

## J20-22: Motion to update the Association Discipline Procedure

Proposed: Tom Groves

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In effect from: immediately

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Seconded:

Emma Walsh, Director of Wellbeing

Gavin Sandford, Director of Student Development and Activities

Dan Marshall, Association President

It is noted that:

- Minor changes were made to the Association Discipline Procedure in 2016 and 2018.
- Current discipline penalties are significantly different to national averages.
- The Zero Tolerance Policy is not mentioned in the current Association Discipline Procedure.
- Current procedure does not include a quorum for the Discipline Committee.
- Current procedure allows nominated security staff to give on-the-spot fines, but this has not been put into practice.
- Problems have arisen in previous years where the accused member is well known to Councils, as quorum for the Discipline Committee could not be achieved within the SSC.

It is believed that:

- Several of the current penalties are too harsh, and not congruent to an Association where members who commit an offence are judged by their peers.
- Current discipline penalties have the potential to severely affect the wellbeing and social life of members, in a way that is disproportionate to their offence.
- Underage students are particularly harshly affected by current penalties: most venues will not admit under-18s, leaving the Union as one of the few places they can socialise in the evening.
- The introduction of evening bans, allowing members to continue accessing Association premises before 7pm whilst a fine is pending, is more appropriate for less serious offences.
- Students experiencing financial hardship should have the option of a fixed-length evening ban as an alternative to a fine, for less serious offences.

It is resolved to:

- Update Chapter 26 of the Association Laws with the changes shown in Appendix C.
- Review current life bans for offences where the penalty is to be reduced.

### **Appendix A: Summary of changes**

- Quorum shall be 3 members (60%) of the Discipline Committee, or their nominated substitutes.
- Personal interest should be *significant* for a member to justify not participating in a disciplinary decision.
- If a member of Discipline Committee believes they have a significant personal interest in a case, the convenor may nominate another member of Councils (previously only SSC). If no councillors can be found without significant personal interest, the convenor may instead nominate a School President.
- Distinguish between full ban and evening ban:
  - Full ban: the member can only access the building for “*representation, advice, and welfare services by appointment in advance*”. “Lifetime” full bans will usually expire 10 years after graduation, except in truly exceptional cases (decision up to General Manager).
  - Evening ban does not allow the member on main premises after 7pm; they can still access the building before that time, and can access satellite venues (Barron Theatre, Old Union Coffee Shop) as normal, but cannot purchase or consume alcohol. May be extended up to date of graduation.
- Temporary ban during ongoing investigation will match accusation, i.e. temporary evening ban for less serious offences, and temporary full ban for more serious cases.
- Standard penalties for less serious statutory offences:
  - First offence: £25 fine
  - Second offence: £50 fine
  - Third offence: refer to Discipline Committee
  - For such an offence, the member will be subject to an evening ban while a fine is outstanding.
  - Members facing financial hardship may request alternative penalties of 1-month (first offence) and 2-month (second offence) evening bans.
- The length of a ban will begin on the date of the offence. All bans that would otherwise include Winter and Summer breaks may be extended by 1 or 3 months, respectively, at the discretion of the Discipline Committee.

- Nominated staff may issue on-the-spot fines for certain statutory offences, if there is clear evidence that a member is guilty.

## Appendix B: Changes to statutory offences

“3.3. These penalties shall normally apply to a single instance: serious, aggravated, or multiple offences should be referred to the Discipline Committee”

*UK average based on survey of disciplinary procedures at 40+ universities/unions across the United Kingdom and Canada.*

Offence	Current	UK average	Proposed
Drinking alcohol not purchased on premises	£25	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: disciplinary hearing	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Smoking/vaping on premises	£50	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: disciplinary hearing	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Minor damage (incl. vandalism and vomiting/befouling anywhere other than a toilet)	£30 (“incl. befouling”)	Cost of reparation + ban dependent on severity	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Behaving in a manner likely to cause nuisance to other members (excluding incidents covered by Zero Tolerance Policy)	£20	Ban dependent on severity	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Buying, consuming, or attempting to buy alcohol while under 18	6-month ban or ban until 18 <sup>th</sup> (whichever longer)	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: disciplinary hearing	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Buying alcohol on behalf of a member under 18, or supplying them with alcohol on premises	6-month ban	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: disciplinary hearing	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee

