



## **Student disciplinary procedures for member(s), Committees, Societies and Sports Clubs forming part of the Code of Conduct of the Students' Union**

### **1. Interpretation**

- 1.1 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.

### **2. Procedure**

- 2.1 Upon receipt of a written complaint from any person against a member(s), Committees, Societies and Sports Clubs, the ULSU Official Complaint Procedure will be used in the first instance.
- 2.2 Under ULSU Complaints Procedure paragraph 3, The Chief Executive Officer can refer any complaint that they believe could result in disciplinary action to this procedure.

### **3. The complaint should refer to an incident which has happened**

- 3.1 on campus or,
- 3.2 at an ULSU official function or an activity off campus where a Club, Society or Committee can clearly be identified as being part of ULSU as a member, a member of a ULSU Society, Club or Standing committee.

3.3 Otherwise, incidents occurring off campus will not be the responsibility of the Disciplinary Panel.

#### **4. Complaints against Members of the Executive Committee**

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

#### **5. Informal resolution**

5.1 The Chief Executive Officer can refer a complaint, which in the view of the Chief Executive Officer, or their deputy, does not initially warrant a formal panel process, to a Sabbatical Trustee whose portfolio remit covers the area referred to in the complaint. In the event that this is not obvious, or the Sabbatical Trustees is conflicted, then the Chief Executive Officer, or their deputy, can appoint an alternative Sabbatical Trustee to try to informally resolve the complaint. If the Chief Executive Officer, or their deputy, does not believe that the complaint can be resolved by informal means, then the Chief Executive Officer, or their deputy, can refer the complaint directly to the President for formal procedures to be undertaken as per paragraph 7.1.

#### **6. Informal resolution procedure**

6.1 The Informal Sabbatical Trustee appointed under paragraph 5.1, hereby referred to as IST, arranges to meet or discuss on the telephone with the complainant the situation that gave rise to the complaint being made to understand the outcome that the complainant wishes to see and to see the main causes of grievance.

6.2 The IST arranges to meet with, or hold a telephone conversation, with the accused to discuss the complaint and the reasons for the complaint.

6.3 If no contact can be made, or there is no response by the accused, within 5 working days of the initial communication being sent or made, then the IST can reach a conclusion to the informal investigation without any contact with the accused.

6.4 If in the opinion of the IST the complaint is not upheld then the IST will write to the complainant, within 5 clear days, outlining the reasons why the complaint has not been upheld after an informal investigation.

- 6.5 The correspondence from the IST to the complainant will also outline that the complainant has the right to appeal within 5 clear days to the President (or nominated deputy in the event of a conflict or unavailability) requesting that formal disciplinary process is instigated.
- 6.6 In the event of an appeal under 6.4, The IST will write a report outlining their findings and reason for not upholding the complaint. The President (or nominated deputy in the event of a conflict or unavailability) can review the information supplied by the IST and decide whether the formal process should commence. In the event that the President (or nominated deputy in the event of a conflict or unavailability) does not uphold the appeal, the complainant will be informed within 5 clear days by letter of the outcome and of their right to appeal to the University under paragraph 11 of this policy on procedural grounds.
- 6.7 If the complaint is upheld by the IST then the Sabbatical Trustee can take any of the following actions:
- 6.7.1 Issue a letter of warning which will normally include the sanctions if a similar incident occurs again.
  - 6.7.2 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 4 weeks of teaching time. This entails a prohibition on entering the ULSU buildings and on using all ULSU services and partaking in Union activities (including Society/Sports Clubs events).
  - 6.7.3 Instruct that the member pays for the cost of any damage which they have caused to ULSU property.
  - 6.7.4 Instruct that a club or society pays a fine not exceeding £20.
  - 6.7.5 Refer the matter to a formal disciplinary panel for the case to be heard in full.
- 6.8 A letter detailing the outcome of the Informal Resolution Process detailing and sanctions imposed by the IST is to be sent by the IST within 15 working days of the initial complaint being made.

- 6.9 The accused has the right to appeal the decision of the IST by writing to the President, or their nominated Deputy, within 5 working days to request that the case is heard by the Disciplinary Panel as detailing in Paragraph 7.

## 7. Disciplinary Panel – Formal Disciplinary process

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

Voting members:

- 7.1.1 President
- 7.1.2 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 in the presence of the President.

Non-voting members:

- 7.1.3 The Deputy CEO, or in their absence a member of staff nominated by the Chief Executive Officer, who is to advise the Committee on procedural and constitutional aspects only.
- 7.1.4 Minute taker who records a summary of the meeting.

