

**Union of UEA Students Purpose:**

"To enrich the life of every UEA student"



**Student Officer Committee Meeting**

5 pm, Thursday, 30 January 2014 in Room 1.31, Union House

**Agenda**

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**FORMAL AGENDA ITEMS**

- 1119 Minutes of the meeting held on 24 January** (See pages 2-6)
- 1120 Matters Arising**
- 1121 Action Log** (See page 7)
- 1122 Officers on Livewire Union Show**  
Officers to appear on the show for the following week.
- 1123 Full Time Officer Structure Referendum**  
An update from the Deputy Returning Officer.
- 1124 UUEAS Affiliations**  
A report from the Communications Officer. (See page 8)
- 1125 Policy Passed by Council (including new Code of Conduct)**  
A report from the Communications Officer. (See pages 9-23)
- 1126 Any Other Business**
- 1127 Time, Date and Place of Next Meeting**

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**Minutes of the Student Officer Committee**  
**24 January 2014**  
**Summary**

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**Key Discussions**

- Results of Full Time Officer Structure Consultation and calling of Referendum

**Key Actions**

- Agreed to add Diversity to the proposed Welfare and Community Officer title
- Agreed to drop 'Internal Affairs' to the proposed Campaigns and Democracy Officer title
- Agreed that, in the proposal, an individual Officer should take lead democratic responsibility for commercial services as opposed to the responsibility being allocated jointly to all Officers
- Agreed that only Postgraduate students would be allowed to stand in the proposed PG Education Officer elections
- Agreed that only Undergraduate students would be allowed to stand in the proposed UG Education Officer elections
- Agreed to the concept of a Democratic Procedures Committee to be included in the Referendum
- Accept the overall proposals on the Referendum with the above changes included

## Union of UEA Students Purpose:

“To enrich the life of every UEA student”

## Minutes of the Student Officer Committee 24 January 2014



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### Voting Members present:

Eunice Opare-Addo (Ethnic Minorities Officer), Bintu Foday (Community and Student Rights Officer), Louise Withers Green (Academic Officer), Rosie Rawle (Communications Officer), Kimberley Hirst-Jones (Postgraduate Officer), Emma Silk (Environment Officer), Tu An Ngo (International Officer), Sebastian Bachelier (Non Portfolio Officer), Lauren Sloan (Ethical Issues Officer), Rachel Knott (Women's Officer), Joe Levell (Finance Officer).

### Non-voting Member

Jim Dickinson (Chief Executive).

### Chair

Joe Raynes (Non Portfolio Officer).

### In attendance:

Tony Moore (Representation Support Worker).

### Apologies:

Ella Gilbert (Non Portfolio Officer), Holly Staynor (LGBT+ Officer), Daniel Delargy (Students with Disabilities Officer), Freddie Meade (Non-Portfolio Officer),

### 1112 Election of Chair and Deputy Chair

SOC elected J Raynes as Chair and L Withers Green election for the remainder of the academic year.

SOC noted the new amendment to the Constituency which stipulated that Councillors who missed two Council meetings and Officers who missed three SOC meetings would be liable to dismissal.

Chair asked that members who were due to miss a meeting should send their formal apologies prior to the meeting.

### 1113 Minutes of the meeting held on 16 January 2013

The minutes were agreed.

### 1114 Matters Arising

There were none.

### 1115 Officers on Livewire Union Show

J Levell and T A Ngo to take part, the following week.

### 1117 Any Other Business

B Foday noted that the Go Global committee had chosen three charities, Street Children, Wateraid and Alzheimer's, to be part of a best charity poll to raise awareness and funds.

B Foday reported from the Faith Committee that the Inter-Faith Day would

take place on 28 February with events to be held in the Square. SOC agreed that the Officer Report template that had been used for Council had been useful.

R Rawle reported that National Voter Registration Day would be taking place on 28 February and that UUEAS would be working with City College and NUA and she would be looking for volunteer support on the day.

R Rawle reported that on 5 February there would be actions in protest at the privatisation by the UK government of student debt.

TA Ngo noted that the following week would see the start of the Chinese New Year and she would be raising awareness of the event around the campus.

## **1116 Results of Full Time Officer Structure Consultation and calling of Referendum**

J Levell circulated a Report on the Consultation and the General Meeting with proposals for the Referendum which he noted would recommend that there be two questions: the first as to whether to change the FTO structure and the second as whether UUEAS should have a President. He also noted that the proposals included the formation of a Democratic Procedures Committee to scrutinise UUEAS democracy and governance with members elected for two year terms. He noted that these posts would be open to students who were graduating as they would be able to serve on the Committee as alumni and that he would clarify this in the final draft.

J Levell noted T A Ngo's question as to whether the words 'internal affairs' should be in the Campaigns and Democracy Officer title as this might be misleading. J Levell thought this would be useful as the 'go to ' Officer who students could contact if they were dissatisfied with any UUEAS services.

SOC discussed various alternative role titles, including 'Campaigns, Democracy and Services'.