Unauthorised access, e.g. use of fire doors outwith an emergency, or forging tickets to gain entry to the premises	£50	1 <sup>st</sup> offence: £10 2 <sup>nd</sup> offence: restart length of original ban 3 <sup>rd</sup> offence: disciplinary hearing	1 <sup>st</sup> offence: £25 2 <sup>nd</sup> offence: £50 3 <sup>rd</sup> offence: refer to Discipline Committee
Signing in a guest who commits an offence	None		£20
Possession of drugs ( <i>move from Licensee Ban; added "or abuse"</i> )	Life ban	£50 and ban dependent on severity/risk to members	1 <sup>st</sup> offence: 3-month full ban 2 <sup>nd</sup> offence: 6-month full ban 3 <sup>rd</sup> offence: full ban until graduation
On premises while banned	£50	1 <sup>st</sup> offence: £10 2 <sup>nd</sup> offence: restart length of original ban 3 <sup>rd</sup> offence: disciplinary hearing	£25 and reset original length of ban. If terms of evening ban broken, also change to full ban.
Harassment, bullying, and other offences covered by Zero Tolerance Policy ( <i>not currently mentioned</i> )	Up to life ban	Contextual ban, min. 2 months	Minimum 2-month full ban; up to life ban, dependent on severity

## Appendix C: Changes to Chapter 26

~~Remove this~~, don't change this, **add this**.

## Chapter Twenty-Six: Association Discipline Procedure

This chapter of the laws can only be amended with the agreement of the SSC and the General Manager (as a representative of the staff of the Students' Association). If both parties agree to amendments, they will be passed to the Students' Association Board for final ratification.

### 1. Introduction

1.1. 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 relations between the Association and the community, 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.:-

**1.2.** For this purpose the Association shall delegate power to the General Manager and to the Association ~~Disciplinary~~ Discipline Committee, whose membership shall be:

**1.2.1.** The Director of Events and Services (convenor)

**1.2.2.** The Director of Student Development and Activities

**1.2.3.** The SSC Entertainments eConvenor

**1.2.4.** Two SSC nominees.

**1.3.** The ~~Disciplinary~~ Discipline Committee shall meet to consider individual cases of alleged misconduct as set out below. The Committee shall also have the power to consider and recommend amendments to this procedure to the SSC and the General Manager. This shall include the creation of new statutory offences (see below). A member other than the convenor must be nominated to keep a confidential minute of proceedings of the eCommittee, including all cases heard.

**1.4.** The convenor of the ~~Disciplinary~~ Discipline Committee and the General Manager may ~~also~~ jointly appoint one or more Authorised Discipline Officers and delegate ~~such~~ powers to these Officers as that shall, in their opinion, promote the efficient management of disciplinary issues.

## **2. Disciplinary Procedure**

### **2.1. Scope**

**2.1.1.** All full, Life, and Honorary Life members of the Association shall be subject to the jurisdiction of the Association in respect of their conduct insofar as it affects the 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.

**2.1.2.** ~~Associate members and r~~ Reciprocal members (i.e. members of any organisation with whom 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.

**2.1.3.** All others, including guests, shall be deemed to have no intrinsic right of entry to the Union 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 but are a matter for line managers.

[1 These shall normally consist of ~~registered security staff~~ SIA licensed door supervisors and/or senior management.]

**2.1.4.** 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

**2.2.1.**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.

**2.2.2.**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 is known.

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

**2.2.4.**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.

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

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

**2.2.7.**It is not the Association's policy to allow audio or visual recording of meetings held under this procedure<sup>2</sup>

[<sup>2</sup> Except where this would qualify as a 'reasonable adjustment' under the Disability Discrimination Act 2005.]

**2.2.8.**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.

~~**2.2.9.**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.Temporary bans

~~**2.3.1.**Where a member has been accused of misconduct, they may be asked to leave the premises by relevant staff (see I, above) and 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.~~

**2.3.1.**Where a member has been accused of misconduct, they may be asked to leave the premises by relevant staff<sup>1</sup> and 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.

**2.3.2.**For accusations of statutory offences 3.2.1 to 3.2.8, this temporary suspension shall be an evening ban (see 6.6).

**2.3.3.**In the event that the member is not found guilty of misconduct, any record of such a suspension shall be expunged.

## 2.4. Investigation of offences

**2.4.1.** Upon receipt of a complaint, an investigation will be conducted<sup>3</sup> 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.

[<sup>3</sup> Normally by an Authorised Discipline Officer.]