### 7.2 Conflicts of Interest

- 7.2.1 In the event of a conflict of interest with the President, the Deputy President will assume the role of President for the Disciplinary procedure.
- 7.2.2 In the event of a conflict of interest of a member/s of the Executive Committee which means that the voting position cannot be filled, the President or his Deputy may nominate a Student Trustee to take the place of the Executive member.

- 7.2.3 In the event of a conflict of interest with the Deputy CEO, the Chief Executive Officer may nominate another staff member to take the place of the Deputy CEO.
  - 7.2.4 At the beginning of any panel any conflicts of interest are discussed and agreement reached by the panel on whether the conflict would prevent a fair decision being reached, or cause the panel to appear 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 is noted in the minutes of the panel.
- 7.3 The Disciplinary Panel will decide whether the issue should be dealt with by the panel directly, or alternatively referred to:
  - 7.3.1 The police, if the matter may constitute a criminal offence.
  - 7.3.2 The Registrar of the University, if the matter cannot reasonably be dealt with internally.
  - 7.3.3 If a complaint is being investigated by the Police, then the ULSU disciplinary is suspended until the outcome of the Police action / court case is known.
- 7.4 Interpretation
  - 7.4.1 Clear days shall not include Saturday, Sunday or Public Holidays.
  - 7.4.2 The person against whom the complaint is made is hereinafter referred to as the accused.
  - 7.4.3 Within the text 'complainant' and 'accused' are used in the singular form; where applicable these are to be read as being in the plural.
  - 7.4.4 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 non-voting member of the panel. Their decision is final on this matter.

- 7.5 In dealing with the complaint, the Disciplinary Panel may:
- 7.5.1 Issue a letter of warning which will normally include the sanction if a similar incident occurs again.
  - 7.5.2 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 and on using all ULSU services and partaking in Union activities (including Society/Sports Clubs events).
  - 7.5.3 Instruct that the member pays for the cost of any damage which they have occasioned to ULSU property.
  - 7.5.4 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.
  - 7.5.5. Instruct that a club or society pays a fine not exceeding £100.00.
  - 7.5.6 Closure of a Club or Society
  - 7.5.7 Removal from office of an elected official
  - 7.5.8 Funding of a Society or Club removed or frozen (including self-raised funds)
  - 7.5.9 Removal of individual/s from BUCS competition
  - 7.5.10 Removal of teams from BUCS competition
  - 7.5.11 Any other removal of access to service or funding provided by ULSU;
  - 7.5.12 Refer the matter to the Director of Student Affairs at the University of Lincoln for action under the University of Lincoln's Disciplinary procedure by the University as stated in the University Regulations.

## 8. Disciplinary Process

- 8.1 On receiving a complaint, the President, or nominated Deputy, will investigate the complaint by writing to the accused asking for their version in writing of the events leading to the complaint. 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.
- 8.2 Written statements of the complaint will be included but names of the complainant(s) may be withheld at the discretion of the President. Staff names will always be withheld.
- 8.3 A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.
- 8.4 The Panel will consider the written evidence at the meeting following the expiry of the response time.
- 8.5 The Panel may request further written responses in which case the meeting will be adjourned and the President will write to the necessary sources to obtain further information. The deadline for responding to the request for more information will be 3 clear days. In this case the panel must reconvene within 5 clear days regardless of further information being received.
- 8.6 In the event of additional evidence against the accused being submitted or received after the initial letter to the accused, the new evidence is sent to the accused inviting them to respond to the evidence. A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.
- 8.7 Any evidence considered by the panel, must have been seen by the accused and in line with natural justice, been able to respond within the time line prescribed in 8.6. Is at the discretion of the Chair whether the complainant should be approached for further information as part of the investigation.
- 8.8 Having considered the evidence, the Panel shall decide whether the complaint is justified or not. If it is, they shall impose a penalty as laid out in paragraph 7.5).
- 8.9 Exceptionally, if the President and the Deputy CEO both agree, evidence may be given in person. In the event of disagreement, the Chief Executive Officer shall arbitrate. In

the event of no agreement being made, the decision of the Chief Executive Officer is final.

- 8.10 The President shall confirm in writing to the accused the penalty within 2 clear days of the meeting's decision. This letter will be accompanied by the minutes of the panel.
- 8.11 The letter will state that there is a right of appeal, excluding an exclusion from licensed premises by the licensees which is not appealable, or if the initial referral to the Disciplinary process is the result of an appeal by the accused from an Informal Resolution Process as detailed in paragraph 6.6. In this case, the letter will state that the accused can appeal to the University, as per paragraph 11.
- 8.12 Any appeal must be in writing to the Chief Executive Officer stating the grounds for appeal and this must be received within 5 clear days of the date of the disciplinary letter.

