained
- How conduct/performance will be monitored and reviewed and over what period
- What will happen if they fail to improve conduct/performance
- That such an informal warning does not itself form part of the disciplinary process

13. ii) Formal Disciplinary Procedure

In more serious cases, or where an informal warning has not resulted in improved behaviour or performance, the following procedure will apply:

- The Supervising Trustee will request an investigation of the matter by the Chief Executive. In the event of a conflict of interest or the unavailability of the Chief Executive, any such investigation will be conducted by another suitable member of staff determined by the Supervising Trustee. The Sabbatical Trustee should be informed of the complaint against them, and has the right to be accompanied during any interview by a colleague who must not be a student of the University of Lincoln. On completion of the investigation, the investigating member of staff shall make a report to the Supervising Trustee who will decide whether formal disciplinary action is justified. If it is, the Disciplinary interview will be carried out by a panel comprising 2 Student Trustees and 1 Sabbatical Trustee (all drawn by lot by the President in the presence of the Chief Executive). If the President is the subject of the complaint, then another uninvolved Sabbatical Trustee will draw lots. One of the student Trustees will act as Chair of the hearing.

- Where formal disciplinary action is recommended, the Supervising Trustee will notify the Sabbatical Trustee in writing of the time and place of the hearing and the details of the matter that has occasioned the hearing. At least 5 days' notice will be given of the hearing and the Sabbatical Trustee will be advised of his/her right to be accompanied by a colleague who must not be a student at the University of Lincoln and of his/her entitlement to call witnesses. A senior member of staff will act as adviser and take minutes of the hearing.
- The Sabbatical Trustee may request a postponement of the hearing, providing that the alternative date proposed normally falls within 7 working days beginning with the first working day after the original date scheduled for the hearing.
- In certain circumstances, for example in cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to ULSU property or responsibilities to other parties, consideration will be given to a brief period of suspension with pay whilst an unhindered investigation is conducted. Such suspension will only be imposed after careful consideration, and every effort should be made to ensure that the period of suspension is not protracted. It will be made clear that suspension is not considered as disciplinary action.
- After the hearing, the Chair of the hearing will inform the Sabbatical Trustee of the decision reached and the Supervising Trustee will confirm the matter in writing.

13. iii) **Penalties**

Examples of penalties that may be imposed after a disciplinary hearing are:

- A formal oral warning
- A first written warning
- A final written warning
- Removal from membership of ULSU. This shall have the effect of dismissing the Sabbatical Trustee from his/her position as a Sabbatical Trustee.

13. iv) **Record of Disciplinary Warning**

A written record of any disciplinary warning will remain active on the Sabbatical Trustee's personnel file from the date of the disciplinary decision, until the end of the Sabbatical Trustee's term of office.

13. v) **Appeals**

A Sabbatical Trustee who is aggrieved at any formal disciplinary decision may appeal in writing to the Deputy Chair of the Board of Trustees. Full details of the Appeals process can be found in the Disciplinary Appeals Procedure.

13. vi) **Data Protection**

All records relating to the Disciplinary Procedure shall be processed and stored in accordance with ULSU's Data Protection Policy and the Data Protection Act.

13. vii) **Disciplinary Guidelines**

Attention is drawn to the following types of conduct or performance which may give rise to formal disciplinary action as detailed in ULSU's Disciplinary Procedure. Each act will be considered on its own merits and in the light of its own individual circumstances. The lists are comprehensive but not exhaustive.

a) **Minor Offences**

The following will normally result in the first instance in an informal oral warning, with repetition leading to formal disciplinary action:

- Rude behaviour to students, other members or their guests.
- Poor timekeeping, including late arrival, early departure and extended breaks

e) **Misconduct**

The following will normally result in a formal oral warning, first or final written warning, depending on the seriousness of the case:

- Repetition of minor offences as detailed above.
- Unauthorised absence during working hours.
- Deliberate disregard for safety rules.

f) **Gross Misconduct**

The penalty for conduct described in this section will be summary removal of membership of the University of Lincoln Students' Union unless exceptional mitigating circumstances are put forward and accepted. As described in Section 1, this will have the effect of removing the employment status of the Sabbatical Trustee.

