



# MEMBERSHIP DISCIPLINARY POLICY

CONSTITUTION APPENDIX G

Passes 23<sup>rd</sup> by Union Council November 2009

## 1. General Statement of Policy

- 1.1 Chester Students' Union is committed to 'Enhancing the Student Experience'. This can only be achieved by ensuring an environment which is maintained to a high standard and in which staff and members of CSU feel safe. It is therefore essential there are clear guidelines about expectations of behaviour and the consequences. This may be through appropriate disciplinary action, when those standards are not met.
- 1.2 This policy is designed to ensure satisfactory standards of conduct, to provide students with a clear indication of when they are considered to have fallen below those standards, to encourage improvements where appropriate, and to ensure that any disciplinary action is dealt with consistently and fairly throughout all Students' Union services and activities.

## 2. Definitions

- 2.1 **Member** shall be a student at University of Chester who has not formally opted out of Union membership or a past student of University of Chester who has Life Membership.
- 2.2 **Guest** shall be an individual who has been formally signed into Union licensed premises by a member. The signing member takes full responsibility for the guest's actions, and will be subject to CSU Disciplinary procedures as if the action had been their own. Life members may not sign in guests.
- 2.3 **Anti social behaviour** shall be defined as an activity which lacks consideration for another person and/or property. It can be criminal or it may be nuisance by causing fear, distress or alarm.
- 2.4 **Union Elected Position** shall describe any position on Union Council, Executive Committee and Club/Society Committees.

## 3. Policy Initiation

- 3.1 This policy comes into affect if any of the following occur:
  - 3.1.1 Anti social behaviour that occurs in Chester Students' Union premises. In accordance with licensing law, this shall include the immediate surrounding area of the licensed premises.
  - 3.1.2 Anti social behaviour that occurs at an activity organised by CSU.
  - 3.1.3 Anti social behaviour towards a staff member or Union Elected Position.
  - 3.1.4 Anti social behaviour towards CSU property.
  - 3.1.5 Failure to comply with the Policies and Procedures of CSU.
  - 3.1.6 A member or guest is found to be in possession of an illegal substance. CSU have a zero tolerance for illegal substances.
  - 3.1.7 A report or recommendation made to the President by a responsible body such as the University of Chester.
- 3.2 This is not an exhaustive list and the Disciplinary Committee reserve the right to make additions to the above.

#### 4. Procedure

- 4.1 The following manager will be informed of the alleged incident as soon as is practicably possible:

Bars	Relevant Bar Manager
Retail Outlets	Retail Manager
Membership Services/Representation	Deputy General Manager (Membership Services)
All Other	General Manager – who will assign most appropriate manager

- 4.2 The manager will consider the available evidence and seriousness of the allegation and decide whether disciplinary action should be implemented.
- 4.3 If the procedure is not implemented all relevant documentation will be kept on a central file held by the General Manager, with no negative affect placed on any named individuals.
- 4.4 If the procedure is implemented the relevant manager will organise a disciplinary hearing within 10 working days.
- 4.5 If the alleged incident is of a very serious nature, the manager will seek advice from the General Manager to determine if the member is temporarily suspended without prejudice from all Union activities, pending the outcome of the hearing, in accordance with risk management.
- 4.6 The manager will contact the member concerned by phone (if possible) to inform them of the hearing and temporary suspension if implemented. This will be followed with written confirmation sent to their term time address.
- 4.7 The manager will inform the President and other department managers of the member's precautionary suspension to ensure they are upheld.
- 4.8 Prior to the hearing, the manager will gather as much evidence surrounding the incident as possible including statements from staff, witnesses and any CCTV footage available.
- 4.9 The member will be sent all the evidence at least 3 working days prior to the hearing.
- 4.10 The member may be accompanied to the hearing by a student of University of Chester only.
- 4.11 If the member is unable to attend the hearing for a valid reason, the hearing must be re-arranged as soon as is practicably possible.
- 4.12 If the member does not attend a hearing without giving a valid reason, one rearrangement will be organised. If the member fails to attend this hearing it will still take place, and the student will be informed of the outcome.

#### 5. Disciplinary Panel

- 5.1 Chair: Shall be the relevant manager or their nominee.
- 5.2 Members: Shall be a Vice President and member of the Executive Committee.

5.3 Secretary: Shall be the Union Administrative Assistant.

## **6. Hearing**

6.1 The chair shall state the reason for the hearing.

6.2 The member shall be invited to present their version of the incident.

6.3 The chair shall inform the member of any evidence they have gathered, and invite a response.

6.4 The panel may ask any relevant questions of the member and the member may ask any relevant questions of the panel.

6.5 The panel will enter a closed session to discuss the case.

6.6 Wherever possible the member will be told of the panel's decision the same day. If this is not possible the chair of the panel will write to the member as soon as is practically possible.

## **7. Outcomes**

7.1 If the member is found not to have committed the alleged offence, any temporary suspension will be lifted immediately with no negative effect recorded on the student's record. All department managers will be informed by the panel chair.

