



Disciplinary Procedure

for Members of The British Sociological Association

Version 1

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Introduction

The BSA Board of Trustees has created this document to ensure the effective, consistent and fair implementation of the process that will be followed during any disciplinary proceedings. This procedure aims to provide clarity for all parties involved and to uphold principles of fairness, transparency, and proportionality.

Additionally, this procedure contributes to fostering an environment where members feel confident that there is a robust system in place to support them if they have been subjected to unacceptable behaviour. By clearly outlining how concerns will be addressed, this document underscores the organisation's commitment to protecting the wellbeing of its members and maintaining a respectful and inclusive community.

Disciplinary Procedure

1. Defined Terms

In this document, the following terms have the following meanings:

- 1.1. **"Articles"** means the BSA's articles of association from time to time;
- 1.2. **"Association"** means The British Sociological Association;
- 1.3. **"Board"** means the Trustees from time to time;
- 1.4. **"the BSA"** means The British Sociological Association (registered under company number 03890729) whose registered office is Chancery Court, Belmont Business Park, Durham, DH1 1TW;
- 1.5. **"Code of Conduct for Events"** means the BSA's Code of Conduct for Events from time to time;
- 1.6. **"Code of Conduct for Members"** means the BSA's Code of Conduct for Members from time to time;
- 1.7. **"Disciplinary Incident"** means a breach, or alleged breach, of the Code of Conduct for Events and/or the Code of Conduct for Members;
- 1.8. **"Member"** means a person who has a paid for and received contractual membership with the Association;
- 1.9. **"Respondent"** means the Member who has committed or allegedly has committed the Disciplinary Incident in question;
- 1.10. **"Trustees"** shall have the meaning as defined in the Articles.

2. Grounds for taking disciplinary action

- 2.1. The Board may decide to take disciplinary action against any Member where:
 - 2.1.1. the Member in question breaches the Code of Conduct for Events; and/or
 - 2.1.2. the Member in question breaches the Code of Conduct for Members; and/or
 - 2.1.3. the Trustees have reasonable and objective cause to believe that Member's continued membership would be likely:
 - 2.1.3.1. to significantly harm the reputation of the BSA or the wellbeing of its members; and/or

- 2.1.3.2. to pose a threat to the BSA's Trustees, Members, staff, visitors or facilities.
- 2.2. Any decisions by the BSA in relation to the potential expulsion of a Member will be taken by the Board.
- 2.3. The Board shall follow the process as set out in this disciplinary procedure except in cases where (in the reasonable opinion of the Board) doing so would be harmful to the BSA, its staff, or other Members.
- 2.4. This document sets out the BSA's current disciplinary procedure.
- 3. **Report and Investigation**
 - 3.1. A potential Disciplinary Incident may come to the attention of the Board either directly through their own observations and/or through complaints or reports made to the BSA by other Members, BSA staff or visitors.
 - 3.2. A Disciplinary Incident of the type described in paragraph 3.1 above need not relate to that Member's conduct in relation to the BSA specifically, or have taken place on BSA premises or at a BSA event.
 - 3.3. When a potential Disciplinary Incident has come to the attention of the Board, they will designate one or more Trustees, or staff of the BSA, to carry out initial investigations to determine whether, in their best judgement, there is a reasonable case to answer. As far as possible, such investigations will be carried out confidentially, save where it is necessary to approach complainants or potential witnesses for further information or evidence.
 - 3.4. The Board will consider the outcome of those initial investigations and may conclude either:
 - 3.4.1. that there are reasonable grounds to believe that the incident in question is a Disciplinary Incident and that further action is warranted;
 - 3.4.2. that there is insufficient evidence to conclude that the incident in question is a Disciplinary Incident; or
 - 3.4.3. that it appears to the Board that the incident in question either did not occur or is not a Disciplinary Incident.
 - 3.5. Where the Board reaches one of the conclusions described in paragraphs 3.4.2 and 3.4.3, no further action will be taken. The Board may decide whether or not to inform either of the Respondent or (where there is one) the complainant of the fact and outcome of the initial investigation, as appears to them to be appropriate in the circumstances. As far as reasonably practicable, allegations which the Board determines to be unsubstantiated or unfounded will be concluded without involving

the Respondent to avoid causing them any distress. If the Board believes the complaint against the Respondent was vexatious and/or malicious, the complainant may themselves be subject to disciplinary action.