- Assault of another person on ULSU premises.
- Disorderly or indecent conduct, including fighting on ULSU premises.
- Wilful irresponsibility leading to the injury or potential injury of another person on ULSU premises.
- Refusal to carry out a legitimate instruction, the consequences of such a refusal being a clear breach of contract between the Sabbatical Trustee and ULSU.
- Serious acts of negligence or carelessness including damaging any property whether deliberately or negligently.
- Driving an ULSU vehicle whilst under the influence of drink or drugs.
- Theft from ULSU premises or of property belonging to members, their guests, suppliers, customers and members of staff.

- Fraud, including the falsification of expense claims and sickness certificates.
- Serious breach of safety regulations likely to endanger others, including deliberate damage to, neglect or misappropriation of safety equipment.
- Smoking in an unauthorised area.
- Actions likely to bring ULSU into serious disrepute.
- Wilful breach of confidence, subject to the Public Interest (Disclosure) Act 1998.
- Wilful disobedience of an order or amendment to standing orders approved by Student Council or the Executive Committee.
- Actions in contravention of ULSU Policy on Equal Opportunities, Harassment and Bullying including threatening or harassing any other person, whether physically, verbally or using social media.
- Deliberate actions in breach of ULSU Policy on Computer Security and Email.

This list is not exhaustive.

d) **Alcohol and Drug Use**

Incidents involving the use of alcohol and drugs may be classed as misconduct or, in certain cases, gross misconduct. With the exception of driving a ULSU vehicle whilst under the influence of drink or drugs, however, any incident will in the first instance be addressed by way of ULSU's Alcohol and Drugs Policy.

e) **Conduct Outside the Workplace**

Criminal charges or convictions outside employment will not be treated as automatic reasons for dismissal and the main consideration will be whether the offence is one that makes employees unsuitable for their type of work. In all cases ULSU, having considered the facts, will determine whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure. Further, no employee will be dismissed solely because a charge is pending or because they are absent from work as a result of being remanded in custody. Notwithstanding this, certain external matters will in all probability have a disciplinary impact within ULSU, as follows:

- Any Sabbatical Trustee while occupying a position of trust or responsibility for goods or funds and who is convicted in a criminal court of a fraudulent act, theft, etc may be summarily dismissed.
- Any Sabbatical Trustee who is convicted of an act of violence, such as racist or homophobic assault, may have membership of ULSU terminated where such a conviction undermines his/her credibility with colleagues and subordinates or the membership of ULSU.

- Any Sabbatical Trustee convicted of an offence against children may have their membership of ULSU terminated.

This section also applies to Sabbatical Trustees (Elect) and Sabbatical Candidates.

13. viii) **Disciplinary Appeals Procedure**

a) **Introduction**

ULSU wishes to enforce standards of performance and conduct as fairly and consistently as possible. To further this aim, where a Sabbatical Trustee has received a formal oral or written warning or has had membership removed in accordance with the Sabbatical Trustee's Disciplinary Procedure, the Appeals Procedure will apply.

b) **Application**

A Sabbatical Trustee who is aggrieved at any formal disciplinary decision adverse to him/her may appeal in writing to the Deputy Chair of the Board of Trustees. Any such appeal must be made not later than 10 working days from receipt of written confirmation of the disciplinary penalty. The appeal will normally be held within 20 working days. The Sabbatical Trustee in his/her letter of application should state the grounds of the appeal; these may include, for example:

- An inconsistent or inappropriately harsh penalty
- New evidence coming to light
- Extenuating circumstances
- Procedural irregularities

c) **The Appeal Panel**

The appeal will be heard by a panel comprising the Deputy Chair of the Board of Trustees and two Trustees both drawn by lot from those Sabbatical and Student Trustees not involved with the original hearing and the issue on which the complaint has been made.

d) **The Hearing**

At the hearing the employee may be accompanied by a work colleague. The procedure for the Disciplinary Appeal is as follows:

- The Sabbatical Trustee and his/her colleague shall state the grounds on which the appeal is being made in the presence of the Chair of the original Disciplinary Hearing.
- The Chair of the original Disciplinary hearing and the Panel shall have the opportunity to ask questions of the Sabbatical Trustee and his/her colleague.