*SOC agreed that the phrase 'internal affairs' would be inappropriate for this role's title as they believed it had not been a concern expressed in the consultation.*

*SOC voted by 6 votes to 5 against to have the role title as, simply, Campaigns and Democracy Officer.*

*SOC agreed to B Foday's suggestion that main contact with the NUS be removed from the Campaigns and Democracy Officer's role description.*

SOC discussed the role specification for the Campaigns and Democracy Officer post and whether this involved a leadership function as to campaigns and its responsibilities for the commercial services and the budget and whether the latter should be an individual or a collective responsibility.

*SOC agreed, by 6 votes to 5 votes, that an individual Officer should take lead democratic responsibility for commercial services as opposed to the responsibility being allocated jointly to all Officers.*

TA Ngo asked that 'Diversity' be added to the Welfare and Community Officer role title as it would be a recognisable word for her constituents. SOC discussed whether it would be advisable to have a staff member responsible for diversity issues and whether there should be a reserved

place on the FTO team.

TA Ngo reported on the difficulties she had encountered trying to engage international students in the consultation process.

*SOC agreed by a large majority to add the word 'Diversity' to the Welfare and Community Officer role title.*

On the Postgraduate Education Officer, SOC noted that the 1 July start date might be inappropriate and that research students should be highlighted as an integral part of the Officer's constituency.

SOC considered whether to place restrictions on the ability to stand and to vote in the UG and PG Education Officer elections.

S Bachelier noted that, if the franchise were to be restricted, he would be unable to vote for the PG Education Officer who would be taking decisions on matters which would affect all students.

J Levell believed it to be important that PG students as a group got to choose their own representative.

SOC discussed the anomalous position of PGCE students.

*SOC agreed, with one abstention, that only Postgraduate students would be allowed to stand in the PG Education Officer elections.*

*SOC agreed that only Undergraduate students would be allowed to stand in the UG Education Officer elections.*

R Rawle argued, as to the Democratic Procedures Committee, that there were many different committees functioning and that an overarching committee might stifle the diverse and inclusive nature of these contributions.

J Levell believed it important that members would be directly elected to scrutinise UUEAS' democracy and think innovatively about the Constitution.

L Sloan noted that Council had only recently created a Committee of experts to advise on the Constitution and that this was an apolitical body and she was concerned about its relationship with the proposed Procedures Committee. She thought it strange that this experiment would be abandoned without the Committee ever being allowed to function.

R Rawle noted her concern that the new Committee might undermine the powers of Council.

L Withers Green believed it to be apparent that not all students trusted Council as a representative body.

*SOC agreed, by 7 votes for, two against with 1 abstention, to the concept of a Democratic Procedures Committee; that its meetings would be open, that its members would be elected by the generality of students and FTOs and Trustees would not be allowed to stand for election to the Committee.*

SOC discussed the matter as to whether there should be a separate question on whether UUEAS should have a lead officer.

Chair noted that the task was to conduct a referendum that reflected the findings of the consultation which had shown that students wanted a presidential style role but were split over what to call it.

L Sloan noted that it was up to the DRO to set the Referendum questions but she asked that her concerns be noted that the recommendations would mean that the questions were leading and that extraneous information would be included.

B Foday confirmed to SOC that she would endeavour to ensure that there would be no leading questions in the Referendum.

R Rawle argued that within the consultation there had been two possibilities adumbrated: a leadership role and a flat structure with an Officer given responsibility for union affairs.

J Levell believed that these two possibilities were included in the Report.

R Rawle believed the word 'President' should be deleted from any recommendation on the Referendum question and be replaced by 'Union Affairs'.

J Levell noted that a President need not be seen as permanent; there might be a constitutional guarantee that a review would be held in say two years in the future.

L Sloan noted that, to her, it sounded pretty fucking permanent.

J Dickinson advised that there was a danger if one titled a role, that involved some mode of leadership, as 'Union Affairs' one might be misleading the electorate.

Chair suggested moving to a vote on the overall proposals submitted by the Finance Officer.

SOC agreed, *by 7 votes for with two against, to accept the overall proposals with any changes agreed to earlier in the evening to be included*

**1118**

**Time, Date and Place**

5 pm, Thursday, 30 January in Room 1.31, Union House.



### SOC ACTION LOG (POLICY/University)

Date Commissioned	Action Required	Status	Assigned To:	Date to be actioned by:
19 Sep 13/14 Nov 13/ 16 Jan 14	Ethical Banking	☹️ <b>new motion to be on Council agenda</b>	Rosie	29 November/13 Feb