7.2 If the member is found to have committed the offence;

7.2.1 Appendix G1 shall be referred to if the offence has a fixed level of penalty.

7.2.2 If the offence does not have a fixed penalty, an appropriate penalty will be applied using the options listed 7.3 to 7.6

7.2.3 Any mitigating circumstances will be taken into account.

7.3 Formal Written Warning

7.3.1 To be kept on file for the duration of the student's time at University of Chester.

7.3.2 Only one warning may be given before a harsher punishment is applied, even if the two incidents were very different in nature.

7.4 Financial penalty to cover the cost of repairing or replacing damaged property.

7.5 Suspension options;

7.5.1 Suspension from all Chester Students' Union premises and activities.

7.5.2 Suspension from specified areas of Chester Students' Union premises and/or activities.

7.5.3 In accordance with the Education Act 1994, the student will always have the right to retain their NUS / CSU card, and access representation.

7.5.4 The manager will inform the President, General Manager and other department managers of member's suspension to ensure they are upheld.

7.5.5 The suspension length is at the discretion of the Disciplinary panel.

7.6 Permanent exclusion from all CSU premises and activities, except for 7.5.3

## **8. Previous Convictions**

8.1 Previous convictions will not be taken into account during the Disciplinary hearing, but will be considered when deciding a suitable outcome.

## **9. Referral**

9.1 CSU have the right to refer the matter to University Rules and Disciplinary Committee through the Proctor.

9.2 CSU will contact the Police in any incidents that it believes to be illegal. CSU will assist the Police in any way possible during any subsequent investigation.

## **10. Disciplinary Appeal**

10.1 A member has the right to appeal if one of the following apply:

10.1.1 The member can provide evidence that there has been mal-administration in the conduct of the disciplinary proceedings.

10.1.2 The member can provide evidence which demonstrates that the penalties imposed are too severe, or inconsistent with those imposed for equivalent incidents.

10.1.3 The member can provide significant additional evidence not available at the time of the disciplinary panel hearing which could reasonably have affected the Panel's decision if disclosed at the panel hearing.

10.5 The request for an appeal must be submitted to the General Manager in writing, within 5 working days of the original hearing.

10.6 The result of this appeal may reduce the severity of the punishment originally decided, but may not increase it.

10.7 The disciplinary panel's decision and any resulting suspensions will stand until the disciplinary appeal hearing.

10.8 The hearing should be held within 10 working days of the request.

## **11. Disciplinary Appeals Panel**

11.1 Chair: Shall be the General Manager or their nominee.

11.2 Members: Shall be President and the Vice President that was not involved in the original hearing

11.3 Secretary: Shall be the Union Administrator.

## **12. Appeals Hearing**

- 12.1 Prior to the hearing, the panel shall read the minutes from the original hearing including a statement from the original chair as to why the first outcome was reached. The chair shall gather any additional evidence required.
- 12.2 The member will be sent all the evidence 3 days prior to the hearing.
- 12.3 The member may be accompanied to the hearing by a student of the University of Chester.
- 12.4 The chair shall state the reason for the hearing.
- 12.5 The member shall be invited to present their reason for appealing the first decision.
- 12.6 The chair shall inform the member of any evidence they have gathered, and invite a response.
- 12.7 The panel may ask any relevant questions of the member and the member may ask any relevant questions of the panel.
- 12.8 The panel will enter a closed session to discuss the case.
- 12.9 Wherever possible the member will be told of the panel's decision the same day. If this is not possible the chair of the panel will write to the member as soon as is practically possible.

## **13. Union Elective Positions**

- 13.1 Members who have received a written warning may stand for an elected position, providing that the warning was given at least 6 months prior to the opening of the election nominations and subject to the agreement of the Returning Officer.
- 13.2 Members who have had CSU disciplinary action upheld against them may not stand for an elected position within Chester Students' Union.
- 13.3 Members who have had a University disciplinary sanction that may prevent them from carrying out their full role if elected, may not stand for a Sabbatical Position. Such a decision will be taken by the Steering Committee.
- 13.4 Members who are currently in an elected position will be suspended from the role during any disciplinary process against them and the individual will be treated as a normal member.
- 13.5 If an elected officer is found to be in breach of discipline the outcome of the hearing will be given to the Union Chairperson who will invoke an automatic vote of no confidence at the next Union Council.
- 13.6 If disciplinary action is taken against the Union Council Chairperson then the responsibilities of the Union Chair will be passed to the Union Council Vice Chairperson during the disciplinary process and the Union Council chair will then be treated as a normal member.

13.7 If a Club or Society committee member is found to have displayed anti social behaviour then an EGM of the Club or Society will be called, and a vote of no confidence proposed.

#### **14. Recommendations from University or other Responsible Body**

14.1 CSU may consider recommendation for action to be taken when recommendation is made by a responsible body such as the University of Chester.

14.2 If a body wishes to make a recommendation to CSU they should do so in writing to the President.

14.3 The President, in consultation with the relevant department manager may take the following actions:

14.3.1 Invoke the CSU Disciplinary Procedure.

14.3.2 Invoke a temporary suspension of membership for a maximum of one term. This suspension may be for longer periods or permanent if the recommendation has come from a University of Chester Disciplinary Panel, the police, or pub watch meeting.

14.4 The President should write to the member within 10 working days of receiving the report informing the member of the action that has been taken and the reason why action was felt necessary.

14.5 The President should ensure that the department managers are informed of the action that has been taken.