## 2.5. Classification of offences

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

**2.5.2.** 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 minor, and the member has no previous offences or warnings.

**2.5.3.** Statutory action. This is appropriate where there is clear evidence of a statutory offence, as defined under Section 3.

**2.5.4.** Licensee holder ban. This is appropriate where there is clear evidence of an offence in serious breach of the licensing principles or of criminal law. The term "licensee" shall refer to the person named on the premises licence.

**2.5.5.** Referral to Disciplinary Discipline Committee. This is appropriate in all other cases.

**2.5.6.** Where no further action is the outcome, the member should be informed, any restrictions on entry removed and the record expunged within five working days. For all other cases, see the relevant sections below.

## 3. Statutory Offences

**3.1.** Where, in the opinion of an Authorised Discipline Officer, there is clear evidence that a member is guilty of one of the following 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. The Authorised Discipline Officer shall ensure that a record of all penalties issued is promptly shared with the Discipline Committee.

**3.1.1.** Where a member is guilty of a statutory offence 3.2.1 to 3.2.7, they shall be issued with a fine of £25 for the first offence, £50 for the second similar offence, and referred to Discipline Committee for the third similar offence.

### 3.1.2. On-the-spot fines

**3.1.2.1** An Authorised Discipline Officer may issue an on-the-spot fine for statutory offences 3.2.1 to 3.2.8 if there is clear evidence that a member is guilty. If the incident does not fall within a clear single statutory offence, is the third similar offence of that member, or is in any way serious (e.g. presents any risk to

other members or staff), the case should instead be referred to the Discipline Committee.

**3.1.2.2** On-the-spot fines should never be paid on the night of the incident.

**3.1.2.3** If a member is issued with an on-the-spot fine, they should subsequently be removed from the premises until the building reopens in the morning.

**3.1.2.4** On-the-spot fines may be appealed following the procedure outlined in 6.7.

**3.1.3.** Where a member is issued with a fine for statutory offences 3.2.1 to 3.2.7, they will be able to appeal the penalty to the Authorised Discipline Officer on the basis of low income or financial hardship. The Authorised Discipline Officer may change the penalty to a 1-month evening ban for the first offence or 2-month evening ban for the second similar offence, beginning on the date of the incident, at their discretion. If this length of time has already passed before the conclusion of a low-income appeal, no further ban will be issued, and the outstanding fine will be expunged.

### 3.2. Statutory Offences

**3.2.1.** Drinking alcohol not purchased on the premises: ~~£25 fine~~

**3.2.2.** Smoking or vaping on Association premises: ~~£50 fine~~ If fire alarm triggered, refer to Discipline Committee.

~~**3.2.3.** Minor damage to Association property (including vandalism or befouling): £30 fine~~

**3.2.3.** Causing minor damage or creating undue mess on Association property through malice or negligence (including vandalism and vomiting/befouling anywhere other than a toilet).

**3.2.4.** Behaving in a manner likely to cause nuisance to other members or staff: ~~£20 fine~~ (excluding incidents covered by Zero Tolerance Policy).

~~**3.2.5.** Being present on Association premises while banned (without permission): £50 fine~~

~~**3.2.6** Buying, consuming, or attempting to buy alcohol while under the age of 18: -6 month ban or ban until 18<sup>th</sup> birthday (whichever is longer)~~

~~**3.2.7** Buying alcohol on behalf of a member under 18, or supplying them with alcohol on the premises: -6 month ban~~

**3.2.7.** Unauthorised access, such as use of fire doors outwith an emergency, or forging tickets to gain entry to the premises (excluding being on Association premises while banned). If fire alarm triggered, refer to Discipline Committee.

**3.2.8.** Signing in a guest who commits an offence: £20 fine.

**3.2.9.** Possession or abuse of drugs/controlled substances on the premises. This shall include any item a reasonable person would assume to be drugs, unless evidence to the contrary is provided. First offence: 3-month full ban. Second offence: 6-month full ban. Third offence: full ban until date of graduation.



**3.2.10.** Being present on Association premises while banned, without permission: £25 fine, and reset length of original ban. This includes breaking the terms of an evening ban (see 6.6), in which case the ban should change to a full ban.

**3.2.11.** Harassment, bullying, and other offences covered by Zero Tolerance Policy: minimum 2-month full ban. Up to life ban, dependent on severity.