### SOC ACTION LOG (Internal Process)

Date Commissioned	Action Required	Status	Assigned To:	Date to be actioned by:
14 Nov 13	Ambiguity of referendums: how to ensure they do not contain a leading question when a whole policy is sent by Council to referendum to be investigated	☹️ <b>to be sent to Constitutional Review Group for investigation and report</b>	Rosie	End of January
14 Nov 13	Cost of personal Campaign Cards for Officers to be investigated	☹️ <b>cost to be reported</b>	Joe Levell	End of November
14 Nov 13/12 Dec 13	Personal Campaign Budgets to be allocated to each Officer	<b>Officers allocated £200 personal budgets Chair to draft paper on changes to Jan meeting</b>	Chair	5 Dec 12 Dec
5 Dec 13	R Rawle to consult with Chair of Council over guest speakers	<b>Results to be reported to future meeting</b>	Rosie	17 January
5 Dec 13	Management Committee agenda papers to be circulated to SOC	<b>To be included in future SOC agendas</b>	Jim/Tony	January
12 Dec 13	Formative meeting of Democracy and Representation Review Working Group	<b>To be arranged</b>	Rosie	January
12 Dec 13	Open sub-committee of Council to create a strategy for increasing the Block Grant to be convened	<b>To be convened and to meet</b>	Joe Levell/Freddie	January
16 Jan 14	informal committee to support mature students/ exit interview with Mature Students Officer to be held	<b>To be convened and exit interview to be held</b>	Rosie/Bintu	End of January
16 Jan 14	the payment of subscriptions to organisations that UUEAS had affiliated to be confirmed	<b>Actioned, report an agenda item</b>	Rosie	28 January
16 Jan 14	Question as to whether the Olympic Games would be shown on the TVs in the Bars to be brought to Council.	<b>To be asked at Council</b>	Holly	23 January

## REPORT ON UNPAID AFFILIATION FEES TO OUTSIDE ORGANISATIONS January 2014

Organisation	Link	Status	Cost	Recommendation
Stop the War	<a href="http://www.stopwar.org.uk/get-involved/join-or-donate">http://www.stopwar.org.uk/get-involved/join-or-donate</a>	Vibrant, functioning organisation. Membership brings access to vast number of resources	£120	Affiliate immediately. Should be renewed annually
Right to Work Campaign	<a href="http://righttowork.org.uk/affiliate/">http://righttowork.org.uk/affiliate/</a>	website no activity since August, there does not appear to be any facility for group affiliation	£25	Affiliate Periodically monitor the website
Coalition of Resistance	<a href="http://www.coalitionofresistance.org.uk/2013/02/donate-join-or-affiliate-to-coalition-of-resistance/">http://www.coalitionofresistance.org.uk/2013/02/donate-join-or-affiliate-to-coalition-of-resistance/</a>	Similar to above, common website design website no activity since August, there does not appear to be any facility for group affiliation	£25	Affiliate Periodically monitor the website
Workers' Rights Consortium	<a href="http://www.workersrights.org/faq.asp">http://www.workersrights.org/faq.asp</a>	Affiliation fees predicated on university and student union acting jointly	None due to NUS affiliation	
Norfolk Coalition Against the Cuts	<a href="http://norfolkcoalitionagainstcuts.org/our-aims/4544031779">http://norfolkcoalitionagainstcuts.org/our-aims/4544031779</a>	Loose coalition no apparent membership fee	None	Send a message of support ask to be added to contacts
Norfolk Peoples' Assembly	<a href="http://www.norfolkpeoplesassembly.com/#!/form_map/c24vg">http://www.norfolkpeoplesassembly.com/#!/form_map/c24vg</a>	Loose coalition no apparent membership fee, closely associated with NCAC	None	Send a message of support ask to be added to contacts
We Are Norwich	<a href="https://www.facebook.com/events/457715334279760/">https://www.facebook.com/events/457715334279760/</a>	Ad hoc coalition formed against a fascist march in Norwich in 2013. No activity since then	None	Monitor if there are any new plans for fascist marches in Norwich

## **POLICY PASSED BY UNION COUNCIL 23 JANUARY 2014**

### **1486 Amendment to the Bye-Laws: UEA Students' Union Code of Conduct Motion**

**Proposer: Joe Levell (Finance Officer)**

**Secunder: Rosie Rawle (Communications Officer)**

#### **Union Notes**

1. That clause 24 of the constitution gives the Trustee Board the power to "suspend all, any or any part of the rights of a member for what appears, in its discretion, to be good and sufficient cause subject to an appeal".
2. The union does not currently have a single and integrated code of conduct or members' disciplinary procedure.
3. The union does have three sets of bye laws that relate to these issues- Bye-Law 13 acts as a Disciplinary Procedure for clubs and socs (and their members), Bye-Law 14 is a Code of Conduct for Committee Members and Bye-Law 15, called a "Code of Conduct for Members" acts as a broad set of behavioural guidelines.

#### **Union Believes**

1. The current position is an issue- it means that the licensee's right to refuse admission in our LCR and bars does not have a legitimate constitutional basis.
2. Although there are procedures for club/society incidents, these are not properly encompassing.
3. Anyone wanting to raise a concern about others' behaviour (for example in relation to the Zero Tolerance policy) would be confused or discouraged from raising an issue at present.
4. When using their power under clause 24 the Trustee Board should have to follow a proper procedure.
5. It should never be for clubs and societies themselves to investigate or issue sanctions on the basis of misconduct.
6. There should be a single code that sets out the personal conduct expected from all members of the Union when on Union property, taking part in activities organised by the Union or representing the Union within or beyond the University.
7. This should cover the process by which complaints may be lodged with the Union, the scope and nature of disciplinary procedures in cases of misconduct, and provisions for appeals against rulings by the disciplinary panel.
8. Because one of the rights of a member is to "nominate for, stand for and hold office as a Student Officer", this procedure should also be used to handle allegations of misconduct carried out by a Sabbatical Officer and as such could result in the Sabbatical Officer being removed from office.