- The Chair of the original Disciplinary hearing shall put the case for ULSU in the presence of the Sabbatical Trustee and his/her colleague.
- The Sabbatical Trustee and his/her colleague shall have the opportunity to ask questions of the Chair of the Disciplinary Panel.
- The Chair of the Disciplinary Panel shall sum up the case for ULSU.
- The Sabbatical Trustee and his/her colleague shall sum up the case for the Appeal.
- The parties shall withdraw.
- The Appeals Panel deliberate in private, recalling both sets of representatives if necessary, to clear up any points of uncertainty. In the event of such a recall, both parties shall return. In rare cases where the Appeal Panel cannot reach a majority verdict, the matter will be referred to a selected external Trustee who has not been involved who will consider all the facts and make the casting vote.
- After the case has been heard, the Panel shall announce the decision to both parties and the Chair will confirm the decision in writing.

e) On appeal, the Panel (or selected external Trustee) hearing the appeal may:

- Uphold the appeal
- Substitute a less severe penalty
- Dismiss the appeal

A more severe penalty may not be imposed on appeal.

f) The decision of Appeal Panel is final. However, this does not affect the employee's legal rights under statute or any other terms of the contract of employment.

g) **Data Protection**

All records relating to the Disciplinary Appeal Procedure shall be processed and stored in accordance with ULSU's Data Protection Policy and the Data Protection Act.

SECTION 14 - THE DEMOCRATIC POLITICAL COMPLAINTS PROCEDURE

14. i) **Scope**

This procedure is to be used when the conduct of a Sabbatical Trustee is the subject of a complaint and the matter is referred to it by the Supervising Trustee. The complaint will normally be one of failing to undertake the duties and role of the post to which the Sabbatical Trustee is elected as defined in the bye-laws, policies relating to the position, Strategy and Operating Plans.

14. ii) **Responsibility of All Students' Members Meetings**

All Student Members meeting shall be responsible for implementing the Democratic Political Complaints Procedure against Sabbatical Trustees.

14. iii) **Penalties**

Sabbatical Trustees may receive, as outlined in Bye-law 5.7:

5.7.1 The following behaviour shall entitle a "Motion of Caution" to be brought against an Elected Officer, by either an All Student members meeting or the Executive Committee, acting under the powers as outlined in the foregoing provisions of this Bye-Law 5:

5.7.1.1 Minor disciplinary offences, which shall include but shall not be limited to:

5.7.1.1.1 being drunk and disorderly within Union premises; and/or

5.7.1.1.2 bringing the name of the Union into disrepute.

5.7.1.2 Instances of lack of attention to the performance of duties or instances of non-attendance at Executive Committee meetings without good reason. It is recommended that in the case of Sabbatical Officers, an informal warning is issued by the Executive Committee to the Sabbatical Officer, before the issue is brought to an All Student members meeting

5.7.1.3 Instances of rude behaviour to Members or their guests, or to staff of the Union or the University.

5.7.1.4 Instances of inappropriate behaviour that contravene the relevant section of the Sabbatical Officer Code of Conduct.

5.7.1.5 Failure to declare additional employment that does or may interfere or conflict with the duties and responsibilities of an Elected Officer.

5.7.1.6 Failure to secure an All Student members meeting or Executive Committee approval for the commencement

or continuation of an academic course during the Sabbatical Officer's period of Office (which shall commence upon the fourth week of the summer vacation).

- 5.7.2 A Motion of Caution will remain in place for the duration of time that the Elected Officer continues to undertake the role which s/he held at the time the Motion of Caution was awarded. This includes a second term of office after re-election in the same role. If an Elected Officer changes roles, then the Motion of Caution is nulled.

