LundaEkonomerna Student Union's Disciplinary Statute

Authored by
Adam Åberg, President 18/19
Jakob Bratthall Tideman, Vice President 18/19

Revised by
Simon Anderberg, President 23/24
Simon Öhlin, President 22/23
Clara Ramm-Ericson, Communications Manager 22/23
Magnus Malmberg, Social Affairs Manager 22/23

This statute applies from the 15th of April 2024 following a decision made by the Board 23/24 on the 4th of April 2024 and the General Council on the 15th of April 2024.

Chapter 1 - Introduction 2

Chapter 2 - Definitions 3

Chapter 3 - Investigation 4

Chapter 4 - Disciplinary Violations 6

Chapter 5 - Disciplinary Measures 8

Chapter 6 - Decision 11

Chapter 7 - Formalities 12

Chapter 8 - Appeals 13

CONTACT
+46 723 22 00 33
www.lundaekonomerna.se

POSTAL ADRESS
Tunavägen 3
223 63, Lund

Chapter 1 - Introduction

§ 1.1 The purpose of this document

The disciplinary statute regulates disciplinary measures and matters that can be taken against an individual, or group of people, who are or have been members of LundaEkonomerna Student Union according to §2.

The purpose of the Disciplinary Statute is not to make LundaEkonomerna Student Union a judgmental and convicting organisation but to give the Union tools to protect its members from behaviour that is not in line with Union's policies and Statute. Therefore, it is up to the investigating authority to decide if a reported suspicion of violation specified in Chapter 4 should be investigated in accordance with this document, or if the matter should be dealt with in other ways.

The Board has the highest decisive power regarding disciplinary errands unless it is being handled by the General Council. In case of an appeal, the General Council has the highest decisive power. This applies to all cases except if the person accused of violation(s) is a member of the Board, then the errand will be handled by the General Council. The Board is obligated to present the measures taken regarding disciplinary errand(s) to the General Council except if the decided measure is only a notification in the protocol according to §5.1.1. The General Council can however request information from the Board if any notification in protocol has been made.

Chapter 2 - Definitions

§ 2.1 Member

Members of LundaEkonomerna Student Union are either:

a) regular members,
b) honorary members,
c) supporting members
d) members of the Seniors Collegium, or
e) members of the Juniors Collegium.

The definition of each type is stated in the Union Statute.

§ 2.2 Individual Concerned

The person accused of violation(s) stated in Chapter 4 and is therefore subject to an investigation. For an errand to be investigated by LundaEkonomerna, the person accused must be a member of LundaEkonomerna Student Union according to §2.1.

§ 2.3 Investigating Authority

The group investigating a suspected violation(s) stated in Chapter 4. The group should primarily consist of the Board led by the President of the Student Union. However, if anyone on the Board is subject to an investigation, or if the Board is otherwise found unfit to handle the situation, members of the General Council shall handle the matter, led by the Speaker.

§ 2.4 Convener

The convener of the investigating authority is the President of the Student Union, in case of their absence the Vice President. If anyone in the Board is subject to an investigation, or if the Board otherwise is found unfit to handle the situation, the convener of the investigating authority is the Speaker, in case of their absence the Vice Speaker.

Chapter 3 - Investigation

§ 3.1 Notification

Suspicion of a violation specified in Chapter 4 shall promptly be notified to the President. If the President or anyone else in the Board, is suspected of violations specified in §4 or otherwise unfit to handle the matter, it shall instead be reported to the Speaker of the General Council.

§ 3.2 Call to order

When a notification is made regarding a suspicion of a violation specified in Chapter 4, the convener shall call to a meeting. If the first convener is unable or unfit to convene the meeting, the meeting will be chaired by the deputy convener.

If the Board is found not suitable as the investigating authority, the matter shall be handled by a group of an odd number (preferably 5) of members from the General Council led by the Speaker, in case of their absence, the Vice Speaker. The Speaker shall then notify the General Council during the next scheduled meeting, where the investigating authority group shall be put together and voted through. However, their names shall not be mentioned in any documentation. If that is not possible the Speaker should call to an additional meeting where the investigating authority can be formed. The Speaker does not have the right to vote.