~~**3.3.** These penalties shall normally apply to a single instance: serious, aggravated, multiple or repeat offences may be referred to the Disciplinary Committee or to License Holder discipline for a more serious penalty. Members will not normally be allowed access to Association premises while a disciplinary fine is outstanding (with the exceptions outlined in Section II).~~

**3.3.** The penalties for statutory offences shall normally apply to a single instance: serious, aggravated, or multiple offences should be referred to the Discipline Committee or to licensee discipline for a more serious penalty.

### **3.4.** Appeals against statutory penalties

**3.4.1.** Members may appeal against statutory penalties only on the following grounds: **3.4.1.1.** *Information not known at the time of the original decision*

**3.4.1.2.** *Procedural irregularity that could make a material difference to the original decision (including inaccurate information, etc.)*

**3.4.1.3.** *Bias or prejudice.*

**3.4.2.** Appeals against statutory penalties will be heard by the ~~Disciplinary~~ Discipline Committee, and should be addressed to the Director of Events and Services. Appeals must be submitted in writing within ten working days of notice of the statutory penalty being received.

## **4.** Licensee Ban

**4.1.** 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:

**4.1.1.** Serious assaults.

**4.1.2.** Theft from the Association, members or staff.

**4.1.3.** Serious or repeated cases of supplying alcohol to persons under 18.

~~**4.1.4.** Drugs related offences, including possession and/or supply of controlled substances on the premises.~~ Supply of drugs or controlled substances on the premises. This shall include any item a reasonable person would assume to be drugs, unless evidence to the contrary is provided.

**4.1.5.** Serious infringements of health and safety.

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

#### **4.3.** Appeals against ~~license holder~~ licensee discipline

**4.3.1.** Members may appeal against ~~license holder~~ licensee discipline only on the following grounds:

**4.3.1.1.** *Information not known at the time of the original decision.*

**4.3.1.2.** *Procedural irregularity that could make a material difference to the original decision (including inaccurate information, etc.)*

**4.3.1.3.** *Bias or prejudice.*

**4.4.** Appeals against ~~license holder~~ licensee discipline will be heard by the Appeals Committee of the Students' Association Board. This eCommittee shall consist of:

**4.4.1.** The Chair of Board (or their nominee), who shall act as convene~~or~~.

**4.4.2.** The President of the Students' Association (or their nominee).

**4.4.3.** One other member of the Board who has no previous involvement in the case.

**4.4.4.** ~~They Appeals~~ should be addressed to the Chair of Board, ~~and Appeals~~ must be submitted in writing within ten working days of the penalty being issued.

#### **5.** ~~Disciplinary~~ Discipline Committee Meetings

##### **5.1.** Notification

**5.1.1.** Where, following an investigation, it is believed that grounds exist to refer a member to the ~~Disciplinary~~ Discipline Committee, they should within ten working days of the conclusion of the investigation be invited in writing to attend the next meeting of the Committee. This notification should include:

**5.1.1.1.** *The date, time and place of the next meeting (if known).*

**5.1.1.2.** *A summary of the allegation against the member and the facts as understood at the time of writing.*

**5.1.1.3.** *Procedures for the member to submit evidence, call witnesses, request further information, etc.*

**5.1.1.4.** *Notification of the right to be accompanied.*

**5.1.1.5.** *Details of any interim measures in force, e.g. temporary restrictions on entry.*

**5.1.2.** Meeting will be scheduled at the discretion of the convene~~or~~, bearing in mind the number and nature of any cases pending, and the necessity to avoid undue delay in processing cases.

**5.1.3.** However, members invited to appear should normally be given at least five working days' notice of the meeting, and meetings should normally be held at least once per calendar month between September and May.

**5.1.4.** The convene~~or~~ will consider requests to rearrange meetings where a member accused of misconduct 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 convenor inadequate, or where this would cause an unreasonable delay.

**5.1.5.** The quorum shall be three members of the Discipline Committee, or their nominated substitutes.

## **5.2.** Evidence

**5.2.1.** The Association will circulate all written evidence and the names of any witnesses they intend to call in each case at least five working days in advance of a hearing. Members accused of misconduct may submit a written statement for circulation: this must be submitted at least three working days before the hearing. Names of any witnesses<sup>4</sup> must also be submitted at this time. 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.

[<sup>4</sup> And their matriculation number, if they are a student of the University: or their address if not.]

**5.2.2.** 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.

## **5.3.** Conduct of the meeting

**5.3.1.** Cases will be heard in private: members accused of misconduct will be entitled to be present normally only while their own case is being discussed.<sup>5</sup>

[<sup>5</sup> The exception shall be where two or more members are invited to attend in relation to a single incident.]

