

Students' Association Member Discipline

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.

Introduction

Where members of the Association 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, bring the Association into disrepute, 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 General Manager, and to the Association Disciplinary Committee, whose membership shall be:

- The Director of Events and Services (convener)
- The Director of Student Development and Activities
- The SSC Entertainments convener
- 2 SSC nominees.

The Disciplinary 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).

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

Disciplinary Procedure

I) Scope

- All ordinary, 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.

- Associate members and 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shall be subject to the jurisdiction of the Association only insofar as their right of entry to the premises may be withdrawn. Note that where associate members are members of Association staff they may still face action under the Staff Discipline Procedure if the General Manager considers this appropriate.
- 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 staff¹. Queries about these decisions shall not be dealt with under this policy.
- 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 other local licensed premises.

II) 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 there is police or other legal involvement in a case, the Association will not normally take any disciplinary action (other than an interim suspension of entry as discussed below) until the outcome of any formal legal process or police investigation is known.
- 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.
- 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 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.

¹ These shall normally consist of registered security staff and/or senior management.

- It is not the Association's policy to allow audio or visual recording of meetings held under this procedure². In addition, the Association will not normally allow as evidence audio or visual recordings taken without the knowledge or consent of those involved.³
- No officer or member of staff should participate in a disciplinary decision where they have a 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.

III) Interim suspension from entry

Where a member has been accused of misconduct, they may be asked to leave the premises by relevant staff (see footnote I, above). They may subsequently 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 on whether to impose an interim suspension from entry is at the discretion of the Authorised Discipline Officer.

IV) Investigation of offences

Upon receipt of a complaint, an investigation will be conducted⁴ 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.

V) Classification of offences

² Except where this would qualify as a 'reasonable adjustment' under relevant legislation.

³ CCTV recordings shall be deemed to have taken place with knowledge and consent provided required signage is in place.

⁴ Normally by an Authorised Discipline Officer

Following an investigation, the case will be classified into one of the five 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.
- **Authorised Discipline Officer warning.** This is appropriate where a minor offence has been committed that in the opinion of the ADO would not warrant a fine or ban. Such warnings may be appealed to the Disciplinary Committee.
- **Statutory action.** This is appropriate where in the opinion of the ADO there is clear evidence of a statutory offence, as defined under Section VI.
- **License holder ban.** This is appropriate where in the opinion of the ADO there is clear evidence of a criminal offence in serious breach of the licensing principles or of criminal law.
- **Referral to Disciplinary Committee.** This is appropriate in all other cases.

VI) ADO warning

Where, in the opinion of the Authorised Discipline Officer, there is clear evidence of minor misconduct by a member, but that misconduct does not rise to the level where a fine or ban from entry would be appropriate, the ADO may issue a written warning to that member as to their future conduct.

Such a warning is identical in effect to a written warning issued by the Disciplinary Committee except that:

- Warnings issued by the ADO are of six months' fixed duration.
- Warnings issued by the ADO may be appealed to the Disciplinary Committee as if they were a statutory penalty under section VII.

VII) Statutory Offences

Where, in the opinion of the Authorised Discipline Officer, there is clear evidence that a member is guilty of one of the following offences, 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.

Statutory Offences

Drinking alcohol not purchased on the premises	£25 fine
Smoking on Association premises	£50 fine
Minor damage to Association property (including vandalism or befouling)	£30 fine

Unauthorised entry (including being on the premises while banned, entry or attempted entry to events without a valid ticket or wristband, and unauthorised use of fire doors)	£20 fine
Buying, consuming, or attempting to buy alcohol while under the age of 18	6 month ban or ban until 18 th birthday (whichever is longer)
Buying alcohol on behalf of a member under 18, or supplying them with alcohol on the premises	6 month ban

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).

Appeals against statutory penalties

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

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

Appeals against statutory penalties will be heard by the Disciplinary Committee, and should be addressed to the Director of Events and Services, 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 statutory penalty being received.