## 9. Disciplinary Appeals Panel

9.1 Should a member (the appellant) of ULSU who has received a sanction from the Disciplinary Panel, excluding an appeal of an Informal Resolution Process as detailed in 7.1) wishes to appeal against the decision, the procedure detailed below must be followed.

9.2 The Disciplinary Appeals Panel, hereinafter called the Panel, shall be responsible for hearing appeals against the decision of the Disciplinary Panel.

9.3 The membership of the committee shall be as detailed below:

Voting Members:

9.3.1 A member of the Executive not selected on the original panel. This member will also be the Chair;

9.3.2 Two other randomly drawn volunteer officers (as defined in Bye law 7.2.1.2) who are not involved in the original panel and who drawn at random by a ULSU member of staff in the presence of the Executive member nominated in 9.3.1.

Non-voting members:

9.3.3 The Chief Executive, or in their absence a member of staff nominated by the Chief

Executive, who is to advise the Panel on procedural and constitutional aspects only.

9.3.4 Minute taker who records a summary of the meeting.

#### 9.4 Conflicts of Interest

9.4.1 In the event of a conflict of interest of a member/s of the Executive Committee which mean that the Chair position cannot be filled, the Non voting member of the panel may nominate other cross campus elected Trustees to take the place of the Executive member and to Chair the panel.

9.4.2 In the event of a conflict of interest with the Chief Executive officer, the Chief Executive Officer may nominate another staff member to take his/her place

9.4.3 At the beginning of any panel, any conflicts of interest are discussed and agreement reached by the panel on whether the conflict 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. The decision is noted in the letter to the accused member/group.

9.4.4 In the event of not enough Executive Committee Officers or Student Trustees being able to take part in the process due to conflicts of interest, the matter is referred to the Supervising Trustee for decision. If the Supervising Trustee has already been involved in the original decision, then the appeal is heard by the Deputy Chair of the Board of Trustees.

### 10. Procedure

10.1 A letter outlining the request for an appeal clearly stating the grounds for the appeal, should be sent to the Chief

Executive Officer, or if there is a declared conflict by the Chief Executive Officer then their nominated deputy.

- 10.2 If in the opinion of the Chief Executive Officer, or their nominated deputy, the appeal is frivolous or vexatious, then the request can be denied.
  - 10.2.1 The Chief Executive Officer will write to the Appellant detailing the reason that the appeal has been declined.
  - 10.2.2 The Chief Executive Officer will inform the appellant of their right under this procedure to appeal to the University under paragraph 11 of this procedure.
- 10.3 If the Chief Executive Officer accepts the ground for appeal then the Chair of the appeals panel shall convene a meeting of the Panel within ten clear days of the appellant's letter.
- 10.4 The panel will consider the written evidence at the meeting of the panel.
- 10.5 The panel may request further written responses in which case the meeting will be adjourned and The Chair will write to the necessary sources to obtain further information. The deadline for responding to the request for more information will be 3 clear days. In this case the panel must reconvene within 5 clear days regardless of further information being received.
- 10.6 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 evidence. A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.
- 10.7 Any evidence considered by the panel, must have been seen by the appellant and in line with natural justice, been able to respond within the time line prescribed in 10.6.
- 10.8 Having considered the evidence, the panel shall decide whether the appeal is justified or not. The panel has the power to remove or reduce any sanction set by the original panel or alternatively apply further sanction as outlined in paragraph 7.5.
- 10.9 Exceptionally, if the Chair and the Chief Executive Officer both agree, evidence may be given in person. In the event

of a disagreement, the Deputy Chair of the Trustee Board shall arbitrate.

- 10.10 The Chair shall confirm in writing to the appellant the outcome of the hearing within 2 clear days of the meeting's decision along with the minutes from the panel.
- 10.11 The letter will state that there is a right of appeal to the University (other than against an exclusion from licensed premises by the licensees).

## **11. University Procedural Appeal**

- 11.1 If, and only if, the complainant or the appellant has reasonable grounds for believing that the procedure set out in this Disciplinary procedure has not been followed correctly, they may request that the issue is referred to the University in accordance with the Code of Practice. Such a request is to be made to the University Registrar by the appellant within 5 clear days of the date of the letter sent by the Chairperson under paragraph 10.10 or 8.10 in the result of an IST appeal.
- 11.2 The Registrar or nominee will review the documentation about the complaint and the consideration of it by the Complaints Panel and/or Appeal Panel and will determine whether the procedures of this Complaints Policy have been properly followed. Exceptionally, the Registrar or nominee may convene a meeting(s) with relevant individuals before reaching a determination.
- 11.3 In the event of the Registrar or nominee finding in favour of the appellant or complainant, then the disciplinary procedure will be re-run taking on board the findings of the Registrar or nominee.

## **12. Exhausted**

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

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