

## **UNIVERSITY AND COLLEGE UNION**

### **Rule 13: Complaints procedure for possible disciplinary offences**

#### **Introduction**

The Rules of the University and College Union require the National Executive Committee to establish a complaints procedure for possible disciplinary offences:

*The National Executive Committee shall (by the same procedure as it establishes its own Standing Orders) establish a procedure to censure or bar a member from holding any office for a specified period not exceeding three years or suspend from membership for a period not exceeding one year or expel a member from membership if it finds their conduct to constitute a disciplinary offence.*

*A member of the Union commits a disciplinary offence if that member: (a) acts contrary to the Rules of the Union; (b) is knowingly involved in any fraud on the Union or misappropriation of Union funds or property; (c) misuses protected data contrary to the Data Protection Act Licence of the Union; (d) frustrates any decision or penalty of the Conduct of Members Committee; or (e) in any other way engages in conduct which brings injury or discredit to the Union.*

*The procedure, inter alia, shall include an appeals process. (Rule 13.1)*

All members are required to abide by the Rules of the Union:

*All members and student members have an obligation to abide by the Rules of the University and College Union, and shall refrain from conduct detrimental to the interests of the Union, from any breach of these Rules, Standing Orders or directions (properly made in accordance with these Rules or Standing Orders) and from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age, or other status or personal characteristic. (Rule 6.1)*

*UCU will...expel from existing membership, any person who is a known member or activist of any extreme right wing political organisation, including the BNP and National Front, where the organisation's aims, objectives and principles are contrary to those of UCU as outlined in 6.1 above. (Rule 6.1.1)*

## **The Procedure**

### **1 Scope**

1.1 Complaints under Rule 13.1 may be brought by any member or employee of UCU. Complaints may be brought individually or jointly by members.

1.2 This Procedure does not apply to disagreements or disputes between members unless there is an allegation with evidence of conduct which is a disciplinary offence as defined under rule.

1.3 This Procedure does not apply where the matters complained of concern members in capacities unrelated to their UCU membership.

1.4 This Procedure does not apply to complaints about the provision of Union services by UCU employees. Such complaints are covered by the Membership Complaints Procedure. This can be found on the UCU website ([www.ucu.org.uk](http://www.ucu.org.uk)).

1.5 This Procedure deals with complaints against individual members. If the complainant believes that more than one member has infringed Rule 13.1, separate complaints must be lodged.

1.6 This Procedure does not form part of the rules of UCU.

1.7 In the event of any dispute arising about procedural matters on which this Procedure is silent, the dispute shall be referred to the National Executive Committee for resolution and its decision shall be final.

## **2 Members' responsibilities**

2.1 It is the responsibility of complainants to ensure that they have familiarised themselves with this Procedure. Members may seek advice on procedural queries from the official named on the complaints form.

2.2 All members involved in this Procedure must behave in a reasonable and cooperative manner at all times, and, unless for good reason, meet any deadlines that apply, and make themselves available for any meetings and hearings. All members of the union have an obligation to cooperate with an investigating officer where they may be a witness to a disciplinary allegation or may be able to give evidence relevant to the investigation.

2.3 If, at any point in the course of the investigation, the complainant acts in a manner which in the opinion of the Investigating Officer will seriously inhibit the investigation or fails, without reasonable excuse, to meet a deadline or attend any

meeting or hearing, the Investigating Officer is empowered to proceed on the basis of the documentary evidence available alone or to cease the investigation or any proceedings against the respondent.

2.4 If the respondent acts at any point in the course of the investigation in a manner which in the opinion of the Investigating Officer will seriously inhibit the investigation or fails, without reasonable excuse, to meet a deadline or attend any meeting or hearing, the Investigating Officer is empowered to proceed on the basis of the documentary evidence available alone or, in the case of the respondent not attending a meeting or hearing, proceed in the respondent's absence and without reorganising such meeting or hearing.

2.5 The General Secretary may, after consultation with the Officers, require members who are parties in this Procedure not to come into contact with each other while the investigation is proceeding, and until this Procedure is concluded; or following consultation with the officers, impose any other condition as the General Secretary considers appropriate having regard to the interests of UCU, the parties, the need to maintain confidentiality, or otherwise.

### **3 Confidentiality**

3.1 This is an internal UCU procedure and subject to paragraphs 3.2 to 3.5 of this Procedure, the conduct of any investigation and disciplinary proceedings under this Procedure is strictly confidential. All members and employees must respect this.