- 3.6. Where the Board reaches the conclusion described in paragraph 3.4.1, paragraph 4 of this disciplinary procedure will apply. The Board may also decide to direct that the Respondent shall be prohibited from attending the BSA's premises or events pending the conclusion of the disciplinary procedure.

4. **Disciplinary Committee and Meeting**

- 4.1. Where the Board concludes that there is a reasonable case to answer in relation to a Disciplinary Incident, it will normally convene a committee to undertake further investigations (a "**Disciplinary Committee**").
- 4.2. The Board shall provide the Disciplinary Committee with a summary of the allegations or facts pertaining to the Disciplinary Incident, and copies of evidence gathered by the Board.
- 4.3. The Disciplinary Committee will be tasked with examining the evidence collected by the Board during the initial investigation and holding a meeting with the Respondent to discuss the Disciplinary Incident and to obtain their account of the incident, and any potential justification therefor (a "**Disciplinary Meeting**"). The Disciplinary Committee may (but need not) gather additional evidence to support its work.
- 4.4. The Board may decide not to convene a Disciplinary Committee and/or to direct the Disciplinary Committee to forego a Disciplinary Meeting, and instead the Board may decide whether to terminate the Respondent's membership by a simple majority vote where:
 - 4.4.1. it appears to the Board to be in the best interests of the BSA to conclude the disciplinary process urgently;
 - 4.4.2. it appears to the Board that a Disciplinary Meeting is likely to place the Disciplinary Committee, or any other Member or staff of the BSA in danger;
 - 4.4.3. it appears to the Board that a Disciplinary Meeting would be likely to be used by the Respondent as a forum in which to abuse, harass, intimidate or threaten the Disciplinary Committee rather than the Respondent genuinely attempting to engage in the Disciplinary Committee's investigations;
 - 4.4.4. it appears to the Board that there is overwhelming evidence that the Disciplinary Incident did occur, and that the Respondent can have no reasonable justification therefore; and/or

- 4.4.5. the Respondent declines to make themselves available for a Disciplinary Meeting in one of the three slots offered by the Disciplinary Committee under paragraph 4.8.
- 4.5. The Disciplinary Committee shall comprise (at the option of the Board) either:
 - 4.5.1. five members, whom shall be Trustees and/or staff of the BSA (not being the complainant or Respondent); or
 - 4.5.2. three members, whom shall be Trustees and/or staff of the BSA (not being the complainant or Respondent).
- 4.6. The members of a Disciplinary Committee shall be selected separately in relation to each Disciplinary Incident, and may or may not be those Trustees who last undertook similar duties in relation to previous incidents.
- 4.7. The Disciplinary Committee shall write to the Respondent to:
 - 4.7.1. provide them with the detail of the alleged Disciplinary Incident;
 - 4.7.2. explain the basis on which the Board believes the incident in question falls to be classed as a Disciplinary Incident;
 - 4.7.3. provide the Respondent with copies of key items of evidence gathered by the Board (provided that the Board shall be entitled to redact the names or other identifying features of any complainant from such evidence before providing a copy to the Respondent);
 - 4.7.4. provide the Respondent with a copy of this disciplinary procedure; and
 - 4.7.5. invite the Respondent to either attend a Disciplinary Meeting on one of three dates (as described in paragraph 4.8), or in the alternative to provide the Disciplinary Committee with the Respondent's written response to the alleged Disciplinary Incident.
- 4.8. The Disciplinary Committee shall offer the Respondent three appointments for a Disciplinary Meeting on three separate days, each within not less than 10 (ten) or more than 30 (thirty) days of the date of the notification under paragraph 4.7. The Disciplinary Committee may express a preferred appointment, but the Respondent shall have the option to take up an appointment of their choice, provided that they confirm their choice in writing not less than 24 (twenty four) hours in advance of the earliest appointment. In the event that the Respondent does not confirm in this time, the Respondent will be treated as having declined the opportunity to attend a Disciplinary Meeting. In the interests of dealing with the Disciplinary Incident expeditiously, the Respondent will not have the option to re-schedule the Disciplinary Meeting if none of the three appointments offered as convenient, but shall instead have the option to submit written representations to the Disciplinary Committee, provided the same are received by the Disciplinary Committee within 10 (ten) days of the date of the notification under paragraph 4.7.