#### **Union Resolves**

1. To delete by laws 13, 14 and 15 and replace with the following:

## **Union Code of Conduct**

### **1. Preamble**

- 1.1. This Code sets out the procedures to be followed in the case of disciplinary action against an individual member ("the member") of UEA Students' Union ("the Union")
- 1.2. Disciplinary issues arise when problems of conduct are raised and the Union seeks to address them through the agreed procedures.
- 1.3. For the purpose of this procedure, members are defined as in the Constitution and Bye-Laws.
- 1.4. This procedure also applies to non-members acting in volunteer roles in the Union.
- 1.5. This does not include any of the Union's staff, who shall be subject to an internal staff disciplinary procedure.
- 1.6. The code concerns the disciplinary rules and procedures that operate within the Union. The Union believes that rules and procedures are necessary for promoting orderly relations as well as fairness and consistency in the treatment of individuals.
- 1.7. It is important that Members know what standards of conduct and performance is expected of them. As a result this policy shall be publicly available to members of the Union and shall be provided to members in relevant settings.

### **2. Scope**

- 2.1. Disciplinary action may be taken in respect of any breach of discipline:
  - 2.1.1. On the Union premises;
  - 2.1.2. While the member is using the Union facilities or at a Union event;
  - 2.1.3. While a member is representing or acting on behalf of the Union at any event of whatever kind and wherever held;
  - 2.1.4. In relation to actions or incidents between two or more representatives of the Union in any or none of the settings above, or in relation to actions or incidents between the Union's representatives and other members, staff or stakeholders.
  - 2.1.5. Any of the above where an interaction or incident is on social media
- 2.2. Where a complaint is made about a group activity, including socials, demonstrations, and activity that can be classed as organised by the Union or any union group or in that groups name, a group of members may be subject to disciplinary action and penalties.

### **3. Meaning**

- 3.1. Recognising that members have a right to freedom of speech and to protest, in this code a breach of discipline means (but is not limited to):

- 3.1.1. threatening or harassing any other person, whether physically or verbally;
- 3.1.2. assaulting any other person;
- 3.1.3. damaging any property, whether deliberately or negligently;
- 3.1.4. acting in contravention of the Union's Equal Opportunities Policies;
- 3.1.5. acting without due regard for the safety of others;
- 3.1.6. acting with dishonesty or with intent to defraud;
- 3.1.7. infringement of equal opportunities, safe space, no platform or staff protocol policies;
- 3.1.8. imparting to the press, television or radio, or any agency thereof, any expressly confidential material about the Union or any of its members or Officers, unless prior permission has been granted by the Trustee Board;
- 3.1.9. incurring unauthorised expenditure on behalf of the Union and/or misappropriation of Union funds or property
- 3.1.10. organising initiation ceremonies, and/or coercing others to drink alcohol to excess.

#### **4. Panel and Supervising Trustee**

- 4.1. The Trustee Board shall annually appoint a lay trustee to supervise the formal complaints procedure set out below. They shall annually report to the Trustee Board on the operation of this code.
- 4.2. It shall also appoint a pool of people from which to form a panel at disciplinary hearings, which will always consist of:
  - 4.2.1. A lay student;
  - 4.2.2. An officer of the Union;
  - 4.2.3. A Union staff member.
- 4.3. Measures will be put into place to ensure a diverse membership of this committee.

#### **5. Licensed Premises and Events**

- 5.1. In the event of a complaint, incident or concern being raised within licensed premises, the following procedure will apply
- 5.2. Authorised staff will always have the right to refuse admission and to exclude members on the basis of their intoxication in pursuit of the license.
- 5.3. Where an alleged breach of the code occurs beyond the standard right to refused admission at 5.2, authorised staff shall have the authority to exclude the member from the venue or to take any other reasonable action to prevent further immediate breaches of the code. This action, shall at the earliest opportunity, be reported to a nominated Duty Manager who shall endorse, amend or withdraw the restrictions pending a meeting with the accused.
- 5.4. Members who have been asked to leave, or removed from the building, will be informed of why they have been excluded. They may then contact a Duty Manager at a specified time on the following

working day. If the member fails to do this, the failure will be taken into consideration when the Duty Manager makes their decision.

- 5.5. When the member meets the Duty Manager they will be asked to provide a statement of their version of events and those of any witnesses they may choose. The Duty Manager will keep a record of this meeting for future consideration.
- 5.6. If the Duty Manager decided that the offence is of a minor nature, then they may impose a temporary licensed premises ban of up to four weeks, in consultation with a licensee.
- 5.7. Any member wishing to contest the decision of the Duty Manager may have their case referred into the procedure below.
- 5.8. If the Duty Manager deems the offence to warrant more than a four-week ban, then they will refer the member into the formal procedure below.

