



## University of Lincoln Students' Union Student Disciplinary Procedures for Member(s), Committees, Societies and Sports Clubs forming part of the Code of Conduct of the Students' Union

### Interpretation

These procedures should be read in conjunction with the Constitution, Bye Laws, Code of Conduct, Code of Practice and the relevant Standing Orders of University of Lincoln Students' Union and shall be interpreted accordingly.

The term 'clear days' may be defined as excluding weekends and public Holidays.

The person whom the complaint is made against is hereinafter referred to as the accused.

Within the text 'complainant' and 'accused' are used in the singular form; where applicable these are to be read as being in the plural.

Teaching time is the recognised undergraduate semester timetable as published by the University of Lincoln. In the event of this not being clear, the decision on what time period is defined as "teaching time" is the responsibility of the non-voting member of the panel. Their decision is final on this matter.

In the case of an incident taking place within a Students' Union venue, the accused shall be placed under a ban pending investigation which shall be stipulated in the initial letter received. This prohibits the accused from entering Students' Union venues throughout the duration of the investigation to protect customers as well as those involved in the investigation. Students' Union venues include: Engine Shed, The Swan, Tower Bar, The Barge and the Students' Union Reception.

### Procedure

Upon receipt of a written complaint from any person against a member(s), Committees, Societies and Sports Clubs, the ULSU Complaints Policy will be referred to in the first instance.

Under the ULSU Complaints Policy (paragraph 3a), it is at the Chief Executive's discretion to refer any complaint against a student member to the following Informal or Formal procedures.

As per the ULSU Complaints Policy, if a complaint does not necessitate further action, then the complaint shall be dismissed as either frivolous or vexatious.

The complaint referred to this procedure should refer to an incident which has happened:

- On the University of Lincoln campus
- At an official ULSU function or an activity off-campus where a Club, Society, Committee, Activities member or Representative can clearly be identified as a member of the ULSU Group or of a direct affiliation

Otherwise, incidents occurring off campus will not within the remit of the ULSU Disciplinary Procedure.

### Complaints against Members of the Executive Committee



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Any complaint against a member of the Executive Committee should be made in writing and should be submitted in line with the ULSU Complaints Policy. Complaints will be dealt with in conjunction with the Sabbatical Trustee Terms and Conditions and Code of Conduct.

### Informal resolution

The Chief Executive can refer a complaint, which in their (or their Deputy's) view does not initially warrant a Formal process, to a departmental Manager whose remit covers the area referred to in the complaint. In the event that this is not obvious, then the Chief Executive, or their Deputy, can appoint an alternative Manager to try to informally resolve the complaint. Should a conflict of interest be raised by the relevant Manager then an alternative Manager shall be appointed. If the Chief Executive (or their Deputy) does not believe that the complaint can be resolved by informal means, then the Chief Executive may refer the complaint directly to the Deputy Chief Executive for formal procedures to be undertaken as per paragraph

### Informal resolution procedure

The appointed Manager, under paragraph 5.1 (hereby referred to as AM) arranges to meet with the complainant or discuss their complaint over the telephone in order to clarify any context of the grievance and the complainant's desired outcome.

The AM shall then arrange to meet or hold a telephone conversation with the accused, in order to discuss the complaint and the reasons as to why the Informal procedure had been enacted.

If no contact can be made, or no response is received by the accused within 5 clear days of the initial communication, then the AM shall must decide upon a conclusion to the Informal investigation without any contact with the accused.

If in the opinion of the AM the complaint should not be upheld, then the AM shall write to the complainant, within 5 clear days, outlining the reasons as to why the complaint has not been upheld after an informal investigation.

The correspondence from the AM to the complainant will also outline that the complainant has the right to appeal within 5 clear days of the outcome letter received. This appeal should be submitted to the Chief Executive ([ceo@lincolnsu.com](mailto:ceo@lincolnsu.com)) requesting that the Formal Disciplinary Procedure be instigated. The complainant is also required to submit the grounds for their appeal within their submission to the Chief Executive.

In the event of an appeal under 6.5, the AM will write a report outlining their findings and reason for not upholding the complaint. The Chief Executive can therefore review the information supplied by the AM and decide whether the formal process should commence. In the event that the Chief Executive does not uphold the appeal, the complainant will be informed within 5 clear days of the outcome and of their right to appeal to the University under paragraph 10 of this policy on procedural grounds.

