

Emergency Motion to the ASM (20th March) On Disciplinary Reform

Proposed by: Calum Watt (11209200)

Seconded by: Thomas Eason (10235560)

The Union Notes;

1. The current disciplinary procedures of Lincoln SU and in particular Article 5.1 which states that the Panel shall consist of the President and "Two other randomly drawn members of the Executive".
2. That presently, the Accused in a disciplinary has no right to give evidence in person, (which may be allowed only at the discretion of the President and the Manager of Membership Services), no right to independent representation and that meetings of the Panel are not provided to the parties involved.
3. That the Complainant in a case currently receives no notification of evidence presented in a case and has no right-of-reply.

The Union Believes;

1. That the provision that a Disciplinary Panel of three people is drawn from a pool of just five very senior (full time) officers is perverse and undermines confidence in the disciplinary process.
2. That Members of the Union should have the right to be tried by their peers (i.e. other current students, as opposed to Sabbaticals).
3. That the denial of a person's right to represent themselves in person, the ambiguous nature of their ability to be represented, and the lack proper minuting creates an unnecessary degree of obscurity to proceedings and undermines confidence that they are being conducted fairly.

The Union Resolves;

1. That the Trustee Board should review the current Student Disciplinary Procedures as a matter of urgency and institute the following;
 - a. That except in exceptional cases (e.g. when violence is a factor in the disciplinary) the Accused should have the right to give evidence to the Disciplinary Panel in person if they wish to do so.
 - b. That the Accused should have the right to be accompanied, if they wish, by a solicitor, an external Union Rep (such as from the University and College Union), an Officer of the SU or a fellow student – who is willing to act as an advisor to the Accused in their case and may speak on their behalf with the consent of the Accused.

- c. That the Panel for any Disciplinary should be drawn primarily from volunteer (part-time) Officers and may be Chaired or inclusive of no more than ONE Executive Member or Trustee.
 - d. That both the Accused and the Complainant are informed of all evidence that is presented in the case and are allowed a reasonable period of time in which to respond.
 - e. That the deadline for submitting new evidence is set at five full working days from the date of the Accused being informed of the complaint.
 - f. That all Disciplinary Proceedings should be properly minuted and the minutes made available to both parties to ensure proper procedure is followed.
 - g. That the Union must ensure the Accused and the Complainant(s) remain fully informed of the process of the Disciplinary, by making it clear in all communications that evidence in the case will be admissible only if it is submitted via. the Accused or the Complainant.
2. That the recommendations of this review should be presented to the next ASM following the passing of this motion for scrutiny, and if the ASM is happy to pass the Board's recommendations un-amended then they shall be re-submitted to the Trustees for final approval and implementation.
 3. If the ASM chooses to amend the conclusions of the Review, then these changes will be passed to the Trustee Board for their consideration and the matter referred to the next ASM as stipulated in Resolves 2.