The investigating authority shall then gather to investigate the suspected matter no later than four (4) weeks after the reported errand.

§ 3.3 Unbiased constitution

The group must remain unbiased, meaning that when investigating the suspected violation, no member shall bring predictive opinions regarding either the concerned individual or the situation into the investigation. If a member of the investigating group proves biased, the convener shall relieve the member from all participation in the investigation.

§ 3.4 Responsibility of investigation

The convener is responsible for ensuring that the matter is thoroughly investigated.

§ 3.5 Confidentiality

The entire investigation shall take place under confidentiality. Exceptions may be made if it poses an obstacle to the investigation. However, the name(s) of the informer shall not be named in any documentation.

§ 3.6 Express opinion

The investigating authority shall provide the individual(s) suspected of a violation stated in Chapter 4 an opportunity to express their opinion on the matter. In order to do so, the individual(s) shall receive a summary of the accusations brought up, as soon as they are informed that an errand is conducted against them.

§ 3.7 Obligation to participate

The investigating authority may convene concerned individuals to attend a hearing in order to provide information. If the investigating authority finds it necessary to hear the concerned individual in person, the person is obliged to appear when summoned. This concerns disciplinary measures brought up in this statute. The individual may send a representative.

Chapter 4 - Disciplinary Violations

§ 4.1 Disciplinary Violations

Disciplinary measures according to Chapter 5 may be taken against an individual according to Chapter 2 that

a) Disrupts operations at LundaEkonomerna to the extent that it harms the organisation profoundly,
b) Damages or seizes property that belongs to or is associated with LundaEkonomerna, is used in its operations or is located in premises or areas where LundaEkonomerna activities take place,
c) Subjects any other LundaEkonomerna functionary, member or employee to unequal treatment, discrimination, bullying, offensive and/or unwelcome treatment, violence or harassment of any kind.
d) Acts dishonestly or improperly towards another member, employee and/or other functionaries at LundaEkonomerna,
e) Is guilty of an act, related to LundaEkonomerna or a person linked to the organisation, which may reasonably be assumed to constitute a violation of Swedish law,
f) Acts in a way that is likely to damage the reputation of, or relationships to LundaEkonomerna,
g) Otherwise violates LundaEkonomerna's statutes, values, policies, or other official regulations or guidelines,
h) Behaves improperly during a LundaEkonomerna event or activity, or towards anyone connected to the organisation,
i) Has been subject to disciplinary action after an investigation has been carried out by LUSEM.

§ 4.2 Minor Repeated Violations

An individual can be subject to measures found in Chapter 5 if repeated actions have taken place that on their own would not result in a disciplinary violation. This if the actions put together would be considered to have the same impact as one, or several, disciplinary violations. The actions must be connected to the Union and its operations.

§ 4.3 Time-limit

Disciplinary measures may not be taken later than 6 months after the reported violation took place.

CONTACT
+46 723 22 00 33
www.lundaekonomerna.se

POSTAL ADRESS
Tunavägen 3
223 63, Lund

Chapter 5 - Disciplinary Measures

§ 5.1 Measures

The possible disciplinary measures are:

a) notification in the protocol,
b) warning,
c) suspension from activities and events over a limited amount of time,
d) active engagement repealed, or
e) permanent suspension from all Union-related activities and events.

§ 5.1.1 Notification in the protocol

A decision to give a notification in the protocol entails that a violation as specified in Chapter 4 is written down and archived. If the concerned individual is subject to any additional disciplinary errands in the future, the investigating authority shall take the notification in the protocol into consideration when deciding on suitable disciplinary measures for that errand. The notification in the protocol will not be a hindrance for current, or future engagements in the Student Union.

§ 5.1.2 Warning

A decision to give a warning entails that the individual concerned has been warned about a possible suspension. If the concerned individual is subject to an additional disciplinary errand, the investigation authority shall take the first warning into consideration, and the individual should face additional measures as per §5.1.3, §5.1.4, or §5.1.5.

