

SCHEDULE 9

DISCIPLINARY AND ACCOUNTABILITY PROCEDURES

Made under Article 11 of the MISU Constitution

Approved by Union Council: 24 March 2026

Effective from: 15 June 2026

PART A: GENERAL PROVISIONS

1. Scope and Purpose

- 1.1 This Schedule establishes procedures for:
- (i) Addressing complaints against persons holding official Union positions
 - (ii) Holding Advocacy Officers accountable for their performance
 - (iii) Addressing votes of no confidence
 - (iv) Ensuring fair and transparent processes
- 1.2 These procedures apply to all elected and appointed Union officers including:
- Advocacy Officer Team (President and Advocacy Officers)
 - Learning Representatives
 - Student Community Organisers
 - Any other Student Representatives and Advocacy positions with formal responsibilities under the Constitution
- 1.3 These procedures do not replace employment disciplinary procedures where applicable.

2. Relationship to Employment Law

- 2.1 Where an individual holds both an elected/appointed position AND an employment contract with MISU, two separate processes may apply:
- (i) Employment Disciplinary Procedures for matters relating to employment conduct
 - (ii) Union Disciplinary Procedures (this Schedule) for matters relating to their representative role
- 2.2 Employment matters include but are not limited to:
- Breach of employment contract terms
 - Health and safety violations
 - Misconduct as an employee
- 2.3 Representation matters include but are not limited to:
- Failure to uphold constitutional responsibilities
 - Breach of trust with student membership
 - Acting outside authority granted by constitution
- 2.4 Where issues overlap between employment and representation matters, both processes may be run in parallel with findings coordinated before final sanctions are determined.
- 2.5 The General Manager shall determine which procedure applies in consultation with legal advice where necessary.
- 2.6 Removal from elected/appointed office automatically terminates associated employment contracts.

3. Principles

All procedures under this Schedule shall be conducted according to the following principles:

- 3.1 Natural Justice: All parties shall have a fair hearing.
- 3.2 Proportionality: Sanctions shall be proportionate to the conduct.
- 3.3 Transparency: Processes shall be clear and decisions documented.
- 3.4 Confidentiality: Personal information shall be handled appropriately.
- 3.5 Timeliness: Matters shall be addressed promptly.
- 3.6 Support: All parties shall have access to appropriate support.

PART B: INFORMAL RESOLUTION

4. Informal Resolution Process

- 4.1 Minor concerns or issues should be addressed informally before formal procedures are invoked.
- 4.2 Informal resolution may include:
 - Direct conversation between parties
 - Mediation facilitated by the General Manager
 - Coaching or additional support for the officer
 - Clarification of expectations
- 4.3 The General Manager shall maintain a confidential record of informal resolutions.
- 4.4 If informal resolution is unsuccessful or inappropriate, formal procedures may be initiated.

PART C: FORMAL COMPLAINTS PROCEDURE

5. Who May Bring a Complaint

5.1 A formal complaint may be brought by:

- (i) Any member of MISU
- (ii) The MISU Management Board
- (iii) Bodies established under the Democracy and Student Voice Framework
- (iv) The General Manager on behalf of MISU

6. Grounds for Complaint

6.1 A complaint must allege one or more of the following:

- (i) Breach of constitutional responsibilities
- (ii) Failure to implement decisions made by referendum or competent Union bodies
- (iii) Conduct bringing MISU into disrepute
- (iv) Breach of MISU policies or procedures
- (v) Abuse of position or authority
- (vi) Discrimination, harassment, or bullying

7. Submission of Complaints

7.1 Complaints must be submitted in writing to the General Manager.

7.2 Complaints must include:

- Name and contact details of complainant
- Name of the person complained against
- Detailed description of the alleged conduct
- Dates, locations, and witnesses (if applicable)
- Relevant evidence or documentation
- The remedy or outcome sought

7.3 The General Manager shall acknowledge receipt within 3 college days.

8. Initial Assessment

8.1 The General Manager shall conduct an initial assessment to determine:

- (i) Whether the complaint falls within scope
- (ii) Whether informal resolution is appropriate
- (iii) Whether the complaint should proceed to formal investigation
- (iv) Whether interim measures are necessary

8.2 The General Manager shall complete the initial assessment within 5 college days.

8.3 Both parties shall be notified of the outcome of the initial assessment.

9. Interim Measures

9.1 Where serious allegations are made, the General Manager may implement interim measures including, but not limited to:

- Temporary suspension from specific duties (paid)
- Temporary restrictions on access to certain areas or systems
- Increased supervision