3.2 It is accepted that members may share documents and information arising from this Procedure on a strictly confidential basis with another member of the union acting as their advisor at any stage of the Procedure.

3.3 It is also accepted that complainants and respondents will need to share documents and information on a strictly confidential basis with their approved witnesses in the course of preparing for the panel hearing referred to in section 10 below. Information and documents should not be shared with witnesses who the hearing panel does not agree to call. Information shared with witnesses should be limited to that which is necessary to the witness's understanding of the matter on which they are being asked to give evidence.

3.4 Confidentiality is intended to cover any and all information, including documents and matters reported verbally at hearings, that an individual obtains as a result of this procedure.

3.5 It is recognised that difficult and distressing matters may be raised under this procedure. The confidentiality required by this procedure does not prevent a member from speaking about their experiences in a counselling or therapeutic setting where there is an obligation of confidentiality. A member involved in the process may also confide in a family member or close friend, on a strictly confidential basis.

**3.6 Apart from these exceptions, no documents or information arising from this Procedure should under any circumstances be shared with third parties.**

3.7 In the event of there being evidence that confidentiality has been materially breached by the complainant at any stage in this Procedure, the General Secretary may dismiss the complaint with no further action. In such cases the General Secretary will provide the Chair of the CMC with reasons for doing so.

3.8 Breaches of confidentiality may be sufficient grounds to trigger the application of this Procedure to those responsible.

## **4 Lodging a Complaint**

4.1 Complaints should be addressed to the General Secretary at UCU head office providing the information set out in section 6.3 below and using the form at **Schedule Two** to this Procedure.

4.2 The UCU is committed to good equality practice in the application of its procedures. If members involved in this procedure have difficulties in accessing or participating in any aspect of it, they should contact the General Secretary, or the official named on the complaints form in order to discuss any reasonable adjustments or other arrangements that may be required.

4.3 Subject to paragraph 4.4, no complaint shall be considered for investigation if it relates to an event occurring more than three months before the date on which it is received by the General Secretary. Where the issue relates to a series of events which are all part of the same matter, the three months period shall commence from the date of the last such event.

4.4 **Exceptionally**, a complaint may be considered for investigation where the General Secretary considers that it would be fair and equitable to waive the time limit set out in 4.3, for example, due to the illness of the complainant, the fact that the event only became known to the complainant after the time limit, or if the complaint if proven might result in the expulsion of the respondent.

4.5 The time limits set out in 4.3 shall not apply in cases of gender-based violence as defined in schedule three to this procedure.

4.6 The General Secretary shall submit all complaints that are received in time and in the correct format to the chair of the Conduct of Members Committee (CMC).

4.7 A complaint which is not in time and in the correct format will be rejected by the General Secretary. A complainant who disagrees with a rejection at this stage has the

right to appeal the decision. Such an appeal will be considered by the chair or a vice chair of the CMC. The chair or vice chair who considers this appeal shall have no further involvement in the complaint.

## **5 Conduct of Members Committee**

5.1 The composition of the Conduct of Members Committee (CMC) is determined by Rule 13.1.1 and is set out in Schedule One to this Procedure. The CMC shall elect a chair and two vice chairs from amongst its members; all duties of the chair in this procedure may be carried out by a vice chair with the agreement of the chair and in accordance with any requirements of this procedure. If, exceptionally, the chair and vice chairs cannot, at any point in time, fulfil the requirements of this procedure in respect of the responsibilities of the chair for all complaints, the chair and vice chairs are empowered to ask another member of the CMC to act in the required capacity.

5.2 The General Secretary shall appoint an official to administer the application of this Procedure. The role of the official shall be to provide administrative support to any investigations, to act as secretary to the CMC and to provide professional advice and guidance on the application of this Procedure. The official shall also ensure that the complainant is kept informed of the progress of the complaint through the various stages of this Procedure.

## **6 Documentation**

6.1 A complaint under this Procedure must be set out by completing the form attached as **Schedule Two** to this Procedure, and attaching supporting documentation and must include:

6.1.1 A clear statement of the complaint and how exactly it relates to a disciplinary offence under Rule 13.1.

6.1.2 A clear explanation of how each item of supporting documentation attached relates to the complaint.

6.1.3 A chronology of the events associated with the complaint.

6.1.4 A statement that the complainant has read and understood this Procedure.

6.2 It is the responsibility of the complainant to ensure that the supporting documentation is set out in an accessible and organised manner, with minimal repetition, and with clear cross-referencing to the substance of the complaint.