## **6. Complaints**

- 6.1. In normal circumstances complaints and grievances will be made in writing to the Supervising Trustee c/o the Representation and Support Worker at the Union.
- 6.2. The written complaint should include the name and contact details of the complainant, the person to whom the complaint refers, the nature of the complaint and a preferred course of action to resolve the complaint.
- 6.3. Members and elected officers should refer to the Representation and Support Worker who will advise on this code.
- 6.4. When:
  - 6.4.1. A disciplinary matter arises, or
  - 6.4.2. A complaint is made, or
  - 6.4.3. A matter or concern is referred to this procedurethe Supervising Trustee shall first determine whether this policy is appropriate for the issue(s) being raised. In making the judgement the Supervising Trustee will be careful to ensure that matters of misconduct are handled through this procedure, but that matters of political performance are rightly referred to the appropriate accountability procedures.
- 6.5. The Supervising Trustee may at any time determine that the nature of a complaint or referred issue is sufficiently serious that the issues should be referred to the University's disciplinary procedures for investigation/resolution.
- 6.6. The University may determine that a complaint that it is in receipt of should be such that the issues should be referred to this code for investigation/resolution.
- 6.7. Subject to data protection and registration agreement procedures, the union and university will respectively routinely share information about suspension and disciplinary action in pursuit of the effective and operation of premises and activities.

## **7. Investigations**

- 7.1. If this procedure is used, the Supervising Trustee will appoint an impartial party to investigate the matter. The investigation is to establish the facts and where appropriate obtain statements from any available witnesses. Having carried out an investigation, the investigator will make a report to the Supervising Trustee. The Supervising Trustee will then decide whether to drop the matter, arrange informal coaching, advice or counselling, or to arrange for the matter to be dealt with under the disciplinary procedure.
- 7.2. At the start of the investigation, the complainant and respondent will receive a letter of formal notification detailing the complaint being investigated and the name and contact details of the person dealing with the investigation.
- 7.3. Respondents are encouraged to submit a written statement in response to the complaint. The deadline for doing so is seven working days after the date of formal notification of the investigation. The statement should attach copies of any other documents on which the respondent wishes to rely.
- 7.4. Should the respondent not respond to communications or refuse to engage with the investigation process, s/he will be deemed to have nothing to add to the investigation.
- 7.5. The investigator will consider statements and any other documents received from the complainant and respondent as soon as practicable. THE UNION aims to confirm the outcome of its investigation to the complainant, the respondent, and other interested parties within 14 working days of the date of the formal notification of the investigation, subject to having been able to contact all relevant parties within this time. If it is not practicable to comply with these deadlines, for example due to relevant parties being on holiday, they may be extended by discretion, normally up to a maximum of 7 further working days.
- 7.6. It should be recognised that being the subject of a complaint can be a difficult time for an individual, and so THE UNION will undertake the investigation with appropriate discretion, care and consideration. THE UNION will endeavour to ensure all steps in the process remain fair and in line with equal opportunities policy and procedures.
- 7.7. No member involved in a matter covered by this code should comment publicly on the incident. Failure to observe this requirement will result in disciplinary action being taken under this code.

## **8. Informal Procedures**

- 8.1. Minor cases of misconduct and poor performance are best dealt with informally. It may be necessary to issue an informal warning, but the Supervising Trustee will ensure that these areas are discussed with the objective of helping the member to make appropriate improvements. At this stage the member will be made fully aware of what steps need

to be taken to address the conduct issue. They will also be told when this will be reviewed and over what period.

- 8.2. Members will be informed of what action will be taken if they fail to improve either their performance or conduct (see below). Informal warnings and/or counselling are not part of the formal disciplinary procedure and members should be made aware of this.

## **9. Stages of Disciplinary Action**

- 9.1. The Supervising Trustee will decide whether a matter should be dealt with informally or formally under the disciplinary procedure. Disciplinary panels and appeal panels will be made up of different people for fairness.
- 9.2. There are different types of action that can be taken that vary in their severity. The disciplinary hearing will decide the severity of the misconduct and the appropriate action.
- 9.3. These are:
  - 9.3.1. Formal Verbal warning
  - 9.3.2. Written warning
  - 9.3.3. Termination or suspension of all membership entitlements or some act of partial suspension, which in the case of employed elected officers could result in contract termination.

## **10. Disciplinary Hearings**

- 10.1. Before a decision is reached or any disciplinary action taken there will be a disciplinary hearing at which the member will have an opportunity to state their case and answer the allegations that have been made. The appointed investigator will present their findings at the disciplinary hearing.
- 10.2. The Panel will hear the case. The member will be notified of a disciplinary hearing in advance and will be provided copies of statements given by any witnesses or other written evidence to be used. Hearings will be arranged as far as possible at a mutually convenient time and place and the member will have the right to be accompanied by a colleague or representative of their choice.
- 10.3. During a disciplinary hearing, the case against the member will be presented in detail by the appointed investigator. If the member challenges the substance of the witness statements then witnesses may be called to the hearing where the member or their representative will have the opportunity to ask them questions.
- 10.4. Where disciplinary action is necessary the member will be informed of the decision.
- 10.5. This will be in writing and will state:
  - 10.5.1. Detail of the misconduct that has resulted in the disciplinary action;
  - 10.5.2. The level of disciplinary action;
  - 10.5.3. Any recommendations/action required to prevent future disciplinary action;

- 10.5.4. The consequence of failure;
- 10.5.5. Details of the appeal mechanism;
- 10.5.6. If appropriate the length of time the warning will last before it is disregarded.

