

Appendix 4**Disciplinary Guidelines****1. General Provisions**

1.1 The Union shall consider complaints made by any person against any member in respect of:

1.1.1 Misconduct on Union premises or at events organised by the Union elsewhere, including harassment or attacks contrary to the Equal Opportunities Policy

1.1.2 Negligent or wilful damage of Students' Union property

1.1.3 Negligent or wilful misuse of Union finances

1.1.4 Actions which may bring the Union into disrepute

1.1.5 Actions contrary to the Constitution and Guidelines

2. Procedure

2.1 Complaints concerning Union members or clubs and societies (hereinafter referred to as the Defendant) shall be made in writing to the SU President

2.2 On receipt of a complaint, the SU President may summon the Defendant and, having considered the complaint and any information provided by the member/club or society, s/he may:

Caution the Defendant on future conduct

Require costs to be paid to make good any damage or financial loss incurred by the Union

Exclude the Defendant from any, or all, services or activities of the Union.

2.3 If the SU President or Defendant so decides, the matter shall be considered by a Disciplinary Panel. The Defendant shall be informed of this option.

2.4 If the matter is referred to a Disciplinary Panel, the SU President shall convene the Panel within 7 working days of receipt of the complaint.

2.5 The Panel shall comprise of the SU President (Chair), and six (6) Members elected at the AGM in the previous year. There shall be two (2) elected deputies. At least four members plus the Chair must be present for any Hearing to proceed.

2.6 The Panel shall meet initially. At that meeting it must decide upon one of the following courses of action:

to dismiss the complaint

to consider the complaint itself

to refer the complaint for consideration under the Disciplinary procedures of the University

to recommend that the SU President take legal advice.

2.7 If the Panel decided to consider the complaint itself, it shall reconvene within ten (10) working days to consider the matter.

2.8 Any member of the Panel who is either unwilling to sit or is involved in any way in a particular case, shall not sit on the Panel for that case. In such instances they shall be replaced by their elected deputy.

2.9 The Defendant may object to the presence of up to two members of the Disciplinary Panel who shall then be replaced by their elected deputy.

2.10 The Panel shall require the Complainant and Defendant to attend and make a statement regarding the complaint, except in cases of individual harassment or attack where the Complainant may choose to make a written statement.

2.11 The Complainant and the Defendant shall be given the opportunity to comment on the statement of each other.

2.12 The Defendant shall have the right to bring an associate to help or represent them, or provide support.

2.13 The Complainant and Defendant shall have the right to call witnesses. This should be done through the SU President who shall arrange times of appearance.

2.14 Witnesses may be cross-examined by the Defendant, the Complainant and the Disciplinary Panel.

2.15 The Panel shall reach a decision on the complaint once the Complainant and Defendant have withdrawn.

3. Possible Courses of Action

3.1 If the complaint is upheld, the Panel may:

caution the Defendant on future conduct

require costs to be paid to make good any damage or financial loss incurred by the Union

Levy a fine not exceeding the per capita figure of the Students' Union block grant from the University, per person

Exclude the Defendant from any, or all, services or activities of the Union for up to one academic year

In the event of a club or society being found guilty, the Panel shall be competent to suspend (for any period up to the end of that academic year) that club or society.

After a second similar disciplinary offence the SU President/Disciplinary panel will contact the Head of Student Services to perform a welfare check with the residences and central university discipline reports. The Head of Student Services will consult the SU President as to whether to include counselling as part of the discipline.

3.2 The Defendant and the Complainant shall be informed of any decision made immediately, in writing.

3.3 All copies of documents should be kept on file. Where the defendant is found guilty a statement of summary shall be provided for the Executive Committee, to ensure they are able to keep to the "official line".

4. Right of Appeal

4.1 Either the Defendant or the original Complainant can appeal against the Disciplinary Panel's decision.

4.2 The Appeals Council is made up of the VP Education (non-voting Chair) and six (6) members elected from and by Academic Council. These will not be the same people as on the Disciplinary Panel.

4.3 If there is any new evidence this may be submitted to the Appeals Council, but an appeal can still be lodged without any new evidence.

4.4 An appeal shall be made in writing to the VP Education.

4.5 An Appeals Council meeting shall be held within ten (10) working days of receipt of the appeal.

4.6 The same provisions for the hearing of cases shall apply to the Appeals Council as do to the Disciplinary Panel.

4.7 The Appeal Council shall be competent to confirm, increase or reduce sentences passed by the Disciplinary Panel.

4.8 The initial Complainant will be informed of the Appeals Procedure outcome.

4.9 The decision of the Appeals Council is final, as far as BUSU is concerned.

Disciplinary Sanctions

It is ordinary that the SU President and/or Disciplinary Committee will impose a sanction which combines suspension of membership and Community Service in the area of the Union that has been offended.

Suspension of membership means that the NUS card of the disciplined person is removed¹ and they are not allowed to take part in any Union activities. This includes admission to the bars and membership of sports clubs and Union societies.

Community Service (CS) will normally be set. The NUS card will be removed for a fixed period or until a number of hours CS, that shall be non-degrading, have been completed. Jobs included in previous CS sanctions have included certain cleaning duties, cellar work, glass collection, office work and assistance in the Training Development and Volunteers unit.

The aim of CS is to invite the disciplined person to take responsibility for their actions and to offer something back to the Union in return for the time it has taken to discipline them and maintain a safe, enjoyable Union space for other members. Following completion of the hours of CS the NUS card will be returned.

If the CS is not completed then the Union will retain the card until a suitable period of time has passed, usually until the end of the academic year.