6.3 Documentation, including the Schedule Two form, should not exceed 50 pages of A4 in total, of at least 10-point font.

## **7 Preliminary consideration**

7.1 When a complaint is forwarded to the chair of the CMC, they will, from those members who indicate that they are available, identify three CMC members to undertake preliminary consideration of the complaint, considering, where possible, sector, gender, and other characteristics where relevant, and taking care to avoid any conflict of interest.

7.2 The preliminary consideration will determine that either an investigating officer should be appointed, or the complaint should not progress further. The CMC members giving preliminary consideration may conclude that the complaint should not progress further in cases where:

I. there is no case to answer due to lack of evidence,



II. the alleged conduct is so minor as to be of no material effect, or

III. the complaint is not within the scope of the Procedure.

The CMC members who have undertaken this preliminary consideration will have no further involvement in any later stage of the complaint.

7.3 If no investigating officer is appointed the Procedure ends at this point. The complainant will be informed of the outcome, with a brief note of the reasons.

7.4 If the preliminary consideration concludes that the complaint should progress to investigation, a determination will also be made as to whether the complaint constitutes gender-based violence or bullying, in accordance with the definitions set out in schedule three.

7.5 The chair of the CMC will appoint an investigating officer from among the members of the CMC, subject to 7.6 and 7.7 below.

7.6 An investigating officer who is neither a member nor an employee of the union will normally be appointed in the following circumstances.

- i) complaints relating to allegations of gender-based violence and/or bullying
- ii) complaints requiring specialist knowledge and expertise not available within the membership of the CMC.
- iii) complaints submitted by members of UCU staff that relate to their treatment by a UCU member

7.7 The chair or vice chair may also request that the General Secretary provides a senior official of the union to act as investigating officer where they consider it appropriate.

## **8 Substantive investigation**

8.1 If a complaint proceeds to an investigation, the Investigating Officer shall conduct such enquiries as the Investigating Officer considers fit. An investigation may include interviewing potential witnesses and the consideration of documents. The investigation shall, where possible to do so, take no longer than seven working weeks from the date the issue is first referred to the Investigating Officer.

8.2 The complainant and the member whose conduct is alleged to be in breach of Rule 13.1 (“the respondent”) shall be notified at the start of the investigation by the Investigating Officer. Respondents shall be entitled to know details of the case against them and shall be sent the documents submitted by the complainant, together with a copy of this Procedure.

8.3 The respondent shall be invited to submit a written response to the complaint, which must normally be submitted to the Investigating Officer within three working weeks of the receipt of the invitation. The Investigating Officer may allow a longer period for responses in exceptional circumstances.

8.4 **The respondent should not approach other members (witnesses) for statements at this time.** They may however suggest to the Investigating officer, members that they consider having material information.

8.5 The Investigating Officer may meet either or both parties separately for the purpose of clarifying any points in the complaint or response. The Investigating Officer, may at their discretion, choose to make an audio recording of the meeting. In any event, a note of any such meetings shall be taken by a member of staff. No other audio recording of these meetings, or of any other meetings under this Procedure,

shall be made by any complainant, witness, respondent or their representative (subject to requirements relating to disability).

8.6 Should meetings with the Investigating Officer take place, any member may, if they wish, be accompanied by another member to provide support and representation. Legal representation is not permitted at any stage of this Procedure.

8.7 Members attending meetings at the request of the Investigating Officer shall be entitled to receive payment of standard travelling, subsistence and childcare costs incurred.

## **9 Outcome of investigation**

9.1 After the completion of the investigation, the Investigating Officer shall make one of the following determinations:

9.1.1 That there is no case to answer and that the matter should therefore proceed no further; or

9.1.2 That it appears that the member's conduct constitutes a disciplinary offence and that the matter should proceed to the next stage of this Procedure; or

9.1.3 that although it is not possible to conclude that there is a case to answer on the balance of probabilities, the matter is so serious that it should proceed to a hearing panel where witness evidence can be tested.

9.2 The investigating officer will share their decision and supporting reasons in writing to the complainant, respondent, chair of CMC and General Secretary.

