

Staffordshire University Student Disciplinary Procedure

1. Preamble

This procedure clarifies the systems in place to deal with student disciplinary. The Students' Union is committed to providing high quality services to its members and to protect its staff, members and visitors from unacceptable behaviour. To this end, it is essential that unacceptable behaviour is not tolerated and is dealt with swiftly and effectively.

2. Scope of procedure

For dealing with:

2.1 Discriminating against any person or group of individuals.

2.2 Disruptive or anti social behaviour

2.3 Fraud, deceit, deception, dishonesty or misappropriation of Union funds or assets, misuse or falsification of any records or documents held by the union, its staff, members or visitors, or any improper access to or disclosure of computerised or other data held by the Union or accessible through Union equipment or networks.

2.4 Bringing the Union into disrepute. This includes conduct deemed unacceptable by other organisations which we work with such as NUS and the British Universities Sports Association and reserve the right to impose additional discipline procedures.

2.5 Damage to or wrongful treatment of, the property or equipment of the Union or any of its staff, members or visitors, or any action likely to cause injury to any person or impairing the health and safety of the premises or its occupants, or contravening the Unions' policy on Health and Safety.

2.6 Action or omissions which could cause loss, damage or injury or put others at risk.

2.7 Breaking union policy or protocols.

2.8 Elected Officers, those who hold voluntary positions of responsibility or core or student staff who breach any of the above may also or instead be subject to disciplinary action through the committee or staff structure as appropriate.

The above is not an exhaustive list, but is indicative of the types of discipline breach that the Union will wish to act on.

3. Exclusion from Services Policy

3.1 The **objectives** of this section are to ensure:

- 3.1.1 That the law relating to Health and Safety and Union's licenses are adhered to at all times and that these are not jeopardised.
- 3.1.2 That there is effective deterrent to anti-social behaviour and that effective levels of safety and security are in force.
- 3.1.3 That customers of Students' Union premises feel welcome and able to enjoy the facilities in safety and comfort regardless of gender, colour, sexuality, ethnic or national origin or any other distinction, as required by the Union's Equal Opportunities Policy.
- 3.1.4 That staff of the Union's are able to operate in a safe and secure environment and have the authority to exclude customers under the circumstances outlined below.

3.2 Exclusion **Code of Conduct.** Staff excluding a student should:

- 3.2.1 Remain polite and treat customers with respect and courtesy at all times.
- 3.2.2 Explain their actions and the reasons for their exclusion, to the person(s) they are excluding, without embarrassing or challenging them, and provide information on how customers can complain about the reasons for, their exclusion.
- 3.2.3 Be prepared to call for help via the Police if necessary and control the situation until they arrive if possible.
- 3.2.4 It is standard procedure to keep all evidence of incidents that occur on our premises. CCTV footage is kept for 7 days, unless a complaint is made which warrants holding such visual evidence for longer. If a complaint is made after 28 days, CCTV footage may not be available, which could influence the outcome.

Staff excluding a student should not get drawn into a confrontational situation, use inappropriate language or swear, or use more than minimum force necessary.

3.3 Exclusion **Procedure.**

- 3.3.1 When a customer is excluded, every effort will be made to obtain identification at the time of exclusion. The student should have their student i.d card upon them with their details. In the case of a guest, the member that signed them in details will be available. An incident report should be filled in at the time of the incident and be processed according the incident report procedure.
- 3.3.2 Authority to exclude members rests with core staff, security contractors and sports officials.

3.3.3 If a customer is unhappy at treatment received from staff in any of the Union's Licensed Trade premises, a complaint may be made using the Union Complaints Policy. Copies will be available from the union receptions at each campus.

3.3.4 This matter will then be referred to the Disciplinary Committee for consideration.

4.0 Discipline In other areas of the Union

Any member of staff has the right to ask a student or customer to leave The Students' Union premises, if said person is abusing or threatening staff or customers. Security should be called if the member of staff feels it is necessary. The matter will then be taken to a Disciplinary Committee.

4.1 Committee Structure

4.1.1 The Disciplinary Committee is a sub-committee of Union Council. Its membership is comprised of the President as chair and a minimum of 3 or 5 a maximum of 7 members of Union Council.

4.1.2 The Disciplinary Committee will meet once a month to review disciplinary action taken and complaints concerning disciplinary action or appeals. All disciplinary matters which have occurred during the previous month will be heard in one session although at different times throughout the day.