A warning shall be taken into consideration for future active engagements within the Student Union. If the concerned individual has applied to a committee or project the Project Leader(s) of that committee or project shall be notified of the disciplinary measure(s). The General Council shall also be notified if the concerned individual applies for a position of trust, this should be done behind closed doors.

§ 5.1.3 Suspension from activities and events over a limited amount of time

A decision to suspend the individual from activities and events over a limited amount of time entails that the individual concerned cannot attend any events or activities arranged by the union over a limited amount of time. Depending on how serious the violation is, the authority should determine a time period over which the individual

concerned should be suspended and from what activities and events. The individual concerned should also be suspended from all active engagement within the Union during the period. If found unsuitable for active engagement after the time period, the investigating authority shall announce this at the same time as other measures are being taken.

A suspension from activities and events over a limited amount of time shall be taken into consideration for future active engagements within the Student Union. If the concerned individual has applied to a committee or project the Project Leader(s) of that committee or project shall be notified of the disciplinary measure(s). The General Council shall also be notified if the concerned individual applies for a position of trust, this should be done behind closed doors.

§ 5.1.4 Active engagement repealed

A decision to repeal an active engagement entails that the individual concerned has committed a violation stated in Chapter 4 that they are found not suitable for representing LundaEkonomerna Student Union. The individual concerned can, if the authority finds this a suitable option, be given the opportunity to renounce all active engagement by free will. If so, the individual concerned shall renounce the engagement in writing to the investigating authority. If unwilling, the authority still has the mandate to repeal the active engagement. In the decision, the investigating authority has the mandate to decide how long the accused is not allowed to apply for any active engagements. The recommended period is how long they have left of their remaining active engagement, or at least one semester.

An active engagement repealed shall be taken into consideration for future active engagements within the Student Union. If the concerned individual has applied to a committee or project the Project Leader(s) of that committee or project shall be notified of the disciplinary measure(s). The General Council shall also be notified if the concerned individual applies for a position of trust, this should be done behind closed doors.

§ 5.1.5 Permanent suspension from all Union-related activities and events

A decision to permanently suspend someone from all Union-related activities and events entails that the individual concerned has committed a violation stated in Chapter 4 that they should be permanently separated from everything in connection to LundaEkonomerna. This includes all active engagement and involvement in any

union-related activities and events. A decision for suspension shall become effective immediately unless otherwise specified in the decision.

§ 5.2 Multiple measures

More than one disciplinary measure can be taken against an individual found guilty of such a violation stated in Chapter 4.

§5.3 Liability to compensate

In some cases, such as for example stolen or damaged property, the Union can charge the individual concerned to compensate or replace the item(s). A decision for liability to compensate entails that the individual concerned has by obvious intent, for example, stolen or damaged items or property, or otherwise acted in a way that has resulted in economic loss for the Union. It is up to the investigating authority to decide upon if compensation should be of the full amount or parts of it. The compensation or replacement shall only be restricted to items and property not covered by insurance.

§ 5.4 Take Effect

A decision for suspension shall immediately become effective unless otherwise specified in the decision.

A decision for an active engagement repealed shall become effective immediately after the decision has been made and reported to the concerned individual(s) unless otherwise specified in the decision.

If needed (e.g. there is a risk of a Chapter 4 violation being repeated) the investigating authority may with immediate effect suspend an individual suspected of violations from involvement within the Union before an investigation has been conducted. Such a decision shall apply until the investigating authority has examined the matter in accordance with Chapter 3, although no longer than a month.

Chapter 6 - Decision

§ 6.1 Quorum - Board

If the Board is the investigating authority, the group is in quorum when at least five (5) members are present. If dissenting opinions are expressed, voting shall take place. Decisions are made by a simple majority. At an equal number of votes, the President has the deciding vote.

The final decision on the outcome of the investigated violation should preferably be taken by the full Board.

The disciplinary decision shall be presented to the General Council at the next meeting behind closed doors (as specified in LundaEkonomerna Student Union Statute § 8.26).