## **10 Hearing stage: appointment of Hearing Panel**

10.1 If the matter is to proceed to the next stage, the chair of the CMC shall establish a Hearing Panel of three CMC members to hear and decide upon the complaint. No member of the panel shall have played any previous part in the procedure. The chair of the CMC will appoint from those members who indicate that they are available, a panel of three CMC members, taking into account, where possible, sector, gender and other characteristics where relevant, and taking care to avoid any conflict of interest.

10.2 In cases where preliminary consideration has confirmed that the complaint involves an allegation of gender-based violence or bullying, the chair of the CMC will appoint one CMC member to serve alongside two members independent of UCU who are suitably qualified to consider such complaints. The secretary to the CMC will advise on qualified and available persons.

10.3 The Hearing Panel shall when possible, to do so, complete its work within six working weeks of its appointment.

## **11 Preparation for the Hearing Panel**

11.1 The parties shall be consulted about dates for the hearing and their availability taken into consideration. The final decision on the date of the hearing shall be made by the Hearing Panel.

11.2 The respondent shall be informed of the date, time and place of the Hearing at least three working weeks in advance.

11.3 At the same time, the respondent shall receive confirmation of the papers to be considered at the hearing, which at this stage shall normally consist of the original complaint and supporting documentation, the respondent's response to the complaint, the notes of any interviews conducted by the Investigating Officer and a copy of the Investigating Officer's report.

11.4 If the respondent or the Investigating Officer wishes to call witnesses at the hearing, they must inform the Secretary to CMC and submit to the Secretary to the CMC witness statements at least two working weeks in advance of the hearing. Witness statements and additional documents shall be exchanged between the parties by the Secretary to the CMC as soon as possible following their submission. Unless there are highly exceptional circumstances, the Panel shall not accept any witness statement or document submitted after the appropriate deadline.

11.5 The panel reserves the right to refuse attendance by witnesses where it is clear to the Hearing Panel from the witness statements that their evidence is irrelevant, repetitive or otherwise unnecessary to the panel's deliberations. A witness whom the Panel agrees may attend to give evidence shall be described in these procedures as an "agreed witness".

11.6 All those attending a hearing shall be entitled to receive payment of standard travelling, subsistence and childcare costs incurred.

11.7 The hearing shall normally be concluded within one day. The Hearing Panel will expect the parties to have read the witness statements and supporting documents before the hearing. A note of the meeting shall be taken by a member of staff for the sole purpose of assisting the panel in the preparation of its report. The panel's report shall form the written record of the hearing.

11.8 In accordance with section 3 above, all proceedings before the Hearing Panel are confidential and no party or witness may repeat any matter outside of this

Procedure of which they become aware of by virtue of their involvement in this Procedure or use for any other purpose any document produced for the investigation or hearing (otherwise than required by law or by court or tribunal order).

## **12 Conduct of Hearing Panel**

12.1 Subject to the following paragraphs of this section, the Hearing Panel may regulate its own procedure, may decide whether any witnesses should attend to give evidence. The Hearing Panel may limit the time for questioning of any witness, the number of questions, and the time for submissions by either the Investigating Officer or the respondent.

12.2 Neither the Investigating Officer nor the respondent shall be represented by a lawyer, but the respondent may call upon a member of the Union for representation and assistance. In circumstances where an external legally qualified solicitor or barrister has been engaged to act as the Investigating Officer, another person will be appointed to present the complaint to the Hearing Panel. This does not prevent the Investigating Officer being called as a witness.

12.3 At the panel hearing the Investigating Officer shall present the investigation report on behalf of the Union, and call agreed witnesses and refer to pre-submitted documentary evidence as necessary. In doing so, the Investigating Officer will present the complaint to the Hearing Panel and their reasons for concluding that a hearing was required. It is this to which the respondent and the witnesses, if any, shall be expected to address themselves.

12.4 The respondent shall also be entitled to call agreed witnesses and refer to pre-submitted documentary evidence as necessary in response to the charges. The respondent may be present throughout the hearing.

12.5 Members of the Hearing Panel may question the investigating officer, the Respondent, and witnesses. The Hearing Panel may also, if necessary, question the complainant. The investigating officer and the respondent or their representative shall be entitled to give closing remarks. in that order.

12.6 If, at any point in the course of the preparation for the hearing or at the hearing, the respondent acts in a manner which in the opinion of the Hearing Panel will seriously inhibit the hearing, the Panel is empowered to proceed on the basis of the documentary evidence available. The Panel may determine the matter in the absence of the respondent.