If the complaint is upheld by the AM, then the appointed individual may take any of the following actions:

- Issue a letter of warning which will typically note that if a similar incident occurs again, further sanctions will be imposed.



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- Suspend the rights and privileges of a member including the right to hold any position of responsibility (excluding the right to vote) for a period not exceeding 12 term-time weeks. This entails a prohibition on entering ULSU buildings and on using all ULSU services (excluding the Advice Centre) and partaking in Union activities (including Society/Sports Clubs events).
- Instruct that the member(s) pays for the cost of any damage which they have caused to ULSU property.
- Instruct that a club or society pays a fine not exceeding £20.
- Refer the matter to a formal disciplinary panel for the case to be investigated further.

A letter detailing the outcome of the Informal Process shall be sent by the AM within 15 clear days of the initial complaint being made.

The accused has the right to appeal the decision of the AM by writing to the Chief Executive within 5 clear days to request that the case is heard by a Formal Disciplinary Panel as detailed in Paragraph 7.

### **Disciplinary Panel – Formal Disciplinary process**

The Deputy Chief Executive, or their nominated Deputy, has a responsibility upon receipt of a referral by either the Chief Executive as detailed in paragraph 3a of the Complaints Policy, or AM as detailed in paragraph 6.7.5 or an appeal from the accused following an Informal procedure (as detailed in 6.9) outcome from the AM to form a Disciplinary Panel consisting of:

Voting members:

- Deputy Chief Executive (or their nominated Deputy) as Chair;
- Two other randomly drawn Volunteer Officers (as defined in Bye-Law 7.2.1.2) who are drawn at random by a ULSU member of staff.

Non-voting members:

- Minute taker who shall record a summary of the meeting and who is to advise the panel on procedural and constitutional aspects only.

### **Conflicts of Interest**

In the event of a conflict of interest with the Deputy Chief Executive, the Chief Executive will nominate a Manager to assume the role of Nominated Deputy for the Disciplinary procedure.

At the beginning of any panel, any conflicts of interest are discussed with an agreement reached by the panel on whether the conflict would prevent a fair decision being reached, or cause the panel to be biased. Given the small size of available potential panel members, conflicts of interest should be absolute before removal of a panel member is considered. This decision shall be noted in the minutes of the panel.

The Disciplinary Panel will decide whether the issue should be dealt with by the panel directly, or alternatively referred to:

- The police, if the matter may constitute a criminal offence.
- The Academic Registrar of the University, if the matter cannot reasonably be dealt with by Students'



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Union.

- If a complaint is being investigated by the Police, then the ULSU Disciplinary procedure shall be suspended until the outcome of the Police investigation/ court case is known.

In dealing with the complaint, the Disciplinary Panel may issue any of the following sanctions:

- Issue a letter of warning which will note that if a similar incident occurs again, further sanctions may be imposed;
- Suspend the rights and privileges of a member including the right to hold any position of responsibility (excluding the right to vote) for a period not exceeding six months of teaching time. This entails a prohibition on entering the ULSU buildings, partaking in Union activities (including Society/Sports Clubs events) and utilising ULSU services, excluding the Advice Centre which may be used by appointment only;
- Instruct that the member pays for the cost of any damage which they have occasioned to ULSU property;
- Instruct that where a member gains or attempts to gain entry to an ULSU function without making the due payment, that he or she is fined an equivalent amount;
- Instruct that a club or society pays a fine not exceeding £100.00. Closure of a Club or Society;
- Removal from office of an elected official;
- Funding of a Society or Club removed or frozen (including self-raised funds);
- Removal of individual(s) from BUCS competition;
- Removal of teams from BUCS competition;
- Any other removal of access to service or funding provided by ULSU;
- Refer the matter to the Secretariat at the University of Lincoln for action under the University of Lincoln's Disciplinary procedure as stated in the University Regulations;
- Request that a meeting is arranged between the individual/ sport or society committee/ entire club in order to reiterate the expectations of student members in line with the ULSU Code of Conduct. This meeting should be utilised to provide advice and discuss developments going forwards.