**5.3.2.** The normal procedure will be for the facts as presently known to be presented<sup>6</sup>, followed by an opportunity for the member to make any submission they choose. Witnesses may be called and all parties may ask questions or raise points: the convenor will moderate this process.

[<sup>6</sup> Normally by an Authorised Discipline Officer.]

**5.3.3.** When the eCommittee is satisfied that an adequate opportunity for airing of evidence has taken place, the member will be asked to withdraw and the eCommittee shall consider its decision.

**5.3.4.** At their discretion, the convenor may suspend the hearing of any case and reconvene that case at a later date, if further evidence is needed or other circumstances justify this. Where new evidence is considered, all parties must be given a reasonable opportunity to consider and respond to it.

~~**5.3.5.** Members of the committee who 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 convenor may nominate another member of the SSC as a substitute.~~

**5.3.5.** Members of the Committee who believe they have a significant personal interest

in a case should excuse themselves from any consideration or discussion of that case. If this renders the Committee inquorate, the convenor may nominate another member of Association Councils as a substitute. If no councillors can be found without significant personal interest, the convenor may nominate a School President as a substitute.

Note: *significant personal interest* should be interpreted as any link which, to a reasonable and unbiased external perspective, would bring the validity of a disciplinary hearing into question.

## 6.Outcomes and penalties

**6.1.**After due consideration of the evidence presented, the ~~Disciplinary~~ Discipline Committee shall decide whether the member is, in their opinion, guilty of misconduct.

**6.2.**If they believe that the member has no case to answer, the case will be dismissed, all temporary disciplinary measures shall be removed immediately, and records of the case shall not be admissible in any future disciplinary case. The member shall be informed of this outcome in writing within five working days.

**6.3.**If the member is found guilty of misconduct, the Committee may:

**6.3.1.**Issue the member with a written warning (see below).

**6.3.2.**Impose a disciplinary fine (see below).

**6.3.3.**Impose a temporary, evening, or life ban (see below).

**6.3.4.**Impose two or more of the above measures in combination.

**6.3.5.**This list is not exhaustive: the eCommittee may impose alternative measures or restrictions, or attach conditions or exceptions to the measures above, in appropriate circumstances. In all cases the member shall be informed of the outcome in writing within five working days. Such written notification must include details of the member's right to appeal.

~~**6.3.6.**Such written notification must include details of the member's right to appeal.~~ **6.4.**Written Warnings

**6.4.1.**The eCommittee may choose to issue a formal written warning. This warning should set out clear conditions on the member's future conduct and may remain on file for a period of up to four years. The warning should detail the likely consequences of any future breach, which may include automatic referral to the ~~Disciplinary~~ Discipline Committee, a fine, or a ban.

## 6.5.Disciplinary Fines

**6.5.1.**The eCommittee may issue a disciplinary fine of up to £200. 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. In cases of serious vandalism etc. where the cost of damage exceeds £200, the eCommittee may impose a fine up to the maximum cost of the damage.

**6.5.2.**Fines must be paid to the Cash Office, but the Committee may recommend redistribution where appropriate (for example, in cases of damage other than to

Association property).

~~6.5.3. 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.~~

**6.5.3.** While fines are outstanding, members will be subject to a temporary evening ban. When a fine is issued, the member should be informed in writing of the level of the fine, payment arrangements, and the consequences of non-payment.

## 6.6. Bans

~~6.6.1. The committee may ban the member from Association premises for any period of time they consider appropriate, up to and including a life ban. Normally this will apply to all Association premises, but the Committee may in exceptional cases vary this to apply only to specific premises. In deciding the length of the ban, the Committee should have regard to the gravity of the offence, the member's past disciplinary record, and other relevant factors.~~

**6.6.1.** For less serious offences, the Committee may issue the member with an evening ban for any period of time they consider appropriate, up to the graduation date of the member. This should only be used in cases where no other members or staff are at risk. Members issued with an evening ban will not be allowed on the main Association premises from 7pm to 7am for the duration of the ban. They will still be able to access the main premises outside of that time. They will still be able to access satellite Association premises as normal, though the Committee may in exceptional cases vary this.

**6.6.1.1.** The member must sign in to the main premises, upon entry, at reception. The member must not purchase or consume alcohol. If they are found with alcohol, or remain on the main premises beyond 7pm after being asked to leave, they should be penalised according to 3.2.10. The member should be reminded of these terms when signing in.

