

DISCIPLINING NIPSA MEMBERS

CHECKLIST OF MAIN STEPS THAT MUST BE FOLLOWED

NOTE: The following checklist is only a summary of the main steps which must be gone through in order to discipline NIPSA members. Branches must ensure that there is full adherence to the guidance set out in the preceding section of this Rule Book on the procedures for disciplining NIPSA members.

Action before a General Branch Meeting

1. Any suggestion for disciplinary action against a member should be referred to the Branch Committee in the first instance.
2. The first task for the Branch Committee is to decide whether or not there are reasonable grounds for believing that a union disciplinary offence may have been committed. Disciplinary action should not normally be considered if more than 6 months have elapsed since the alleged offence took place.
3. The Branch Committee does not have power to discipline members. This power is reserved to a general meeting of all members of a branch.
4. The Branch Committee should formulate the charge to be put to the member in precise terms and not in vague terms. All members, irrespective of grade, group, etc, must be treated even handedly.
5. The Branch Secretary (or any Officer authorised by the Branch Committee to do so) must send a letter to each member concerned containing:-
 - (a) the precise charge;
 - (b) at least 10 days' notice to prepare a response; and
 - (c) notice that the member will have the opportunity of stating his or her case orally and in writing to a general branch meeting and if a written case is submitted before the general meeting that the Branch Committee can circulate it to all branch members if the member so wishes.
6. The Branch Secretary (or another Officer authorised by the Branch Committee to do so) must send out a notice at least 10 days before the date of the general meeting to all members of the branch giving the following information:-
 - (a) the date of the meeting;
 - (b) the time of the meeting;
 - (c) the place where the meeting is to be held;

- (d) the fact that the meeting will be deciding whether or not to discipline members; and
- (e) the names of the members against whom the Branch Committee will be proposing disciplinary action.

7. The Branch Secretary (or other Branch Officer) must ensure that a copy of the notice referred to at 6 above is sent personally to every member named at 6(e).

Grounds for Disciplinary Action

8. Subject to the Industrial Relations (NI) Order 1992 disciplinary action can be taken on the following grounds:-
 - (a) the member has failed to conform to union rules;
 - (b) the member has acted deliberately in a manner inimical to the interests of NIPSA; or
 - (c) the member has discriminated unfairly against another person on grounds of sex, religious belief, political opinion, disability, sexual orientation, etc.

Penalties

9. The penalties which a branch can impose are set out below. It must be emphasised that expulsion should be imposed only in the most grave circumstances and that branches do not have any authority to add other penalties to the following list:-
 - (a) remove the member from any office for a specified period of time, subject to certain exceptions;
 - (b) debar a member from holding any office for a specified period of time, subject to certain exceptions;
 - (c) debar a member from certain benefits, rights or privileges for a specified period of time; and

- (d) expel the member for indefinite period.

Debate at the General Meeting

- 10. The Branch Chairperson must act impartially and must not propose or second any motion on disciplinary action.
- 11. The following order of debate must be observed:-
 - (a) the speech of the mover of the motion to discipline the member;
 - (b) the speech of the member seconding the motion to discipline the member;
 - (c) the speech of the member against whom disciplinary action is proposed, but this opportunity may be waived by the member concerned;
 - (d) the speeches of any other members of the branch;
 - (e) the reply of the member under threat of disciplinary action to the points made by other branch members, but this right of reply may be waived if the member so wishes;
 - (f) the reply of the branch committee member, who moved the disciplinary motion, to the points made by the member under threat of

disciplinary action and by other members of the branch, but this right of reply may be waived by the mover;

- (g) the vote on the motion to discipline the member; and
- (h) the declaration of the result of the vote at (g) above.

Action after the General Meeting

- 12. The Branch Secretary must notify the member in writing of the result of the vote on the motion on disciplinary action as soon as possible and no later than one month after the general meeting.
- 13. If disciplinary action is decided upon, the Branch Secretary must notify the member in writing that s/he can appeal to the General Council but s/he must notify the Branch Secretary and the General Secretary within one month of receiving the Branch Secretary's notification that s/he is exercising his or her right of appeal.
- 14. Once an appeal is lodged, the General Secretary will advise the branch and the member of the procedure to be followed.