9.2 Interim measures are not a finding of wrongdoing.

9.3 Interim measures shall be proportionate and reviewed regularly.

PART D: INVESTIGATION AND HEARING

10. Investigation

10.1 Where a complaint proceeds to formal investigation, the General Manager shall appoint an investigator.

10.2 The investigator may be:

- A member of MISU staff
- An external professional
- A panel of two persons

10.3 The investigator must be independent and have no conflict of interest.

10.4 The investigation shall include:

- Interview with complainant
- Interview with the person complained against
- Interviews with relevant witnesses
- Review of relevant documents and evidence

10.5 The investigation shall be completed within 15 college days unless exceptional circumstances require extension.

10.6 The investigator shall produce a written report with findings and recommendations.

11. Disciplinary Panel

11.1 Where the investigation recommends a formal hearing, a Disciplinary Panel shall be convened.

11.2 The Disciplinary Panel shall comprise:

- (i) One member of the MISU Management Board (Chair)
- (ii) Two students selected by sortition from the general membership
- (iii) One external person: either a sabbatical officer from another students' union OR a member of the MISU Management Board

11.3 Panel members must:

- Have no conflict of interest
- Have had no prior involvement in the matter
- Be available to attend hearing within reasonable timeframe

11.4 Sortition selection shall be conducted by the General Manager using a random selection process from members who have indicated willingness to serve.

11.5 Students selected by sortition shall receive:

- Briefing on the process and their role
- Support from the General Manager

- Payment for their time at standard hourly rate

12. Hearing Process

- 12.1 The hearing shall be convened within 10 college days of panel formation.
- 12.2 All parties shall receive at least 7 days notice of the hearing.
- 12.3 Both parties shall receive copies of:
 - The complaint
 - The investigation report
 - All evidence to be considered
- 12.4 Both parties have the right to:
 - Attend the hearing
 - Be accompanied by a support person (being a current registered MIC student)
 - Present evidence
 - Call witnesses
 - Challenge evidence
 - Make closing statements
- 12.5 The hearing shall be conducted fairly and in accordance with natural justice.
- 12.6 The hearing may be conducted in person or remotely depending on circumstances.

13. Availability and Term Time

- 13.1 Disciplinary hearings shall normally be scheduled during college term time.
- 13.2 Where a hearing must be scheduled outside term time (including Christmas, Easter, or summer vacation):
 - (i) The panel may proceed with reduced membership if full panel cannot be convened
 - (ii) Remote/written proceedings may be used
 - (iii) Additional time may be allowed for responses
- 13.3 The General Manager shall make reasonable efforts to accommodate availability constraints while ensuring timely resolution.

PART E: DECISIONS AND SANCTIONS

14. Panel Decision

- 14.1 The Disciplinary Panel shall make its decision by majority vote.
- 14.2 The panel shall determine:
 - (i) Whether the complaint is upheld (in whole or in part)
 - (ii) What sanction (if any) is appropriate
- 14.3 The panel's decision shall be based on the balance of probabilities.
- 14.4 The panel shall issue a written decision within 5 college days of the hearing.
- 14.5 The decision shall include:
 - Findings of fact
 - Reasons for the decision
 - Any sanctions imposed
 - Right of appeal

15. Available Sanctions

- 15.1 Where a complaint is upheld, the Disciplinary Panel may impose one or more of the following sanctions:
 - (i) Written warning
 - (ii) Requirement to undertake specific training
 - (iii) Restriction from specific duties or activities
 - (iv) Supervision requirements
 - (v) Removal from specific committees or positions (but not from office)
 - (vi) Removal from office
- 15.2 Sanctions shall be proportionate to the conduct and take into account:
 - Severity of the breach
 - Impact on MISU and students
 - Any mitigating circumstances
 - Previous conduct record
- 15.3 Removal from office automatically terminates any associated employment contract without the payment of compensation.

16. Implementation of Sanctions

- 16.1 Sanctions take effect immediately unless the panel specifies otherwise.
- 16.2 The General Manager is responsible for implementing sanctions.
- 16.3 Where removal from office occurs, procedures in Schedule 10 for casual vacancies shall apply.

PART F: APPEALS

17. Right of Appeal

- 17.1 Either party may appeal the decision of the Disciplinary Panel.
- 17.2 Appeals must be submitted in writing to the General Manager within 5 college days of receiving the decision.
- 17.3 Grounds for appeal are limited to:
- (i) Procedural irregularity that affected the outcome
 - (ii) New evidence that was not available at the hearing
 - (iii) Sanction is disproportionate to the conduct
- 17.4 The appeal shall not be a rehearing of the original complaint.

18. Appeals Panel

- 18.1 An Appeals Panel shall be convened to hear the appeal.
- 18.2 The Appeals Panel shall comprise:
- (i) Chair of MISU Management Board (or nominee) - Chair
 - (ii) One member of MISU Management Board who did not sit on original panel
 - (iii) One sabbatical officer from another Irish students' union OR one former MISU sabbatical officer (within 10 years)
- 18.3 No member of the Appeals Panel may have been involved in the original investigation or hearing.