### **11. Formal Verbal Warning**

- 11.1. This will occur in cases of minor infringements and can be given by a member of the Panel. A note of the warning will be kept on file for six months but then disregarded for disciplinary purposes. The warning will be given in the presence of the panel and the member will be entitled to have a colleague or representative present when the warning is given.

### **12. Formal Written Warning**

- 12.1. This will occur when the infringement is more serious or is a failure to improve behaviour during the currency of the previous warning and can be given by the Panel.
- 12.2. A copy of the written warning will be kept on file for twelve months but then disregarded for disciplinary purposes.

### **13. Suspension of benefits or other sanction**

- 13.1. If a member's conduct still fails to improve the final stage may be:
- 13.2. Partial disciplinary suspension of membership entitlements
- 13.3. Temporary disciplinary suspension of some or all membership entitlements.
- 13.4. Where a person, in a paid role, is suspended pending a hearing or whilst an investigation is carried out they will continue to be paid by the organisation.

### **14. Disciplinary termination of all membership entitlements**

- 14.1. The decision to suspend or terminate entitlements (as listed above) is taken by the Panel. The member will be informed as soon as is reasonably practicable, of the following:
  - 14.1.1. the decision and the reasons for the termination or suspension of entitlements,
  - 14.1.2. the date on which the agreement between THE UNION and the member will terminate, information on the right of appeal including how to make the appeal and to whom.
- 14.2. The decision to suspend or terminate entitlements shall be confirmed in writing.
- 14.3. At any of the above stages the panel may resolve to:
  - 14.3.1. recommend that the member should undergo training;
  - 14.3.2. exclude the member from some or all future THE UNION events or activities.

### **15. Summary Termination of Entitlements**

- 15.1. In rare circumstances a member's entitlements may be summarily terminated if it is established that after investigation and hearing that there has been an act of gross misconduct, major breach of duty or conduct that brings the organisation into disrepute.
- 15.2. Acts that may constitute gross misconduct include, but are not limited to:
  - 15.2.1. Theft, fraud and deliberate falsification of records.
  - 15.2.2. Physical violence or threats
  - 15.2.3. Deliberate damage to organisational or personal property
  - 15.2.4. Serious incapability whilst representing THE UNION brought about through alcohol or illegal drugs
  - 15.2.5. Misuse of organisations property or name
  - 15.2.6. Bringing the organisation into serious disrepute
  - 15.2.7. Serious infringement of health and safety rules
  - 15.2.8. Serious bullying or harassment
  - 15.2.9. Sexual misconduct
  - 15.2.10. Serious infringement of equal opportunities, safe space, no platform or staff protocol policy
- 15.3. Because the ability to hold elected office in THE UNION is dependent upon membership status and one of the rights and privileges of membership, termination of all entitlements would represent a termination of that holding of office. In the case of employed elected officers, this would therefore represent a termination of contract.

## **16. Suspension**

- 16.1. In certain circumstances for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property or the Union's responsibilities to other parties, consideration should be given to a period of suspension of membership rights with or without entitlements whilst an unhindered investigation is conducted.
- 16.2. Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted. Excluding a member from participation in THE UNION activities is not in itself a form of disciplinary action whilst the investigation is progressing. The member will be entitled to seek advice, for example legal advice, the cost of which will be met by the member.
- 16.3. Because the ability to hold elected office in THE UNION is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of that holding of office.

## **17. Appeals**

- 17.1. A member will notify the Panel of their intention to appeal against disciplinary action within six working days of receipt of the

confirmation letter. The appeal should be made in writing stating the grounds upon which the appeal is to be made and must be received by the Panel within a further 10 working days.

- 17.2. An appeal hearing will normally be held within ten working days of receipt of the letter of appeal. An appeal will be heard by a panel (see below), who have previously had no involvement in the case. The panel shall be made of the following:
  - 17.2.1. A Student Trustee
  - 17.2.2. A Lay Trustee
  - 17.2.3. A member of University staff.
- 17.3. A member will have the right to be accompanied by a colleague or a representative of their choice. The member will be notified of the results of the appeal in writing within five working days of the hearing.
- 17.4. Members should note that an appeal is designed to remedy any defects in the disciplinary process rather than repeat the investigation of the disciplinary process.
- 17.5. Therefore grounds for appeal are:
  - 17.5.1. Unfairness of judgement
  - 17.5.2. The severity of the penalty
  - 17.5.3. New evidence coming to light
  - 17.5.4. Procedural irregularities
  - 17.5.5. Extenuating circumstances
  - 17.5.6. Bias of disciplining officer
  - 17.5.7. Unfairness of the interview
- 17.6. Possible outcomes of an appeal
  - 17.6.1. The appeal is upheld and the disciplinary sanction reduced or removed
  - 17.6.2. The appeal is upheld and there is a request for a re-investigation or rehearing
  - 17.6.3. The appeal is denied and the original decision is upheld

## **18. Recording Discipline**

19. Accurate records will be kept detailing:
  - 19.1. any breach of disciplinary rules or unsatisfactory performance,
  - 19.2. the Member's defence or mitigation,
  - 19.3. the action taken and the reasons for it,
  - 19.4. whether an appeal was lodged, its outcome and any subsequent developments.