### Disciplinary Process

On receiving a complaint, the Deputy Chief Executive, or the nominated Deputy, as Chair will investigate the complaint by writing to the accused asking for their version of the events leading to the complaint. Please note that student members will be contacted via their student email addresses where possible. In the event of a complaint against a Club or Society, the letter will be sent to the Committee members as prescribed in the Club or Societies constitution.

Written statements of the complaint will be included but names of the complainant(s) may be withheld at the discretion of the Deputy Chief Executive. Staff names will always be withheld.

A maximum of 5 clear days will be allowed for the accused to respond to the evidence request letter with their version of events and any supplementary evidence.

The Panel will consider all written evidence at the meeting following the expiry of the response time. The Panel may request further written responses in which case the meeting will be adjourned and the



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Chair will write to the necessary sources to obtain further information. The deadline for responding to the request for additional information will be 3 clear days. In this case, the panel must reconvene within 5 clear days regardless of further information being received.

In the event of additional evidence against the accused being received after the initial evidence request letter, the new evidence shall be sent to the accused inviting them to respond to the additional details. A maximum of 5 clear days will be allowed for the accused to respond to any additional evidence.

Any evidence considered by the panel, must have been seen by the accused in line with natural justice, with the accused invited to respond to all information. It is at the discretion of the Chair whether the complainant should be approached for further information as part of the investigation.

It is at the discretion of the Chair to reject any further evidence received should they feel that it is not relevant to the ongoing investigation. The individual responsible for submitting the additional evidence shall be notified should their evidence be rejected; all rejected evidence shall also be withheld from the Disciplinary Panel.

Having considered the evidence, the Panel shall decide whether the complaint is justified or not. If it is, they shall impose a penalty (or penalties) as outlined in paragraph 7.4.

Should the accused request to give evidence in person, it is at the discretion of the Chair to approve or deny this request. Please note that evidence given in person shall only be agreed under exceptional circumstances.

The Chair shall confirm the outcome of the investigation by writing to the accused within 2 clear days of the Disciplinary Panel. This letter will be accompanied by the minutes of the panel meeting.

The letter will state that there is a right to appeal, excluding any sanctions imposed from a ULSU Designated Premises Supervisor or licensees of venues which cannot be appealed; or if the referral to the Formal procedure is the result of an appeal by the accused regarding the Informal Process (as detailed in paragraph 6.6) no appeal shall be permitted, unless on procedural grounds (in line with point 10). In this case, the letter will state that the accused can appeal to the University on procedural grounds only, as per paragraph 11.

Any appeal must be in writing to the Chief Executive (ceo@lincolnsu.com) within 5 clear days of the date of the outcome letter. All appeal submissions must also include grounds for appeal, which can be defined by the following options:

- In light of new evidence that has come to light since the disciplinary panel. This does not include evidence that was, or could have been available to be previously submitted for the original panel to consider.
- Procedural errors
- Should the decision hugely impact a wider group that was not previously known to the original panel
- An undeclared conflict of interest



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Regardless of the outcome of an investigation, should any further incidents take place in the future involving the accused, then the investigation may be noted as part of a further Disciplinary Panel.

Should an individual have their Students' Union membership privileges revoked further to the Disciplinary Panel, in the circumstance of an academic event taking place in a Students' Union venue during the duration of an individual's ban, then approval must be sought by contacting the Disciplinary Clerk – via email - [slimm@lincoln.ac.uk](mailto:slimm@lincoln.ac.uk). Any request may be approved at the Chief Executive's discretion.

### Disciplinary Appeals Panel

Should the accused wish to appeal against a decision made by the formal Disciplinary panel, they are informed that they are able to do so, as per the procedure detailed below. Please note that the accused shall hereinafter be referred to as the appellant.

The Disciplinary Appeals Panel, hereinafter referred to as the Panel, shall be responsible for hearing appeals against the decision of the original formal Disciplinary Panel.

The membership of the Panel shall be as detailed below:

Voting Members:

- The Chief Executive, who will assume the role of Appeal Chair;
- Two Volunteer Officers (as defined in Bye law 7.2.1.2) who were not involved in the original panel and who are drawn at random by a ULSU member of staff.

Non-voting members:

- Minute taker who records a summary of the meeting, who can advise the Panel on procedural and constitutional aspects only.

