



Membership Disciplinary Policy

BY LAW of

CHESTER STUDENTS' UNION

Passed at Trustee Board 26/1/17

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.
- 1.3 If the anti-social behaviour is by a sport or society, the matter should be referred to the Student Activities Policy.

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 Trustee Board and Sport/Society Committees. For clarity, Sabbatical Officers are considered staff members.

3. Policy Initiation

- 3.1 This policy comes into effect 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, officer or individual working with or for CSU at the time of the alleged behaviour.
 - 3.1.4 Anti-social behaviour to 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 on CSU premises or activity. CSU have a zero tolerance for illegal substances.
 - 3.1.7 A report or recommendation made to the President or Chief Executive by a responsible body such as the University of Chester of anti-social behaviour that may reasonably jeopardise the safety of members, or bring the Union into disrepute.

3.2 This is not an exhaustive list and the CSU Management Team 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:

Bar	Bar Manager
Retail Outlets	Retail Manager
Student Activities	Student Activities Manager
Advice/Representation	Student Advice and Representation Manager
All Other	Chief Executive – who will assign the most appropriate manager

4.2 The Bar Management Team may implement fixed sanctions without a panel. See Section 13.

4.3 If the manager is directly involved/witness to the incident, then another manager will be allocated.

4.4 The manager will consider the available evidence and seriousness of the allegation and decide whether disciplinary action should be implemented.

4.5 If the procedure is not implemented all relevant documentation will be kept on a central file held by the Chief Executive, with no negative affect placed on any named individuals.

4.6 If the procedure is implemented the relevant manager will organise a disciplinary hearing within 14 days of the alleged incident whenever practicable to do so.

4.7 The manager will contact the member by email to inform them of the hearing and temporary suspension if implemented. This can be followed with written confirmation to the term time address.

4.8 The manager will inform the President and other department managers of the member's precautionary suspension to ensure they are upheld.

4.9 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.

4.10 The member will be sent all the evidence at least 4 days prior to the hearing.

4.11 The member may be accompanied to the hearing by a student of University of Chester only. They may not be accompanied by a Union representative as this is a conflict of interest.

4.12 If the member is unable to attend the hearing for a valid reason, the reason (and evidence if requested) must be submitted to the Chair of the panel at least 2 days prior to the scheduled hearing. It is at the chair's discretion if the reason is deemed valid. If accepted, the hearing will be rearranged by the chair at the earliest opportunity,

4.13 If the member does not attend a hearing without giving a valid reason, the hearing it will still take place and the student will be informed of the outcome.

5. Precautionary Suspension

5.1 If the alleged incident is of a very serious nature, the manager will seek advice from the Chief Executive 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.

5.2 The Bar Management team may apply a verbal temporary suspension prior to speaking to the Chief Executive given the nature of the opening hours. This temporary suspension will then be clarified with the Chief Executive at the earliest opportunity.

6. Disciplinary Panel

6.1 Chair: Shall be the relevant manager or their nominee who must be a Union manager.

6.2 Member: Shall be a Vice President.

6.3 Secretary: Shall be a member of Union staff.

7. Hearing

7.1 The chair shall state the reason for the hearing.

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

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

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

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

7.6 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.

8. Outcomes

8.1 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.

8.2 Formal Written Warning

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

8.2.2 Only one warning may be given before a progressive punishment is applied in line with this procedure, even if the two incidents were very different in nature.

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

8.4 Suspension

8.4.1 From all Chester Students' Union premises and activities or

8.4.2 From specified areas of Chester Students' Union premises and/or activities.

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

8.4.4 The manager will inform the President, Chief Executive and other department managers of member's suspension to ensure they are upheld.

8.4.5 In accordance with the Education Act 1994, the student will always have the right to access representation in University procedures. If deemed appropriate, a risk assessment of this representation interaction will be carried out.

8.5 Permanent exclusion from all CSU premises and activities.

8.5.1 The manager will inform the President, Chief Executive and other department managers of member's suspension to ensure they are upheld.

