

Students' Association Licensed Venue

Discipline Policy

1 Introduction

Where members violate the Constitution and/or Laws of the Association, break civil or criminal law on the premises, cause damage to the premises, act in such a way as to damage the financial or other interests of the Association, or otherwise act in a way that causes other members distress or nuisance, Member Discipline may be enacted against them.

For this purpose, the Association shall delegate power to the Chief Executive who will appoint Authorised Discipline Officers, who shall consider individual cases of alleged misconduct as set out below. ADOs shall hold such powers as shall promote the efficient management of disciplinary issues.

2 Procedure

2.1 Scope

All ordinary, Life, and Honorary Life Members of the Association shall be subject to this jurisdiction of the Association in respect of their conduct insofar as it affects Association property and the working of the Association. Members may also be held responsible for the actions of their guests, or for their behaviour at institutions where the Association has a reciprocal agreement.

Association members and Reciprocal Members, i.e. members of any organisation with which the Association has a reciprocal agreement, shall be subject to the jurisdiction of the Association only insofar as their right of entry to the premises may be withdrawn. Note that where associate members are members of the Association staff, they may still face action under the Staff Discipline Procedure if the Chief Executive considers this appropriate. Where Associate members are University staff the Association reserved the right to report incidents to the University as their employer.

All others, including guests, shall be deemed to have no intrinsic right of entry to the Union building and may be refused entry temporarily or permanently at the discretion of relevant staff. Queries about these decisions shall not be dealt with under this policy.

“Relevant staff” shall normally consist of registered security staff and/or senior management.

The Association reserves the right to report misconduct or alleged misconduct to other bodies where appropriate, including but not limited to the University, other Associations, the police, and specified local licensed premises.

2.2 Principles

The Association will at all times aim to process disciplinary matters with sensitivity, fairness, and consistency of treatment; in confidence; and without prejudice or undue delay.

Where a criminal offence is involved, the Association will not normally take any disciplinary action, other than suspending the right of entry where appropriate, until the outcome of any formal legal process or police investigation is known.

In deciding whether a member is guilty of misconduct, the Association shall use the “balance of probabilities” as the standard to be met.

A member shall always be informed where disciplinary action is being considered against them, and shall always be informed of the nature of the complaint that has instigated such action.

A member shall always have the right to appeal against disciplinary sanctions.

A member shall have the right to be accompanied by another member to any meeting held under this procedure.

It is not Association policy to allow audio or visual recording of meetings held under this procedure, except where this would qualify as a “reasonable adjustment” under the Disability Discrimination Act 2005.

No officer or member of staff should participate in a disciplinary decision where they have a significant personal interest or any other conflict of interest.

Where a member is restricted from accessing the building, temporarily or permanently, for disciplinary purposes the Association shall continue to provide access for representation, advice and welfare services by appointment in advance.

2.3 Interim suspension from entry

Where a member has been accused of misconduct, they may be asked to leave the premises by relevant staff. They may be suspended from further entry pending an investigation and appropriate action to resolve the matter. Such suspension shall not be regarded as a disciplinary sanction and is without prejudice to the outcome of any investigation and/or subsequent disciplinary action. In the event that the member is not found guilty of misconduct, any record of such a suspension shall be expunged.

The decision of whether to impose an interim suspension from entry is at the discretion of the Authorised Discipline Officer.

2.4 Investigation of offences

Upon receipt of a complaint, an investigation will be conducted, normally by an Authorised Discipline Officer, to establish the facts of the case. The time limit for this investigation will necessarily vary according to the nature and complexity of the case, but if it is likely to exceed one month then this should be communicated to all those involved. The investigation may include taking evidence from relevant parties, including witnesses and the member accused of an offence, by means including written statements, telephone, email or personal conversations. It should be made clear to all parties that any such contact is an investigation and not a disciplinary meeting.

2.5 Classification of offences

Following an investigation, the case will be classified into one of four categories based on the results of that investigation:

- No further action. This is appropriate where there is no case to answer, i.e., there is no evidence of an offence or the alleged offence is trivial, and the member has no previous offences or warnings.
- Statutory action. This is appropriate where in the opinion of the ADO there is clear evidence of a statutory offence, as defined under Section 3.
- Licensee holder ban. This is appropriate where in the opinion of the ADO there is clear evidence of an offence in serious breach of the licensing principles or of criminal law.
- Resolution by the Authorised Discipline Officers. See below.

Where no further action is the outcome, the member should be informed, any restrictions on entry removed. For all other cases, see the relevant sections below.

3 Statutory offences

Where, in the opinion of an Authorised Discipline Officer, there is clear evidence that a member is guilty of one of the offences described in 3.2, the member concerned shall be informed of the penalty in writing within ten working days of the conclusion of the investigation, along with the grounds and procedures for appeal.