19. Appeals Process

- 19.1 The Appeals Panel shall review:
- The original complaint and evidence
 - The investigation report
 - The hearing record
 - The decision and reasons
 - The grounds of appeal and any new evidence
- 19.2 The Appeals Panel may:
- Review on papers without a hearing
 - Request additional information
 - Convene a hearing if necessary
- 19.3 The Appeals Panel shall issue a decision within 10 college days.

20. Appeals Outcomes

- 20.1 The Appeals Panel may:
- (i) Uphold the original decision
 - (ii) Vary the decision or sanction

- (iii) Overturn the decision
- (iv) Order a new hearing with a different panel

20.2 The decision of the Appeals Panel is final.

20.3 There is no further right of appeal within MISU processes.

PART G: VOTE OF NO CONFIDENCE

21. Initiation

- 21.1 A motion of no confidence may be brought against any member of the Advocacy Officer Team.
- 21.2 A motion may be initiated by:
- (i) The Student Confidence Conference (accountability mechanism under Schedule 7)
 - (ii) The MISU Management Board
 - (iii) A petition of members as specified in Schedule 7
- 21.3 A motion of no confidence must specify:
- The officer(s) against whom the motion is brought
 - The grounds for the motion
 - Evidence supporting the motion

22. Grounds for No Confidence

- 22.1 A motion of no confidence may be based on:
- (i) Failure to deliver on key objectives or commitments
 - (ii) Loss of trust of the student body
 - (iii) Serious breach of responsibilities
 - (iv) Inability to work effectively
 - (v) Some other substantial reason

23. Investigation and Hearing

- 23.1 When a motion of no confidence is received, the General Manager shall convene a No Confidence Panel.
- 23.2 The No Confidence Panel shall comprise:
- (i) Two members of MISU Management Board
 - (ii) Three students selected by sortition
 - (iii) One external person (sabbatical officer from another union OR MISU Management Board member)
- 23.3 The panel shall:
- Review evidence supporting and opposing the motion
 - Hear from the person bringing the motion
 - Hear from the officer subject to the motion
 - Consider the impact on MISU and students
- 23.4 The officer subject to the motion has the right to:
- Respond to allegations
 - Present evidence of their work and achievements

- Be accompanied by a support person who is a current registered MIC Student.

24. Decision

- 24.1 The No Confidence Panel shall decide by majority vote whether:
 - (i) The motion is upheld (officer removed from office), or
 - (ii) The motion is not upheld (officer remains in office)
- 24.2 The panel may make recommendations for improvement even if the motion is not upheld.
- 24.3 The decision shall be issued in writing within 5 college days.
- 24.4 If the motion is upheld, the officer is immediately removed from office and their employment contract terminates without the payment of compensation.

25. Appeal

- 25.1 The officer may appeal a decision upholding a motion of no confidence.
- 25.2 The appeal shall follow the process in Sections 17-20 of this Schedule.
- 25.3 The officer remains removed from office pending the appeal.

PART H: RECORDS AND REPORTING

26. Confidentiality

26.1 All disciplinary and accountability matters shall be handled confidentially insofar as this is possible.

26.2 Information shall only be shared with:

- Parties directly involved
- Panel members
- The General Manager and MISU Management Board
- Legal advisors
- Such other persons as necessary for the process

26.3 Outcomes may be communicated to the membership in anonymised form where appropriate. There may be instances where this is not appropriate.

27. Record Keeping

27.1 The General Manager shall maintain confidential records of:

- All complaints received
- Investigation reports
- Hearing records
- Decisions and sanctions
- Appeals

27.2 Records shall be retained in accordance with data protection law and MISU retention policy.

28. Reporting

28.1 The General Manager shall report annually to the MISU Management Board on:

- Number and nature of complaints received
- Outcomes of disciplinary processes
- Trends and lessons learned

28.2 Reports shall be anonymised to protect confidentiality insofar as this is possible.

29. Support for All Parties

29.1 MISU recognizes that disciplinary processes are stressful for all involved.

29.2 Support shall be available to:

- Complainants
- Persons subject to complaints
- Witnesses
- Panel members

29.3 The General Manager shall signpost to appropriate support services.

30. Amendment of this Schedule

- 30.1 This Schedule may be amended by resolution of bodies established under the Democracy and Student Voice Framework in accordance with Article 8.5.3.
- 30.2 Amendments shall not take effect during ongoing disciplinary processes.
- 30.3 Legal review is required before any amendments take effect.

Schedule 9: Disciplinary and Accountability Procedures

Adopted: 4 March 2026

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