

EQUITY

DISCIPLINARY COMMITTEE PROCEDURE

Approved by the Council: 6 December 2022

* References to Rules in these Standing Orders refer to the Rules in the Union's Rulebook

Introduction

1. This procedure sets out the process that the Union's Disciplinary Committee will follow when determining disciplinary charges referred to it under Rule S5.
2. The procedure will be made available to any member charged with a disciplinary offence (called the Respondent below).

General Principles

3. The Respondent may bring another Equity member to a disciplinary hearing to act as their companion. The companion may address the hearing and confer with the Respondent but may not answer questions on behalf of the Respondent.
4. The Respondent has the right to appeal the decision of the Disciplinary Committee to uphold the charge against them or to appeal any penalty imposed to the Appeals Committee.
5. Recordings of disciplinary hearings are not to take place unless expressly agreed to by all the parties present.
6. The Secretary to the Disciplinary Committee will take a note of the disciplinary hearing for use by the panel. The Respondent (or their companion) may take a note for their own use and is encouraged to do so.
7. Throughout the process every effort will be made to ensure that the charges are progressed without unreasonable delay.

The Disciplinary Committee

8. The work of the Disciplinary Committee is supported by a member of Equity's staff referred to in this procedure as the Secretary.
9. When a charge has been referred to the Disciplinary Committee in accordance with Rule S5, the Secretary will liaise with the Disciplinary Committee to form a panel of not less than three of its members to hear the charge. The panel will nominate one of its members as its Chair.

Notification

10. The Secretary to the Disciplinary Committee will write to the Respondent to inform them of the charge/s against them.
11. The Respondent will be invited to attend a disciplinary hearing before the Disciplinary panel to provide their response to the charge/s. Notice of the charges and the disciplinary hearing date will be at least 20 working days.

Postponement

12. If the Respondent or their chosen companion is not available to attend the disciplinary hearing, it will be postponed to a further date.
13. If the Respondent continues to be unavailable to attend the disciplinary hearing, the disciplinary panel will decide the charge in their absence on the evidence available, including any written representations received from the Respondent.

The Hearing

14. At the start of the disciplinary hearing, the Chair will explain the charge/s to the Respondent.
15. The General Secretary (or the person delegated to conduct the investigation under Rule S3) will present their reasons for believing that a disciplinary offence has been committed and answer any questions from the panel and from the Respondent.
16. The Respondent will then provide their response and answer questions from the panel.
17. The Respondent may call witnesses to the disciplinary hearing to provide relevant evidence if they wish. The panel may also request the attendance of any witness that it believes will assist them in reaching their decision.
18. Witnesses will, at the appropriate time, be called by the Chair into the hearing to give their evidence and answer any questions from the panel and the Respondent. Witnesses will then be required to leave.
19. The Respondent must provide written notice of their witnesses to the Secretary to the panel not less than 10 working days before the disciplinary hearing. The Secretary will provide written notice of any witnesses attending at the request of the disciplinary panel to the Respondent not less than 10 working days before the disciplinary hearing.

Documents & Statements

20. The Secretary will provide the Respondent with copies of any documents, written statements, or other information that the General Secretary (or their delegate) intends to put before the panel at least seven working days prior to the hearing.
21. The Respondent must provide the Secretary with any documents, witness statements or other information that they wish the panel to consider at the hearing at least five working days prior to the hearing.
22. Should any documentation come to light at any stage after the submission deadlines above, it shall be at the discretion of the Chair to accept or reject this documentation.
23. The Chair may restrict the submission of documents, statements, or other information if, in their opinion, they are not relevant to deciding the charge/s.

Decision

24. The Secretary will aim to write to the Respondent with the panel's decision within 10 working days of the disciplinary hearing.
25. At the same time, the Secretary will inform the Respondent that if they wish to appeal they must do so within 14 days of receipt of the panel's decision in accordance with Rule S12.
26. The Chair will report the disciplinary charge/s and the outcome to the Council.