3.1 The following offences shall incur a standard £25 fine for the first offence:

- Consuming of being in possession of alcohol not purchased on the premises.

- Smoking or vaping on Association premises.
- Causing minor damage or creating undue mess on Association property through malice or negligence, including vandalism, vomiting or befouling.
- Unauthorised access (including use of fire doors other than in an emergency, being on the premises while banned, entering a ticketed event without a valid ticket, and entering restricted areas)
- Buying alcohol on behalf of a member under the age of 18, or supplying them with alcohol on the premises.
- Refusing to leave the premises when asked by staff
- Signing in a guest who commits any of the above offences

3.2 The following offences shall incur a statutory ban of four weeks from the date of offence, for a first offence:

- Behaving in a manner that causes nuisance or hazard to other members or to Association staff going about their duties
- Buying or attempting to buy alcohol when under the age of 18
- Verbal abuse of staff or other members

Where a member admits the offences above, the penalty may be imposed (with their agreement) by a licensed member of customer safety staff immediately. Any fine may be paid 'on the spot'. Payment of such a fine constitutes acceptance that the offence was committed and would prevent any appeal. If the member does not admit the offence or wants to appeal, they may be removed from the premises temporarily (see 'Interim Suspension from Entry', above.)

These penalties shall normally apply to a single instance: serious, aggravated, multiple or repeat offences may be considered under section 5, where they may attract a more serious penalty. Member will not normally be allowed access to Association premises while a disciplinary fine is outstanding (with the exceptions outlined in Section 2).

3.3 Appeals against statutory penalties

Members may appeal against statutory penalties only on the following grounds:

- Information not known at the time of the original decision.

- Procedural irregularities that could make a material difference to the original decision, such as inaccurate information.
- Bias or prejudice.

Appeals against statutory penalties will be heard by the Disciplinary Appeals Committee (see section 6), and should be addressed to the Chief Operating Officer. Appeals must be submitted in writing within ten working days after notice of the decision being received.

4 Licensee ban

Where, after an investigation, there is clear evidence that a member is guilty of an offence in serious breach of criminal law or the licensing objectives, the licensee may ban that member from the premises for life. Examples of circumstances that would justify such action would include, but not be limited to:

- Serious assaults.
- Theft.
- Serious or repeated cases of supplying alcohol to persons under 18.
- Drugs related offences, including possession and/or supply of controlled substances on the premises
- Reckless or malicious behaviour causing serious injury.

In such cases the licensee should write to the member concerned within ten working days after the conclusion of the investigation, informing them of the ban and of the grounds and procedures for appeal.

Licensee bans may be reviewed on application by a member after ten years, or if the member believes exceptional circumstances exist which mean their ban should be reviewed. Applications for a review should be sent to the Chief Executive.

5 Resolution by the Authorised Disciplinary Officers

Where, following an investigation, two or more Authorised Discipline Officers agree that there is evidence that a member has committed misconduct that is not appropriately covered by the statutory penalties above, they may then impose a penalty on that member as follows:

- Issue the member with a written warning for a period of up to five years (see below).

- Impose a disciplinary fine of up to £250 (see below).
- Impose a temporary ban from the premises of up to five years (see below).
- Impose two or more of the above measures in combination.

Issues that would be appropriate for consideration under this procedure would include (but not be limited to) possession of illegal drugs or substances reasonably believed to be illegal drugs; breaches of the Zero Tolerance policy; repeated or aggravated nuisance to other members or staff; serious health and safety breaches; persistent statutory offences; or any offensive or unreasonable conduct not covered under other headings.

Members may appeal against a decision by the Authorised Discipline Officers only on the following grounds:

- Information not known at the time of the original decision.
- Procedural irregularity that could make a material difference to the original decision (including inaccurate information, etc.)
- Bias or prejudice.

Appeals against these decisions will be heard by the Disciplinary Appeals Committee (see section 6, below), and should be addressed to the Chief Operating Officer, who shall decide whether to convene a hearing based on the grounds above. Appeals must be submitted in writing within ten working days of notice of the decision being received.

6 Disciplinary Appeal Committee Meetings

Where the Chief Operating Officer has received an appeal against a decision taken under sections 3 or 4 above, they must first decide if grounds for appeal exist. In doing so they may consult with the Authorised Discipline Officers but the decision on whether grounds exist will be taken by the Chief Operating Officer and not the ADOs.

If the Chief Operating Officer believes that grounds for an appeal exist, they should convene a meeting of the Disciplinary Appeals Committee. The Disciplinary Appeal Committee is constituted as an ad hoc subcommittee of the Union Executive. It will consist of the Chief Operating Officer (as convener), plus any two other members of the Union Executive who do not have a conflict of interest in the case.