Potential Gross Misconduct and Gross Misconduct

1. Potential Gross Misconduct may arise from the following:

- Violence that causes actual bodily harm
- Damage to University/Union property
- Contravening Safe Space Policy
- Fraud. (N.B. This includes misuse of the NUS Card)
- Theft

All these cases will be dealt with in the same manner, viz.: a report will be made at the time of the incident and will then be referred to the SU President at the earliest opportunity. The SU President will decide whether in the circumstances it is a sufficient misdemeanour to warrant calling a Disciplinary Committee hearing. From there the Committee may wish to refer the matter on to the University. In some instances it will be necessary for the SU President to contact the University before, or instead of, convening a meeting of the Disciplinary Committee. However, the Committee will always be notified

¹ This requires revision now that the Library card and BUSU membership card are the same. Furthermore, now that tracking can be better done with the aid of the computer less reliance is placed on the presentation of the NUS card for proof of membership or exclusion when necessary.

of this. A report of every case that results in any sanction being taken will be made to all Committee members in every instance. (An example of a time when it would be inappropriate to notify the disciplinary committee is the sexual assault of a member of Union staff by a Union member. Staff issues must be confidential.

2. There are some cases which will automatically be referred to the University:

- Violence that causes actual bodily harm
- Significant damage to University/ Union property
- Sexual harassment

Cases of Gross Misconduct or Repeat Offences will be automatically be referred to the SU President.

Rudeness/ Lack of Respect for Union Staff

It is recognised that rudeness and lack of respect is a potential problem in all areas of the Union. It will never be tolerated by the Union. Rudeness is most regularly a problem in the bars and the following policy is with relation to bars but will be applied in form to all areas of the Union.

Rudeness to bar staff will be dealt with in the following manner: If a member of bar staff feels that a member of the Union is being rude and abusive then they will refer the incident to a supervisor who will decide what action should be taken. The supervisor may wish to refer the matter to a manager who may decide to:

- Ban the Union Member from purchasing from the bar - but not from being present in the area for the night
- Remove the Union Member's NUS card and ask them to leave the premises. The card will be retained by the Manager until the following morning. Then they will either return the card to the Union Member themselves or refer the matter to the SU President.

All cases which are referred to the SU President will see an automatic suspension of the NUS Card until appropriate further action has been considered.

Policy passed at Union Council
on 15 November 2006

Policy Number 2006/7-2

Policy: Disciplinary Guidelines

SU Notes

- Appendix 4 of the Constitution lays out how disciplinary procedures are to take place, and for what offences
- It is at the discretion of the SU President or the Disciplinary Panel as to what action they take
- There are no guidelines indicating appropriate types and lengths of punishment for offences

SU Believes

- Guidelines relating to penalties from disciplinary procedures would be of benefit to the SU President/Disciplinary Panel to ensure consistency of approach over time.
- BUSU has a duty to protect both staff and students
- The Students' Union will not tolerate violence, harassment, discrimination, abuse and vandalism

SU Resolves

- To adopt the guidelines below for disciplinary action which shall aid the SU President/disciplinary Panel when making their decisions
- To publicise the disciplinary actions at the entrance of the licensed premises
- To publicise the disciplinary action to clubs and societies officers at the start of every year
- The SU President/Disciplinary Panel retains the discretion to decide if the ban relates to the area when the incident occurred, or to all areas of the Students' Union (except academic representation and welfare advice)
 - Recommendation: assaults = union wide ban
- For minor incidents, the offender may opt to shorten their period of exclusion through offering to do community service for the Students' Union.
- Community service must not be mandatory as this may lead to certain students feeling victimised or embarrassed
- Period of exclusion shall commence from the incident (not the disciplinary meetings) so as not to discriminate against students that cannot meet with the President/Disciplinary Panel speedily (e.g. placement students)
- SU President shall review and update the guidelines annually based on events of that year – changes to be noted by Union Council
- SU President/Disciplinary Panel to retain discretion as to length of exclusion and level of exclusion within a period of time defined by the following tariff

EXCLUSION PERIODS AND OTHER APPROPRIATE DISCIPLINARY ACTIONS

Misconduct	Average Period of Exclusion
Minor offences	
Drunken/Disorderly	1 st Instance: warning
	2 nd instance: remove NUS card to be collected the following day from bars office and receive a second verbal warning
	3 rd offence: ban 2 – 6 Weeks
Indecent exposure	As drunken disorderly
Vomiting Licensed Area	£10 fine – Exclude until fine paid
Aggressive behaviour (spitting/swearing)*	2 – 6 weeks
Theft – minor	No ban – Until Police Action Resolved
Major offences	
Theft – major	Lifetime Ban
Possession Personal Drugs	(Immediate Suspension) Lifetime Ban
Possession Drugs Non-Personal	(Immediate Suspension) Lifetime Ban
Threatening Behaviour/Abuse/Violence towards a person/Assault	1 Month – Lifetime Ban**
Vandalism	1 Month - 1 Term plus fine to cover cost of repair OR community service (maintenance related) to reduce ban, if over 1 month, plus fine to cover cost of repair
Verbal abuse*	1 Month – Lifetime Ban
Harassment	1 Month – Lifetime Ban
Discrimination (race, gender, sexuality etc)	1 Term – Lifetime Ban
Breaking of Exclusions	
1 st Breaking of Exclusion	Double Original exclusion
2 nd Breaking of Exclusion	1 year – Lifetime Ban
Repeat Offences	
1 st Repeat Offence	Double Original exclusion
2 nd Repeat Offence	1 Year – Lifetime Ban

* NB: By law, spitting/swearing or verbal abuse may be deemed as assault and should be considered at the discretion of the SU President with recommendations from Bars

** Severity of assault difficult to define. Ban at discretion of President based on recommendations from Bars

NOTE: These are illustrative only and the President/Disciplinary Panel reserve the right to increase/decrease the penalty applied based on the circumstances of each individual case.