**6.6.2.** For more serious offences, the Committee may issue the member with a full ban from Association premises for any period of time they consider appropriate. Normally this will apply to all Association premises, but the Committee may in exceptional circumstances vary this to apply only to specific premises. In deciding the length of the ban, the Committee should have regard to the gravity of the offence, the member's past disciplinary record, and other relevant factors. Members issued with a full ban will only be able to access Association premises for representation, advice, and welfare services by appointment in advance.

**6.6.2.1.** "Lifetime" full bans will normally expire 10 years after the date of graduation, except in truly exceptional cases. The decision to extend a ban beyond this date shall be given to the General Manager.

**6.6.3.** Where a ban is issued, the member should be informed in writing of the type and length of the ban, the date on which it will end (if applicable), and the consequences of breaching the ban. The length of a ban will begin on the date of the offence. All bans that would otherwise include Winter and Summer breaks will be extended by 1 or 3 months, respectively, at the discretion of the Discipline Committee.

## 6.7. Appeals against ~~Disciplinary~~ Discipline Committee Decisions

**6.7.1.** Members may appeal against ~~Disciplinary~~ Discipline Committee Decisions only on the following grounds:

**6.7.1.1.** *Information not known at the time of the original decision.*

**6.7.1.2.** *Procedural irregularity that could make a material difference to the original decision (including inaccurate information, etc.)*

**6.7.1.3.** *Bias or prejudice.*

**6.7.2.** Appeals against ~~Disciplinary~~ Discipline Committee Decisions will be heard by the Appeals Committee of the Students' Association Board. This ~~e~~Committee shall consist of:

**6.7.2.1.** *The Chair of Board (or their nominee), who shall act as*

*convenor* or **6.7.2.2.** *The President of the Students' Association (or their nominee).*

**6.7.2.3.** *One other member of the Board who has no previous involvement in the case.*

**6.7.2.4.** ~~They~~ Appeals should be addressed to the Chair of Board. Appeals must be submitted in writing within ten working days of the decision being issued.

## 7. Appeals Committee Meetings:

**7.1.** The Appeals Committee shall be constituted as noted above. It shall meet only when a valid appeal is received: the Chair of Board shall decide whether an appeal is valid. Parties to the appeal shall be the member who has made the appeal and either the licensee (in the case of licensee bans) or the convenor of the Discipline Committee (in all other cases).

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

### 7.2. Notification

**7.2.1.** Where the Chair of Board believes that grounds exist for an appeal, all parties should be notified within ten working days of receipt of that appeal. This notification should include:

**7.2.1.1.** *The date, time and place of the appeal hearing. (This must be not less than five working days from the date of notification.)*

**7.2.1.2.** *A summary of the grounds for appeal.*

**7.2.1.3.** *Procedures for the member to submit evidence, call witnesses, request further information, etc.*

**7.2.1.4.** *Notification of the right to be accompanied.*

**7.2.2.** The Chair will consider requests to rearrange meetings where any party is unable to attend at the scheduled time. However, the Association reserves the right to proceed with appeals in the absence of either party where the reasons for the request are in the opinion of the Chair inadequate, or would cause an unreasonable delay.

### 7.3. Evidence

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

**7.3.2.** All parties may call witnesses, as may the Appeals Committee. Names of any witnesses must also be submitted three 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.

[7 And their matriculation number, if they are a student of the University: or their address if not.]

**7.3.3.** 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.

### 7.4. Conduct of the meeting

**7.4.1.** 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 Chair will moderate this process. When the **e**Committee is satisfied that an adequate opportunity for airing of evidence has taken place, both sides will be asked to withdraw and the **e**Committee shall consider its decision.

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

### 7.5. Outcomes

**7.5.1.** The Appeals Committee may:

**7.5.1.1.** Reject the **A**ppel, in which case the original disciplinary decision and any sanctions remain ~~or~~.

**7.5.1.2.** Uphold the appeal, in which case the original decision is rescinded, any sanctions removed, and the record expunged ~~or~~.

**7.5.1.3.** Uphold the appeal in part, in which case the Appeals Committee may substitute another disciplinary sanction if they feel this is appropriate. All sanctions available to the **Disciplinary Discipline** Committee shall be available to the Appeals Committee for this purpose, except that they may not impose a greater penalty than was originally imposed.

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

procedures.