### **13 Hearing Panel decision**

13.1 At the conclusion of the hearing the Panel shall produce a written report of the hearing and its deliberations, setting out its reasoned decision.

13.2 If on the balance of probabilities, a breach of Rule 13.1 is found to have occurred, the panel may impose a sanction as permitted by Rule 13.1. In deciding on an appropriate sanction, the Panel may take into account any previous Rule 13.1 breaches by the member which remain on the member's record but shall not consider any that have been expunged in accordance with paragraph 14 below.

13.3 The Panel's report shall be sent to the respondent, complainant, Investigating Officer, Chair of CMC and General Secretary within 21 working days of the Panel hearing.

13.4 The sanction shall not be put into effect until the period of notice for an appeal has elapsed without an appeal having been lodged, or until an appeal has been lodged and the appeal process concluded.

### **14 Appeals: submission**

14.1 The respondent may appeal against the decision of the Hearing Panel, and any sanction imposed on the following grounds:

14.1.1 Evidence of procedural irregularity or bias in the conduct of the Panel hearing.

14.1.2 That the decision of the Panel was so unreasonable that no reasonable panel would have reached such a decision.

14.1.3 That the level of any sanction imposed is disproportionate in relation to the conduct found.

14.2 Appeals must be received by the Secretary to the CMC within 10 working days of the date on which the written decision of the panel was sent to the parties and must set out clearly the grounds of the appeal and include any supporting evidence.

## **15 Appeals Panel**

15.1 The chair of the CMC shall appoint three CMC members with no previous involvement in the complaint to consider an appeal. The chair of the CMC will appoint from those members who indicate that they are available, a panel of three CMC members, taking into account, where possible, sector, gender and other characteristics where relevant, and taking care to avoid any conflict of interest. In cases where the complaint involves an allegation of gender-based violence or bullying, the chair of the CMC will appoint one CMC member to serve alongside two members independent of UCU who are suitably qualified to consider such matters. The secretary to the CMC will advise on qualified and available persons.

15.2 Appeals will normally be heard within four working weeks of receipt of the appeal.

## **16 Appeal panel procedure**



16.1 Subject to the following paragraphs of this section, the Appeal Panel may regulate its own procedure.

16.2 The Appeal Panel shall not conduct a re-hearing of the original allegations. The panel shall restrict itself to the review of the Hearing Panel's decision in relation to the Appellant's grounds of appeal and supporting argument and evidence.

16.3 The Appeal Panel will not normally consider new evidence that was not presented before the stage two panel, save in exceptional circumstances. An appellant attending an Appeal Panel, who did not attend the relevant Hearing Panel, may not bring matters that they could have presented to the Hearing Panel, had they attended the hearing.

16.4 Subject to para 16.3, appellants may address the Appeal Panel in support of their appeal statements and may be asked questions by the Panel.

16.5 Appellants attending an Appeal Panel hearing shall be entitled to receive payment of standard travelling, subsistence and childcare costs incurred.

16.6 The Appellant shall not be represented by a lawyer but may call upon a member of the Union for representation and assistance.

## **17 Appeal Panel decision**

17.1 The Appeal Panel may uphold or overturn the decision of the Hearing Panel that a disciplinary offence was committed. If the Appeal Panel upholds the decision of the Hearing Panel, it may confirm the sanction imposed or substitute a lesser sanction or no sanction at all. The Appeal Panel may not under any circumstances increase the sanction imposed by the Hearing Panel. The Appeal Panel shall give reasons for its decision.

17.2 The decision of the Appeal Panel shall be sent to the complainant, respondent, Chair of CMC and General Secretary. The decision of the Appeal Panel shall be final.

17.3 The report of the Appeal Panel containing its decision shall remain strictly confidential to the parties, but any sanction shall be notified to the membership, as below.

## **18 Notice of sanctions**

18.1 Any sanction imposed on a member under this Procedure shall be notified to the membership of the Union by being published in an appropriate membership communication, in the form:

*Following the application of the Union's Procedure for the Regulation of the Conduct of Members, in respect of a disciplinary offence as set out in rule 13 the following sanction has been imposed on [name of member]: [sanction as expressed in Rule 13].*

18.2 The sanction shall not be published until the period of notice for an appeal has elapsed without an appeal having been lodged, or until an appeal has been lodged and the appeal process concluded.