These records are to be kept confidential and retained in line with the above disciplinary procedure and the Data Protection Act 1998. Copies of any meeting records will normally be given to the individual concerned (in certain circumstances information shall be withheld, for example to protect a witness).

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## **1487 Motion: University Rents**

**Proposer: Bintu Foday** (Community and Student Rights Officer)

**Second: Rosie Rawle** (Communication Officer)

### **Union Notes**

1. That the Union is not consulted on increases in costs of university accommodation, it is merely “briefed”
2. This is done confidentially without a clear rationale for that confidentiality or lack of consultation
3. The University says that in considering the amount it carries out:
  - a. A comparison between the predicted intake of students in the various groups which are guaranteed rooms in residences and the number actually recruited.
  - b. A comparison between the predicted intake of students in the various groups which are guaranteed rooms in residences and the number actually moving in to residences.
  - c. A comparison between the supply of rooms and the demand for rooms in the different categories.
  - d. Rents in other universities and in the local private sector.
4. Detail on these issues is shared with the Union as part of the briefing
5. It also says that it look at
  - a. Current financial forecasts and expectations of the Executive Team (Resources)
6. Detail on this issue is not shared with the union without considerable sustained questioning
7. After this questioning it has been revealed that next year the University expects accommodation to make £1m in profit against a target this year of £350k. This surplus will go into “general; university funds”
8. The union does not take into account the financial situation faced by students
9. Half of “student choice” National Scholarship Programme bursaries for poor students go on accommodation discounts
10. There is no link between the university’s rent strategy and the university’s widening participation strategy
11. The university currently has an undersupply rate of 50% for “Value Standard” accommodation but is not investing in this type of accommodation at all

### **Union Believes**

1. Any like for like increase in rent costs, in a context of the student funding package being frozen in absolute (and reduce in real) terms, is unacceptable.
2. It is even more unacceptable that the increase comes at a time of student support cuts for the poorest students, half of whom use the funding to fund their accommodation (NSP).
3. It is worse still that the increase from £350k surplus to £1m surplus won’t fund improvements to accommodation but will go into the central pot.

4. It is overall worse still that this is not a matter of consultation with students but a mere matter of confidential briefing.
5. Students should be involved in the strategy around student accommodation and its pricing at all stages of the process.
6. There is material risk that the university will distort pricing across Norwich; increase student financial problems, destroy its reputation as a cheap student city
7. Meetings should be set up throughout the year, early enough for the Union to properly feed in to the procedure and followed up before final decisions are made.
8. The University should adopt a long term strategy that relates and responds specifically to the climate of student finance and wider geo-economic concerns. As well as examining rents to competitors the University should compare its rent levels to a cross section of the financial support different groups of students will receive. This should be referenced in any papers that discuss accommodation costs with potential increases and should work directly with the relevant departments.
9. As part of this the University should have a clear commitment to the student experience, ensuring that they employ a balanced pricing strategy based on the importance of choice and real affordability.
10. The role of affordable accommodation in relation to access and widening participation should be acknowledged in the strategy. A joined up approach should be employed to ensure that no student is excluded from a residential experience of education.
11. Not only should a range of rents be available, but there should be an agreed policy statement on the institutional definition of affordability to ensure that the lower end of the rental structure is genuinely affordable and represents a reasonable proportion of the options on offer.
12. The University should write and consult with the Union on a rent setting strategy for the next 5 years that shows a transparent approach for how it aims to work towards more affordable housing for students.
13. The University should cease to apply academic sanctions for non-academic debt and pursue debt recovery in these instances.

### **Union Resolves**

- To campaign to halt the proposed increases in like for like rent until the above concerns have been met
- To lobby for changes to the consultation and transparency processes as above

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## **1488 Motion on Relationship between UEA and the Union**

**Proposer: Louise Withers Green** (Academic Officer)

**Seconder: Bintu Foday** (Community and Student Rights Officer)

## Union Notes

1. The Union does not currently have an agreement with the University on the nature of the relationship between the two parties. This is very rare.
2. That in 2010 NUS carried out work on behalf of HEFCE, the Committee of University Chairs, Universities UK and the Association of Heads of University Administration on a model relationship code between Universities and Unions. It was never adopted at UEA.
3. Under the Education Act 1994, the University has a statutory duty to ensure that the Union operates in a fair and democratic manner and is held accountable for its finances.
4. The Union represents the students of the University, and exists to advance the education of students of the University as laid out by the objects in the Constitution.
5. The charitable objects of the Union, as set out in the Constitution, are for the furtherance and the enhancement of the educational purposes of the University including but not limited to the promotion of social intercourse between the University's students and the furtherance of their common interests and support of Union approved societies.
6. Core activities of the Union include provision of welfare and support services and other facilities for students, supporting student activities, student representation, providing advice and campaigning.
7. As such although the Union operates autonomously, it does so within the corporate ambition of the University. In other words although the Union is self-governing and autonomous, it is a **part** of the University.