### Conflicts of Interest

In the event of a conflict of interest for the Chief Executive, which means that the Chair position cannot be filled, the Chief Executive may nominate the appropriate Manager to take the place of Appeal Chair of the panel.

At the beginning of any panel, any conflicts of interest are discussed with an agreement reached by the panel on whether any conflict raised would prevent a fair decision being reached, or reasonably cause the appearance of bias on the part of one or more panel members. Given the small size of available potential panel members, conflicts of interest should be substantive before removal of a panel member is considered. Any conflicts of interest raised will be noted in the recorded panel minutes.

In the event of the inability to appoint an Appeal Chair due to conflicts of interest, the matter is referred to the Board of Trustees' Supervising Trustee for a decision. If the Supervising Trustee has already been involved in the original panel, then the appeal is heard by the Deputy Chair of the Board of Trustees.



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A letter outlining the request for an appeal clearly stating the grounds for the appeal (as detailed in paragraph 7.17), should be sent to the Chief Executive (ceo@lincolnsu.com), or if there is a declared conflict by the Chief Executive then their nominated Deputy.

If in the opinion of the Chief Executive, or their nominated Deputy, the appeal is frivolous or vexatious, then the request can be denied.

- The Chief Executive (or their Deputy) will write to the Appellant detailing the reason that the appeal has been declined.
- The Chief Executive (or their Deputy) will inform the appellant of their right under this procedure to appeal to the University under paragraph 10 of this procedure.

If the Chief Executive (or their Deputy) accepts the grounds for appeal then the Appeals Panel shall convene within ten clear days of the appellant's letter of appeal.

The panel will consider all written evidence at the meeting of the panel, including all evidence provided to the original Disciplinary Panel.

The panel may request further written responses, in which case the meeting will be adjourned and the Appeal Chair shall write to the necessary sources to obtain further information. The deadline for responding to the request for additional information shall be 3 clear days. In this case the panel must reconvene within 5 clear days regardless of further information being received.

In the event of additional evidence against the appellant being submitted or received after the initial letter to the accused, then the new evidence is sent to the accused inviting them to respond to the additional information. A maximum of 5 clear days will be permitted for the appellant to respond.

Any evidence considered by the panel, must have been seen by the appellant in line with natural justice, with the appellant able to respond as prescribed in 9.6.

It is at the discretion of the Appeal Chair to reject any further evidence received should they feel that it is not relevant to the ongoing investigation. The appellant shall be notified should this be the case, with all rejected evidence withheld from the Appeals Panel.

Having considered the evidence, the panel shall decide whether the appeal should be considered in line with the severity of the Disciplinary Panel's original sanction. The panel has the power to remove or reduce any sanction set by the original Disciplinary Panel or alternatively apply any further sanctions as outlined in paragraph 7.4.

If the Appeal Chair deems circumstances to be exceptional, evidence may be permitted in person, should the appellant request.

The Appeal Chair shall confirm in writing to the appellant the outcome of the panel within 2 clear days of the panel's decision. The outcome letter shall be sent alongside the minutes from the panel.





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The letter will state that there is a right of appeal to the University on procedural grounds only. Please note that a University Procedural Appeal cannot be submitted if in relation to a licensee ban from ULSU venues.

### University Procedural Appeal

If, and only if, the complainant or the appellant has reasonable grounds for believing that the procedure as part of this document has not been correctly followed, they may request that the issue is referred to the University's Secretariat department ( [secretariatemail@lincoln.ac.uk](mailto:secretariatemail@lincoln.ac.uk)) in accordance with the Code of Practice. Such a request is to be made by the appellant within 5 clear days of the date of the outcome letter sent by the appropriate Chair of the Disciplinary Procedure as detailed under paragraphs 7.15 and 9.11.

A member of the Secretariat will review the documentation in relation to the complaint, as well as details of the appropriate panel's outcome and will determine whether the procedures of this procedure have been adequately followed. Exceptionally, the member of the Secretariat may convene a meeting(s) with relevant individuals before reaching a conclusion.

In the event of the member of the Secretariat being in favour of the appellant or complainant, then the disciplinary procedure will be re-run, taking into consideration the findings of the Secretariat's review.

### Exhausted

Once these procedures have been exhausted, there is no further appeal or complaint process available to the appellant. The matter is therefore deemed to be closed by the ULSU group.

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