

## Appendix 2: Disciplinary Procedures

### 1. COMPLAINTS PROCEDURE

- 1.1. Any complaints about the conduct of an individual member of BCSA shall be dealt with under the BCSA Complaints procedure.

### 2. CODE OF PRACTICE, DISCIPLINARY AND COMPLAINTS PROCEDURE

- 2.1 If a student feels that they have been unfairly treated by BCSA or that they have been unfairly disadvantaged by opting out of the BCSA membership, then they will have the opportunity to address the matter through the procedures outlined.
- 2.2 All complaints should be dealt with promptly and fairly. The informal procedures outlined below should, in normal circumstances, be started within 5 working days and completed as soon as is practical.
- 2.3 Both sides of the case should be heard.
- 2.4 A person involved in the complaint should not be involved in the investigation
- 2.5 The Association must at all times act within the powers it possesses by virtue of legislation and the constitution.
- 2.6 All rules for meetings of the BCSA as contained in the constitution shall be adhered to. Repeated breach of the rules will result in disciplinary action and may ultimately lead to expulsion by the process described in the constitution.
- 2.7 Any complaint concerning members of the Association shall be made, in the first instance, to the Student President who shall endeavour to resolve the matter.
- 2.8 If the Student President fails to resolve the matter, or the matter directly relates to the Student President, then it will be placed before the Executive Team who shall have the power to determine the disciplinary action to be taken on the basis of the facts of the case.
- 2.9 The person complaining and the person the complaint relates to shall have the right to be heard by the Executive Team prior to it reaching a decision.
- 2.10 The right of appeal contained in the constitution shall apply to all complaints.
- 2.11 Matters that are covered by this procedure would include:
  - 2.1.1 Disorderly behaviour
  - 2.1.2 Damage to Student Association or to other member's property
  - 2.1.3 Anti-social behaviour
  - 2.1.4 Involvement in criminal activities
  - 2.1.5 Any other activity that may bring the BCSA into disrepute
  - 2.1.6 Breaches of all student policies including Equal Opportunities, Harassment and Bullying and the Race Relations Policy
- 2.12 Any student who breaches the College Code of Discipline, and as a result is removed from their course, shall automatically cease to be a member of the BCSA during the College Disciplinary Procedure and in any consequent litigation. This will be at the discretion of the Executive Team XECUTIVE TEAM.
- 2.13 Where the complaint relates to college staff, then the matter will be pursued by the Student President who will inform the appropriate member of management within Borders College.
- 2.14 All members of staff of the BCSA shall not discriminate, or be discriminated against, on the basis of their:
  - Age
  - Disability
  - Gender Re-assignment
  - Marriage or Civil Partnership
  - Pregnancy and Maternity
  - Race
  - Religion or Belief

- Sex
- Sexual Orientation
- Status as Care Experienced or Care Leaver

2.15 The anti-discriminatory policy applies to all clubs and societies set up and recognised by BCSA.

2.16 In the event of a member not being satisfied with the BCSA's handling of a complaint or believing that the BCSA had been biased, prejudiced or unfair in its treatment, they shall have the right of appeal to the Principal of the College whose decision shall be final.

2.17 In the above circumstance, the complainant will have the right to be heard prior to the Principal making a decision.

2.18 None of the procedures outlined above should limit in any way the civil rights of Students<sup>4</sup>.

### **3 EXPULSION OF MEMBERS**

3.1 The Executive Team can expel any member of BCSA on the grounds of:

3.1.1 Their conduct is such that it is bringing BCSA into disrepute. The person concerned shall have a right to be heard prior to the Executive Team reaching a decision.

3.2 Any member so expelled shall have a right to appeal to the EXECUTIVE TEAM. This must be made in writing within fourteen days of the decision of the Executive Team and should be addressed to a Staff Member of BCSA unless the complaint concerns the Staff Member, in which case, it shall be addressed to the President.

3.3 In the event of a no confidence vote being passed by the Executive Team on any member of the Executive Team, they shall be deemed to have resigned. The person concerned shall have the right to be heard prior to the Executive Team reaching a decision.

3.4 The Executive Team shall have the power to recommend to the Executive Team that any Executive Officer of BCSA is removed and replaced if they:

3.1.1 Miss two consecutive meetings without reasonable cause.

3.1.2 Their conduct is such that it is bringing BCSA into disrepute.

3.1.3 They are failing to carry out appropriate duties assigned to them by the Constitution or by either the Executive Team or General Meeting.