8.5.2 In accordance with the Education Act 1994, the student will always have the right to access representation in University procedures. If deemed appropriate, a risk assessment of this representation interaction will be carried out.

9. Previous Sanctions

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

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.

10.2 The request for an appeal must be submitted to the Chief Executive in writing, within 7 days of the original hearing. The disciplinary panel's decision and any resulting suspensions will stand until the disciplinary appeal hearing.

10.3 The Chief Executive will consider the evidence relating to the appeal request, and decide whether to uphold it. This decision is final.

10.4 If granted, an appeal hearing should be held within 14 days of the request whenever practicable to do so.

11. Disciplinary Appeals Panel

11.1 Chair: Shall be the Chief Executive or their nominee.

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

11.3 Secretary: Shall be a member of Union staff.

12. Appeals Hearing

12.1 Prior to the hearing, the chair will request a written statement from the original panel as to why the first outcome was reached.

12.2 The member will be sent a copy of this statement 3 days prior to the hearing.

- 12.3 The member may be accompanied to the hearing by a student of the University of Chester. They may not be accompanied by a Union representative as this is a conflict of interest.
- 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 panel may ask any relevant questions of the member and the member may ask any relevant questions of the panel.
- 12.7 The panel will enter a closed session to discuss the case.
- 12.8 The result of an appeal may reduce the severity of the punishment originally decided, but may not increase it.
- 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.
- 12.10 The Appeals Panel decision is final.

13. CH1

- 13.1 Due to the nature of the licensed trade environment, and unique licensing law regulations, the Bar Management team may choose to offer a student a suspension from the bar of up to 1 month rather than invoking the full disciplinary panel.
- 13.2 This will be offered in writing to the student who will have 48 hours to decide if they wish to accept it, or opt for a full panel.
- 13.3 If the student opts for a panel then their decision not to accept the suspension will not be considered and admission or denial of the accusation.
- 13.4 The Chief Executive will be informed of all suspensions as soon as practicably possible.

14. Referral to another body

- 14.1 CSU have the right to refer the matter to the University, via the Proctor's Office, and will assist the University in any way possible during any subsequent investigation.
- 14.2 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.
- 14.3 If the Police investigate criminal behaviour;
 - 14.3.1 The CSU Disciplinary process will be paused until its conclusion.
 - 14.3.2 The member will be suspended without prejudice until the Police have concluded their investigation.

15. Union Elective Positions

- 15.1 Any member who has had CSU disciplinary action upheld against them must seek permission from the Trustee Board to stand for an elected position.

- 15.2 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 Trustee Board.
- 15.3 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.
- 15.4 If a Sport or Society committee member is found to have displayed anti-social behaviour then an EGM of the Sport or Society will be called, and a vote of no confidence proposed.

16. Recommendations from the University or other Responsible Body

- 16.1 CSU may consider recommendation for action to be taken when recommendation is made by a responsible body such as the University of Chester.
 - 16.1.1 To be clear, the University are not able to add Union sanctions to any University disciplinary process, even if a Union officer is present.
 - 16.1.2 If a University sanction is that a student is suspended from University premises and activities, this will clearly prevent them from attending Union premises and activities taking place on University property.
 - 16.1.3 If a student is suspended/excluded by the University, then their status as a member will automatically also be suspended/removed.
- 16.2 If a body wishes to make a recommendation to CSU they should do so in writing to the President or Chief Executive.
- 16.3 The President or Chief Executive, in consultation with the relevant department manager will assess if the anti-social behaviour meets criteria is 3.1.7 based upon the information provided.
 - 16.3.1 If it does not fit this criteria, no action will be taken against the student.
 - 16.3.2 If it does, or there is consideration that it may fit the criteria, the CSU Disciplinary Procedure will be invoked.
- 16.4 The Chief Executive should write to the member within 14 days of receiving the report if action is taken, informing the member of the action of the taken and the reason why it was felt necessary.
- 16.5 The Chief Executive should ensure that the department managers are informed of the action that has been taken.