§ 6.2 Quorum - General Council

If members of the General Council are the investigating authority, the group shall present their suggested decision to the General Council during the next scheduled meeting. The final decision is then made by the General Council. The General Council is in quorum when at least eleven (11) members are present. At an equal number of votes, the matter shall be dismissed. The process is done behind closed doors.

§ 6.3 Protocol

The investigating authority shall in the protocol state their decision if the case should:

a) be left without further action, or
b) give rise to any of the disciplinary measures in Chapter 5.

§ 6.4 Inform the concerned individual

The investigating authority shall inform the concerned individual in the errand about their decision within 24 hours of the decision. This should be done in writing but can be complemented with a meeting.

§ 6.5 Faculty Involvement

If found necessary, the convener shall after the decision has been made inform members of the faculty of the process of the investigation, the final decision, and possible outcomes of the situation.

Chapter 7 - Formalities

§ 7.1 Documentation

The documentation of the disciplinary investigation shall, in addition to the provisions of these statutes, include the following information:

a) The people who have participated in the investigation.
b) Background and turn of events.
c) Paragraphs and/or policies that have been found violated.
d) The reason why they have been breached and the investigator's comments.
e) Decision.
f) The basis for decisions.
g) Support functions.

Chapter 8 - Appeals

§ 8.1 Appeal

An appeal of a disciplinary measure is submitted by the accused. It should be done in written format and sent to the convener of the investigating authority.

§ 8.2 Information

The concerned individual shall be informed about the right to appeal in the written decision. This can be complemented with a meeting.

§ 8.3 Deadline

The appeal must be handed to the investigating authority within three weeks after the concerned individual has received the decision. Appeals can only be made once.

§ 8.4 Appeal examination

On appeal, the errand will be examined by the General Council.

§ 8.5 Forming the examining authority

During the next scheduled General Council, the Speaker, and in case of their absence, the Vice Speaker will announce that an appeal has been sent in, and will request the General Council to form a group of an odd number (preferably 5) of members who, together with the Speaker, will act as the examining authority.

§ 8.6 Unbiased constitution

The examining authority must remain unbiased, meaning that when examining the suspected violation, no member shall bring predictive opinions regarding either the concerned individual(s) or the situation into the investigation. If a member of the examining authority proves biased, the Speaker shall relieve the member from all participation in the examination.

§ 8.7 Responsibility of investigation

The Speaker is responsible for ensuring that the matter is thoroughly examined.

§ 8.8 Confidentiality

The entire examination shall take place under confidentiality. Exceptions may be made if it poses an obstacle to the examination. However, the name(s) of the informer shall not be named in any documentation.

§ 8.9 The examination

The Speaker will call the examining authority to a meeting. During the meeting, the examining authority will be handed a physical copy of the documentation of the decision taken by the investigation authority (§7.1) as well as a physical copy of the appeal. The investigating authority shall remove all names of involved parties in accordance with § 3.5 before handing these over. After the meeting, these documents will be collected by the Speaker and handed back to the investigating authority immediately.

The examining authority will during the meeting question the investigating authority to make sure that they have followed the procedures stated in the Disciplinary Statute as well as that the measure taken is in proportion with the violation(s).

§ 8.10 Possible outcomes

The examining authority could decide upon one of the following outcomes:

a) The examining authority finds that the investigating authority has followed the Disciplinary Statute and the taken measure should stand.
b) The examining authority finds that the investigating authority has followed the Disciplinary Statute but an alternative measure should take effect.
c) The examining authority finds that the investigating authority has followed the Disciplinary Statute but the errand should not lead to any measure.
d) The examining authority finds that the investigating authority has not followed the Disciplinary Statute and that a new investigation shall be performed by a new investigating authority consisting of members from the General Council as described in §3.2.

The severity of the measure stated in the written decision by the investigating authority can not be increased by the examining authority.

§ 8.11 The decision

The examining authority will present their suggested outcome to the General Council at the next scheduled meeting. The General Council will then take a vote on whether to accept the examining authority's decision or not. If not accepted, the investigating authority's decision will stand. The process will take place behind closed doors.