Members of the Union Executive believe they may have a personal interest in a case should excuse themselves from any consideration or discussion of that case. If this renders the committee inquorate, the convener may nominate another member of the Union Executive as a substitute.

6.1 Notification

Where a disciplinary appeal is to be heard, the Chief Operating Officer should within ten working days invite the member in writing to attend the next meeting of the Committee. This notification should include:

- The date, time and place of the appeal hearing. (This must be not less than five working days from the date of notification.)
- A summary of the grounds for appeal.
- Procedures for the member to submit evidence, call witnesses, request further information, etc.
- Notification of the right to be accompanied.
- Details of any interim measures in force, e.g. temporary restrictions on entry.

Meetings will be scheduled at the discretion of the convener, bearing in mind the number and nature of any cases pending, and the necessity to avoid undue delay in processing cases. However, members invited to appear should normally be given at least five working days' notice of the meeting.

The convener will consider requests to rearrange meetings where a member is unable to attend at the scheduled time. However, the Association reserves the right to proceed in a member's absence where the reasons for the request are in the opinion of the convener inadequate, or where this would cause an unreasonable delay.

Note until appeal proceedings are concluded, any disciplinary sanctions remain in force.

6.2 Evidence

The Disciplinary Appeals Committee shall have made available to it all written evidence submitted for the original decision, and all other relevant written documents. The Chief Operating Officer will also request written submissions from all parties. All written evidence will be circulated at least two working days in advance of a hearing. It is the responsibility of parties making submissions to ensure that they meet this deadline.

All parties may call witnesses, as may the Disciplinary Appeals Committee. Names of any witnesses must also be submitted two working days in advance. It is the responsibility of the member to ensure that witnesses they wish to call are approached and are informed of the meeting time and location. Where witnesses are Association staff or officers, the Association will take all reasonable steps to facilitate their attendance.

Where the member chooses to exercise their right to be accompanied to the meeting, the name and (if appropriate) matriculation number of the member who will accompany them should be notified at the same time as that of any witnesses.

6.3 Conduct of the meeting

The normal procedure will be for the case for the appeal to be presented, and then the party responsible for the original decision may respond. Witnesses may be called and all parties may ask questions or raise points: the Chief Operating Officer will moderate this process. When the committee is satisfied that an adequate opportunity for airing of evidence has taken place, both sides will be asked to withdraw and the committee shall consider its decision.

At their discretion, the Chief Operating Officer may suspend the meeting and reconvene at a later date if further evidence must be sought or other circumstances justify this.

6.4 Outcomes

The Disciplinary Appeals Committee may:

- Reject the appeal, in which case the original disciplinary decision and any sanctions remain: or
- Uphold the appeal, in which case the original decision is rescinded, any sanctions removed, and the record expunged: or
- Uphold the appeal in part, in which case the Disciplinary Appeals Committee may substitute another disciplinary sanction if they feel this is appropriate. All sanctions available under this procedure shall be available to the Disciplinary Appeals Committee for this purpose, except that they may not impose a greater penalty than was originally imposed.

The Disciplinary Appeals Committee may also make written recommendations to the Chief Executive or Executive Committee. All parties must be informed of the outcome in writing within ten working days of the decision. The decision of the Disciplinary Appeals Committee will be final and will mark the end of these procedures.

7 Sanctions

7.1 Written Warnings

A formal written warning should set out clear conditions on the member's future conduct and may remain on file for a period of up to five years. The warning should detail the likely consequences of any future breach, which may include a fine, or a ban.

7.2 Disciplinary Fines

A disciplinary fine of up to £250. The exact level of the fine should be decided with regard to the gravity of the offence, any costs for damage etc., the member's past disciplinary record, and other relevant factors

Fines must be paid to the Cash Office, but an Authorised Discipline Officer may recommend redistribution where appropriate (for example, in cases of damage other than to Association property). Members will not normally be allowed access to Association premises while fines are outstanding. Where a fine is issued, the member should be informed in writing of the level of the fine, payment arrangements and of the consequences of non-payment.

7.3 Bans

There are two types of bans from the premises: an evening ban and a full ban.

Evening bans shall prevent access from 7pm until 7am each day for the duration of the ban, ending at 7am on the day following the last day of the ban. These would be appropriate where the offence is relatively minor, and the member is not judged to present a risk of reoffending. Evening bans may be of any duration but would normally be for less than one academic year.

A full ban prevents access to the whole of the premises for the whole of the opening hours for the duration of the ban. Full bans may be of up to five years if issued by the ADOs, or life if issued by the licensee.