## Union Believes

1. Having an effective relationship with the University is essential.
2. Work carried by NUS on principles that underpin excellent working relationships between Higher Education Institutions and Students' Unions were identified and formulated into a model Relationship Agreement a few years back.
3. The Union should adopt the model principles as the basis for its own relationship agreement as follows:
  - a. **Strategic Partnership**; Spirit of partnership between HEI and SU informing the strategic direction of both parties and informing service agreements. Informed engagement of SU representatives in key institutional decision-making bodies.
  - b. **Student Centred**; Shared commitment to developing and improving students' experience of academia and extra-curricular aspects of their lives.
  - c. **Respect & Understanding**; Clarity about, and mutual understanding of, the distinct roles of the HEI and the SU and the value that each party brings to the relationship.
  - d. **Openness & Trust**; Full, open, regular communication on relevant issues, in particular issues likely to have an impact on the other party, the student population and/or other joint stakeholders.

- e. **Mutual Support & Commitment;** Constructive interactions, Demonstrable commitment to making the relationship work through investment of time and resources.
- f. **Independence;** Recognition of the value of a strong, student-led Students' Union empowered to determine and manage its own affairs. Recognition of the need for the HEI to balance the interests of a range of stakeholders within an increasingly challenging external context.
- g. **Accountability;** Accountability of SU to HEI as supervisor (under the 1994 Education Act) and principal funder, within a mutually agreed framework which is robust, effective, efficient and compatible with the reporting requirements of other regulators (where relevant), such as The Charity Commission, the Office of the Scottish Charity Regulator and/or Companies House. Acknowledgement by HEI that the SU is a major stakeholder and primary body representing the student voice.
- h. **Diversity & Equality;** A shared commitment to equality and diversity and the fair treatment of all staff and students.

### **Union Resolves**

1. To develop a detailed relationship agreement with the University based on these principles to guide the relationship between the Union and the University at every level.
2. This should set out, under a number of headings, agreed approaches on issues of common concern both for the Union, its members, its trustees and the University so that a clear working relationship between the two is established.
3. To bring this relationship to Union Council for approval.

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### **1489 Clarification of Staff Protocol – Amendment to Bye-law 2.13**

Proposer: Rosie Rawle (Communications Officer)

Seconder: David Hall (HIS PGR)

### **Union Notes**

1. There was a conflict between Councillors and Trustees over a policy that was removed from Union Council Agenda, by Trustees, on account of it's possible breach of staff protocol

### **Union Believes**

1. That some legal risk is attached to the publication, debate and resolution of motions mentioning individuals and companies
2. That the union's constitution contains a "staff protocol" which prevents "any public discussion of matters relating to the responsibilities, Conditions of Employment, performance or conduct of members of staff in... meetings, informal or formal, with members of the Union"
3. That at present the bye laws state that "a motion, amendment or any other item shall be ruled out of order if it... seeks to commit the Trustees, the Student Officer Committee, the Directors of the Union's subsidiary companies, the Union's staff or any other person to an illegal act, or seeks to commit Union resources to an illegal act; or ... is in contravention of the terms of the Constitution..."
4. In order to prevent public discussion as per the staff protocol the bye laws need to be updated and clarified
5. A process needs to exist in the bye laws to ensure that the protocol is upheld and to clarify the responsibility and power of ruling motions & amendments out of order
6. Students should be as free as possible in our structures to debate issues and we should protect that
7. We need to uphold the principles of the staff protocol and ensure that staff are able to exercise their negotiation rights with the union through their trade union
8. We have a duty to protect the Union from legal risk

### **Union Resolves**

1. To amend Byelaw 2.13.2 to

Seeks to commit the Trustees, the Student Officer Committee, Union Council, the Directors of the Union's subsidiary companies, the Union's staff or any other person to an illegal act, or seeks to commit Union resources to an illegal act; or

2. To amend Byelaw 2.13.3 to

Seeks to amend the Constitution unless it is a properly submitted Constitutional amendment, or is in contravention to the terms of the Constitution and Byelaws, including Section 6: Staff Protocol.

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3. To add bye law 2.13.4

*makes a judgment about or includes a view on an individual, external organization or company that does not include robust evidence, and/or contain verifiable quotes and/or is defamatory.*

4. Add 2.14 (and renumber subsequent)

The power and responsibility to exercise clause 2.13 shall rest with the chair, save that any such decision shall be able to be overturned by the Trustee Board (or Management Committee acting in lieu of Trustee Board). Any such overrule shall be reported to Council.

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