5.8 Motion of Censure

- 5.8.1 The following behaviour shall entitle a "Motion of Censure" to be brought against an Elected Officer, by either an All Student members meeting or the Executive Committee acting under the powers as outlined in the foregoing provisions of this Bye-Law 5:

5.8.1.1 Failure to improve conduct following the passing of a Motion of Caution pursuant to this Bye-Law 5.

5.8.1.2 Disciplinary offences that including (but not limited to):

5.8.1.2.1 Verbal aggression to Members or their guests, or to staff of the Union or University; and/or

5.8.1.2.2 Attempting to gain entry to Union events without payment, or by use of deception or other unfair means.

5.8.1.3 Regular occurrences of lack of attention to the performance of duties or of non-attendance without good reason. It is recommended that in the case of Sabbatical Officers, an informal warning is issued by the Executive Committee to the Sabbatical Officer, before the issue is brought to an All Student members meeting.

5.8.1.4 Regular occurrences of rude behaviour to Members or their guests, or to staff of the Union or the University.

5.8.1.5 Wilful disobedience of an order, motion or mandated instruction of an All Student members meeting, or of these Bye-Laws.

5.8.1.6 Wilful failure to declare an interest, position or relationship which may conflict with the duties and responsibilities of the post.

5.8.2 A Motion of Censure will remain in place for the duration of time that the Elected Officer continues to undertake the role which s/he held at the time the Motion of Censure was awarded. This includes a second term of office after re-election in the same role. If an Elected Officer changes roles, then the Motion of Censure is nulled.

5.9 Motion of No Confidence

5.9.1. The behaviour listed in Bye-Laws 5.9.1.1 to 5.9.1.14 (inclusive) shall entitle a "Motion of No Confidence" to be brought against an Elected Officer, by either an All Student members meeting or the Executive Committee acting under the powers as outlined in the foregoing provisions of this Bye-Law 5. Such Elected Officer may be suspended until the Motion of No Confidence is heard, if the alleged behaviour is serious and to allow the Elected Officer to continue in post could put the Union's finances at risk or jeopardise the safety of Members and/or Union or University staff. The decision to suspend the Elected Officer will be made by the President (or Deputy President in cases involving the President), after seeking guidance from the Chief Executive. The Elected Officer's remuneration will be paid until the Motion of No Confidence is decided. The Elected Officer concerned will not be allowed to vote on the Motion of No Confidence.

5.9.1.1 Failure to improve conduct following the passing of a "Motion of Censure".

5.9.1.2 Assault of another person on University premises or elsewhere.

5.9.1.3 Disorderly or indecent conduct of a serious nature, including fighting on University premises.

5.9.1.4 Wilful irresponsibility leading to injury or which could lead to the injury of another person whilst on University premises.

5.9.1.5 Serious acts of negligence or carelessness.

5.9.1.6 Driving on official Union business whilst under the influence of drink or non-prescription drugs.

- 5.9.1.7 Theft from Union premises or of property belonging to Members or their guests, or to suppliers, customers and staff of the University or the Union.
- 5.9.1.8 Fraud, including the falsification of expense claims and sickness certificates.
- 5.9.1.9 Any act of financial misappropriation of Union funds whether before taking up a post or during holding such post.
- 5.9.1.10 Serious breach of safety regulations likely to endanger others, including deliberate damage to, neglect or misappropriation of safety equipment.
- 5.9.1.11 Actions in contravention of Union Policy on Equal Opportunities, Harassment and Bullying.
- 5.9.1.12 Deliberate actions in breach of Union Policy on Computer Security and e-mail.
- 5.9.1.13 Acts in contravention of the Bye-Laws.
- 5.9.1.14 Breach of Confidentiality with regard to DSB disclosures and sensitive information regarding individuals.

15. iv) **Appeals Procedure**

A Sabbatical Trustee who is aggrieved by the decision of an All Student members meeting may appeal by a motion put to a Referendum to overturn the decision. An appeal will be successful provided that a simple majority of members vote in favour. The General Meeting or Referendum must be organised as directed by the Articles of Association and Bye-Law 9.

I confirm I have read the above Terms and Conditions and agree to be bound for them for the duration of my candidacy and acknowledge acceptance that these are the Terms and Conditions for the duration of my post should I be successful in the Cross Campus Election. They are referred to in the contract of employment which will be given to me once I have been confirmed as the successful candidates.

Name:

Signature:

Date