18.3 Expulsion from the Union is permanent. Other sanctions shall remain on the member's record for a period of five years, after which they shall be expunged.

## **19 General**

19.1 Notices to be given under this Procedure if sent by prepaid first class mail or by email or delivered by the relevant party at the address last provided by the member to the Union shall be deemed to be served, if posted, three days after posting and, if personally delivered or emailed, at the time of delivery.

## **20 Approval of Procedure**

20.1 This Procedure was approved by the National Executive Committee on 15 March 2024.

### **Schedule One: Composition and election of the conduct of Members Committee**

1. The CMC shall be elected by voting members of UCU Congress. A total of thirty members shall be elected. Each year, 10 members will be elected to serve a term of three years. Candidates may include members who are not delegates to Congress. Candidates may not serve more than three consecutive terms.
2. All candidates must be members of at least five years good standing with experience of either elected office at branch, regional or devolved nation, or national level. Alternatively, members may have experience as caseworkers rather than elected office.
3. The composition of the CMC shall be as follows:
  - i. There shall be at least ten members from further, adult and prison education.
  - ii. there shall be at least two members from who identify from the following groups: black members, disabled members, LGBT+ members, migrant members and casualised members.
  - iii. There shall be at least ten members who identify as women.
4. In the event that it is not possible for all the criteria in 3 above to be met, criteria will be prioritised in the order set out above. A member who is elected will be considered to fulfil as many of the relevant criteria as apply.
5. Nominations to casual and unfilled vacancies will be sought as part of the next annual call for nominations.

6. The call for nominations will be issued to branches at least six weeks before the start of the annual meeting of Congress and will close at least one week before the start of that meeting.
7. The chair and two vice chairs shall be elected by and from the membership of CMC on an annual basis. It shall not be in order for all positions to be filled by members from the same sector.
8. Should a member of the CMC cease to be a member of the union, their membership of the CMC will cease. A change in the sector or other relevant criteria which was taken into account at the time of election will not affect a member's ability to continue in their term on the committee.

**Schedule Two (Procedure for the Regulation of the Conduct of Members)**

**FORM FOR SUBMISSION OF COMPLAINTS** (continue on separate sheet if necessary)

1. Statement of complaint

1.1 Specify how the complaint relates to a disciplinary offence under Rule 13.1

2. Attach and number any documents in support of the complaint and indicate below how each item relates to the complaint.

3. Provide a chronology below of the events associated with the complaint.

I confirm that I have read and understood this Procedure<sup>[1]</sup>.

I give consent to the processing of my personal data for the purposes set out in this Procedure.

Signed:.....Date:.....

...

### **SCHEDULE THREE: Gender based violence and bullying**

#### **Definition: Gender-based violence**

Gender-based violence is behaviour underpinned by inequitable power relations that hurts or undermines people because of their (perceived) gender or sexuality.

Gender-based violence includes sexual violence and sexual harassment.

Sexual harassment is defined in the Equality Act 2010 as “unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them”.

Sexual violence and sexual harassment can take many forms, including:

- Unwelcome sexual advances, propositions or demands
- Unwanted or derogatory comments about appearance or clothing
- Unwelcome sexualised messages
- Leering and suggestive gestures or remarks
- Sexualised material being displayed or shared
- Physical contact such as the invasion of personal space or unnecessary touching
- Offensive feedback/comments via social media

- Sexual assault
- Rape

### **Definition: bullying**

Bullying lacks legal definition but is defined by ACAS as unwanted behaviour that is either

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying may include harassment. The law defines harassment as unwanted conduct which has the purpose (intentional) or effect (unintentional) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

### **Definition: Capacity related to UCU membership**

This Procedure does not apply where the matters complained of concern members in capacities unrelated to their UCU membership.

Gender-based violence and bullying may fall under this procedure if:

- It occurs at UCU meetings or events
- It occurs while a member is acting in their UCU role (eg. branch officer, caseworker)
- It is based on the abuse of trust and/or access to another gained as a result of someone's UCU role or membership.

UCU members encounter their fellow members as colleagues in their workplace. An incident that takes place in a workplace is not automatically an incident related to their UCU membership.

Any member who, for any reason, is unable to access support from their branch in respect of this should contact their regional office.

[1] Please contact Alan Scobbie ([ascobbie@ucu.org.uk](mailto:ascobbie@ucu.org.uk)) at UCU head office if you have questions