

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 Articles, Bye-laws 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, as soon as possible and within a reasonable period of time, summon the Defendant to a Disciplinary Hearing.
- 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. In this case, the Disciplinary Panel will be convened as soon as possible and within a reasonable period of time.
- 2.4. The Defendant will be required to attend a Disciplinary Hearing with either the SU President or the Disciplinary Panel as soon as possible and within a reasonable time after a complaint has been received or after the Defendant has chosen to proceed with a Disciplinary Panel.
- 2.5. The Panel shall comprise at least three (3) Sabbatical Officer and will usually be chaired by the SU President who also has a vote. In the event of the SU President being unable to chair the Panel for reasons, for example, of conflict of interest, the Panel will be chaired by the VP Communications.
- 2.6. The Defendant may object to the presence of up to two members of the Disciplinary Panel who will then be replaced by one or two of the remaining Sabbatical Officers, who shall not be the VP Education.
- 2.7. The SU President/Panel may 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.

- 2.8. The Complainant and the Defendant shall be given the opportunity to comment on the statement of each other.
 - 2.9. The Defendant shall have the right to bring an associate to help or represent them, or provide support
 - 2.10. 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.
 - 2.11. Witnesses may be cross-examined by the Defendant, the Complainant and the SU President/Disciplinary Panel.
- 3 The SU President/Panel shall reach a decision on the complaint after the Disciplinary Hearing.

4 Possible courses of action

- 4.1. Having considered the complaint and any information provided by the Member/club or society and if the complaint is upheld, the SU President/Panel may:
 - 4.1.1 Caution the Defendant on future conduct
 - 4.1.2 Require costs to be paid to make good any damage or financial loss incurred by the Union
 - 4.1.3 Exclude the Defendant from any, or all, services or activities of the Union for up to one academic year
 - 4.1.4 In the event of a club or society being found guilty, it may be suspended (for any period up to the end of that academic year) that club or society
 - 4.1.5 Refer the complaint for consideration under the Disciplinary Procedures of the University
- 4.2. After a second similar disciplinary offence the SU President will contact the Head of Student Support to perform a welfare check with the residences and central University discipline reports. The Head of Student Support will consult the SU President as to whether to include counselling as part of the discipline
- 4.3. The Defendant and the Complainant shall be informed of any decision made immediately, in writing. Where a Member/club or society is suspended from membership of the Students' Union for the remainder of the academic year, the Board of Trustees shall be informed immediately.
- 4.4. All copies of documents should be kept on file. A report of Disciplinary Hearings will be made annually to the Board of Trustees.

5 Right of Appeal

- 5.1. Either the Defendant or the original Complainant can appeal against the SU President's/Disciplinary Panel's decision
- 5.2. The appeals Council is made up of the VP Education (non-voting Chair) and six (6) members elected from and by Academic Council of whom at least four (4) must be present.
- 5.3. 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
- 5.4. An appeal shall be made in writing to the VP Education

- 5.5. An Appeals Council meeting shall be held as soon as possible and within a reasonable period of time of receipt of the appeal.
- 5.6. The same provisions for the hearing of cases shall apply to the Appeals Council as to hearings held by the SU President/Disciplinary Panel.
- 5.7. The Appeals Council shall be competent to confirm, increase or reduce sentences passed by the SU President/Disciplinary Panel.
- 5.8. The initial Complainant will be informed of the Appeals procedure outcome
- 5.9. The decision of the Appeals Council is final, as far as BUSU is concerned.

6 The Right of further Appeal

- 6.1. There is no further right of appeal against the decision of Appeals Council but if the Defendant feels that the processes were unfair, then the Defendant may appeal to the Independent Person appointed to BUSU. Details of who that person is may be obtained from the Students' Union Chief Executive upon request. The appeal must be made in writing, detailing the reasons for the appeal along with any supporting evidence. The Independent Person does not have the power to overturn the decision made by Appeals Council. The Independent Person will report his/her conclusions to the SU President, the SU Chief Executive and the Board of Trustees. If necessary, they will ensure that a full review of the Disciplinary procedures is made in the light of those conclusions.

Disciplinary Sanctions

Potential Gross Misconduct and Gross Misconduct

Potential Gross Misconduct may arise from the following:

- Violence that causes actual bodily harm which will automatically be referred to the University
- Damage to University/Union property, which will automatically be referred to the University
- Sexual harassment which will automatically be referred to the University
- Contravening Safe Space Policy
- Fraud (N.B. This includes misuse of the NUS card)
- Theft

Staff issues must remain confidential

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 BUSU/Library card and ask them to leave the premises. The card will be retained by the Manager until the following morning when they will return the card. They may then refer the matter to the SU President.

All cases which are referred to the SU President will see an automatic suspension from the related area i.e. if a case is referred by the bars, the Defendant will be automatically banned from entering the bars areas; if the case is referred by a club or society or member of a club or society, the Defendant will be suspended from that club or society.

Policy Number 2006/7-2

Policy: Disciplinary Guidelines

Passed at Union Council on 15th November 2006

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.