VIII) 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.
- Serious infringements of health and safety.

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.

Appeals against license holder discipline

Members may appeal against license holder discipline only on the following grounds:

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

Appeals against license holder discipline will be heard by the Appeals Committee of the Students' Association Board. This committee shall consist of:

- The Chair of Board (or their nominee), who shall act as convener.
- The President of the Students' Association (or their nominee).

Appeals should be addressed to the Chair of Board, who will decide whether to convene a hearing based on the grounds above. Appeals must be submitted in writing within **ten working days** of the penalty being issued.

IX) Disciplinary Committee Meetings

Notification

Where, following an investigation, it is believed that grounds exist to refer a member to the Disciplinary 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:

- The date, time and place of the next meeting (if known).
- A summary of the allegation against the member and the facts as understood at the time of writing.
- 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.

Meeting 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, and meetings should normally be held at least once per calendar month between September and May.

The convener 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 convener inadequate, or where this would cause an unreasonable delay.

Evidence

The Association will circulate all written evidence and the names of any witnesses they intend to call in each case at least **two 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 witnesses⁵ 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.

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.

Conduct of the meeting

Cases will be heard in private: members accused of misconduct will be entitled to be present normally only while their own case is being discussed⁶.

The normal procedure will be for the facts as presently known to be presented⁷, 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 convener will moderate this process. When the committee is satisfied that an adequate opportunity for airing of evidence has taken place, the member will be asked to withdraw and the committee shall consider its decision.

At their discretion, the convener 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.

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

⁵ And their matriculation number, if they are a student of the University: or their address if not.

⁶ The exception shall be where two or more members are invited to attend in relation to a single incident.

⁷ Normally by an Authorised Discipline Officer.

committee inquorate, the convener may nominate another member of the SSC as a substitute.

X) Outcomes and penalties

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

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**.

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

- i. Issue the member with a written warning (see below).
- ii. Impose a disciplinary fine (see below).
- iii. Impose a temporary or life ban (see below).
- iv. Impose two or more of the above measures in combination.

This list is not exhaustive: the committee 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.

Written Warnings

The committee 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 Committee, a fine, or a ban.

Disciplinary Fines

The committee 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 committee may impose a fine up to the maximum cost of the damage.

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). 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.

Bans

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 and Association events, but the Committee may in exceptional cases vary this to apply only to specific premises and/or events. 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 factors⁸. Where a ban is issued, the member should be informed in writing of the length of the ban, the date on which it will end (if applicable), and the consequences of breaching the ban.

Appeals against Disciplinary Committee Decisions

Members may appeal against Disciplinary Committee Decisions only on the following grounds:

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

Appeals against Disciplinary Committee Decisions will be heard by the Appeals Committee of the Students' Association Board. This committee shall consist of:

- The Chair of Board (or their nominee), who shall act as convener.
- The President of the Students' Association (or their nominee).

They should be addressed to the Chair of Board, who shall decide whether to convene a hearing based on the grounds above. Appeals must be submitted in writing within **ten working days** of the decision being issued.

XI) Appeals Committee Meetings

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 convener of the Discipline Committee (in all other cases).

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

⁸ Other relevant factors will include whether a ban extends over the summer or winter break, and whether a member is a life member, recognizing that shorter bans will not have the same impact on these members as on current students.

Notification

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:

- 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.

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.

Evidence

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 Committee minutes). The Chair 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 Appeals Committee. Names of any witnesses⁹ 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.

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.

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 Chair 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.

⁹ And their matriculation number, if they are a student of the University: or their address if not.

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.

Outcomes

The Appeals Committee may:

- i. Reject the appeal, in which case the original disciplinary decision and any sanctions remain: or
- ii. Uphold the appeal, in which case the original decision is rescinded, any sanctions removed, and the record expunged: or
- iii. 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 Committee shall be available to the Appeals Committee for this purpose, except that they may not impose a greater penalty than was originally imposed.

The Appeals Committee may also make written recommendations to the General Manager or Disciplinary 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.