4.1.3 In exceptional circumstances, for instance if The Disciplinary Committee feel that the outcome may be biased by an internal hearing, an independent panel from outside Students' Union may be established. In such cases, the help of the NUS Regional Officer will be sought in recruiting such a panel and this procedure should be followed as usual.

4.1.4 No committee member who has a conflict of interest, through knowing a person being disciplined/appealing in a personal capacity, should form part of the Disciplinary Panel and an alternative member should be sought.

4.2 Procedure prior to hearing or appeal:

4.2.1 In the first instance the complaint/report should be submitted to the President who will determine what action is appropriate.

4.2.2 The complainant has the right to remain anonymous, should they choose to do so.

4.2.3 If a member acts in breach of section 3 of this policy he/she will be informed immediately that he/she has been excluded from all Union premises and from all Union events until a hearing has taken place. This will be reiterated in a letter from the President which will include a copy of the Unions' Disciplinary procedure and a

date for the hearing. This date must provide the student with no less than two working days notice of the hearing.

- 4.2.4 It is the responsibility of the Disciplinary Committee to investigate the allegations, speak to those involved and seek verification from independent witnesses. The accused member will have the right to speak in his/her defence and has the right to be accompanied by a representative.
- 4.2.5 The Disciplinary Committee will decide whether the allegations are true. If the Committee decide that there is no cause for further action then the expulsion is automatically lifted.
- 4.2.6 If the Disciplinary Committee decides that further action is necessary then the student will be informed of the decision made and the reasoning behind it as soon as possible. Time already excluded will be considered when setting a date for the expulsion to be lifted.
- 4.2.7 The decision will be re-iterated in writing to the student in the form of a letter from the President. This letter must state the students' right to appeal the decision of the Disciplinary Committee.
- 4.2.8 If a student fails to attend the Disciplinary Committee he/she will be contacted by the President and asked to attend a secondary planned meeting. If they fail to attend this meeting the Disciplinary Committee will make a decision based on the information made available and the outcome will be communicated by the President

4.3 Procedure during hearing

- 4.3.1 The hearing will take place no less than 1 academic week and no more than 2 academic weeks, after the letter from the Chair of the Committee was sent to the defendant.
- 4.3.2 Statements may be invited via the complainant. These will be reviewed independently by the Disciplinary Committee to see if they are relevant.
- 4.3.3 The defendant shall have the right to bring another member of the Students' Union to represent them however nothing this friend says can be taken as evidence. The Chair of the Disciplinary should be informed prior to the hearing if the defendant intends to bring witnesses or witness statements.
- 4.3.4 The Disciplinary Committee shall set times of appearance of witnesses and the duration of the testimony may be limited at the discretion of the Committee.
- 4.3.5 For repeat offenders, the results of any previous Disciplinary hearings will be taken into consideration when applying sanctions. For an offence for which the Police have

charged the defendant, the Committee will take this into consideration during, and in some instances there may be a delay pending the Police outcome.

4.3.6 Minutes of the hearing shall be taken and kept on file, with copies of documents. The Committee will move into Closed Business while making their decision.

4.3.7 Throughout this procedure, the complainant and the defendant may invoke the complaint procedure if they feel they have been unfairly treated.

4.4 The following **sanctions** may be taken by the disciplinary committee:

4.4.1 Payment for damage caused, including labour charges for repair of damage.

4.4.2 Banned from any or all Student Union premises for a specified time.

4.4.3 Banned from participation in Students' Union clubs or societies.

4.4.4 Any combination of the above, the time period being at the discretion of the Disciplinary Committee, but not exceeding one academic year.

4.4.5 In cases where a breach of the law has occurred, or is suspected, the Police should be informed immediately.

4.4.6 If a sanction is ignored by a member, the Disciplinary Committee may use its judgement to extend or increase the sanction already imposed. No suspended member may be introduced to the Union as a guest

4.4.7 If the Disciplinary Committee feel at any stage of the proceedings that an offence is of an extremely serious nature, it may refer the matter onto the University's disciplinary procedure

4.5 Appeals procedure

4.5.1 The defendant or complainant may appeal against the **Disciplinary Committee's** decision.

4.5.2 Student wishing to appeal must submit his/her intent to appeal in writing to the President within five working days stating the grounds for appeal.

4.5.3 The appeal will be heard by an appeals committee, a sub-committee of Union Council. It will include at least one member of the Executive who have had no prior involvement in the case. The Appeals Committee will have access to all original information put before the Disciplinary Committee.