- 4.9. The Disciplinary Meeting will, unless otherwise determined by the Disciplinary Committee, be held over video conferencing facilities.
- 4.10. The Respondent may be accompanied in the Disciplinary Meeting by one other person of their choice to offer support and/or assistance. To maintain confidentiality, only the Respondent, their accompanying person (if desired by the Respondent) and the Disciplinary Committee may attend the Disciplinary Meeting. The identity of the person to attend with the Respondent (if any) must be notified to the Disciplinary Committee not less than 24 (twenty four) hours in advance of the Disciplinary Meeting.
- 4.11. The Disciplinary Committee shall appoint a chairperson from within their number (the "**Chair**"). Where not specified in this procedure, the Chair shall have the power to direct how the Disciplinary Meeting shall be conducted. If additional Disciplinary Incidents are admitted or otherwise come to light during the disciplinary procedure, they may be included in the Disciplinary Meeting.
- 4.12. The Respondent (or their accompanying person on their behalf) shall be offered the opportunity in the Disciplinary Meeting to:
- 4.12.1. respond to the alleged Disciplinary Incident and to offer their view thereon (including to deny the incident where relevant);
 - 4.12.2. offer any justification or mitigation for their actions if they are admitted;
 - 4.12.3. offer reasonable additional written evidence in support of their position (written evidence may include statements from other Members, but no person may be called to give oral accounts at the Disciplinary Meeting). The Disciplinary Committee must be provided with copies which they may retain of any additional written evidence that the Respondent wishes to offer.
- 4.13. The Disciplinary Committee shall be entitled to question the Respondent on the allegations made and on their response to the allegations. The Respondent may decline to answer any such questions, but the Disciplinary Committee shall be entitled to draw adverse inferences from such refusal.
- 4.14. For the avoidance of doubt the Chair shall be entitled at their discretion to cancel or to end the Disciplinary Meeting early where, in the Chair's opinion:
- 4.14.1. the Respondent is not engaging meaningfully in the process of responding to the alleged Disciplinary Incident;
 - 4.14.2. the Respondent is attempting to frustrate the orderly conduct the Disciplinary Meeting in accordance with this procedure;
 - 4.14.3. the Respondent is refusing to comply with the Chair's reasonable instructions as regards the conduct of the Disciplinary Meeting; and/or

- 4.14.4. the Respondent is engaging in behaviour that is disrespectful, aggressive or disruptive towards the Disciplinary Committee.
- 4.15. Where a Disciplinary Meeting is ended or cancelled under paragraph 4.14, it will not be re-convened at another date and the Disciplinary Committee must make their recommendation on the basis of the evidence available to them.
- 4.16. Other than as set out in this disciplinary procedure, the Disciplinary Committee will be free to determine how to conduct their role and how to conduct the Disciplinary Meeting.

5. Decision

- 5.1. The Disciplinary Committee, after taking into account all relevant factors, shall make the decision as to whether the Respondent has committed the Disciplinary Incident and the appropriate sanctions as applicable and subsequently notify the Respondent of the decision in writing.
- 5.2. For the avoidance of doubt, where a decision to terminate the Respondent's membership has been reached, the Respondent shall no longer be entitled to attend events hosted or organised by the BSA.
- 5.3. Where the Respondent's membership is terminated, the Board will arrange to refund to the Respondent any membership fees paid in advance on a pro-rata basis to the point of termination (or if earlier, to the point when the Respondent was prohibited from attending the BSA's premises and/or events pending the conclusion of the disciplinary procedure).
- 5.4. The decision of the Disciplinary Committee in disciplinary matters shall be final.

6. Sanctions

- A. Termination of membership (permanent or time-limited)
- B. Restriction on participation in events or committees
- C. Formal written warning.

Approved by the BSA Board of Trustees