

## **STUDENT DISCIPLINE PROCEDURE**

### **1. INTRODUCTION**

- 1.1 York St John Students' Union is a body legally constituted under the auspices of York St John University.
- 1.2 The Students' Union holds a premises licence and occupies property (the Cordukes Building) under the auspices of an agreement with the University Governing Body.
- 1.3 In pursuance of the above (1.2), the Students' Union has a policy on student behaviour and discipline.
- 1.4 This procedure operates separately from, but in conjunction with, York St John University.
- 1.5 The scope of the procedure relates to:
  - Behaviour within the Students' Union Building.
  - Union sponsored activity, individual or group.
- 1.6 If a student group breaches the Constitution, Union Policy, their own constitution, or reasonable requirements set down by Executive Committee, this will be dealt with under this procedure.
- 1.7 The Students' Union will publish a set of House Rules, a general statement of expectation on customer behaviour and discipline. This will be updated annually, available on our website and will be posted in a prominent place in the Union Building.
- 1.8 On an annual basis the Students' Union will nominate offences which attract automatic fixed penalties. Those offences and penalties will be publicised.
- 1.9 In pursuance of this procedure, the Students' Union will maintain a database of students who offend. Students' details will normally be kept on this database until one year after the students' graduation. In cases of life-time bans, students' details will remain on the database indefinitely.
- 1.10 Offences can be aggregated, repeat offences will be published, failure to pay fines and/or failure to comply with the procedure will be seen as offences in themselves and treated accordingly.
- 1.11 The lead officer administering the procedure on behalf of the Students' Union will be the President.
- 1.12 In order to maintain the good order and running of the Students' Union, the trustees and nominated staff will have the right to execute temporary powers. These powers will include but are not limited to exclusion and suspension of

membership. Any temporary disciplinary measures executed by nominated staff remain in place until the President has contacted those involved in the incident.

## 2. **INCIDENT REPORTING PROCESS**

2.1 Once an offence has been committed, an incident report will be completed and forwarded to the President.

2.2 Once an incident report has been received, the President will make an assessment based on the evidence in the report as to how they should proceed – with regard as to whether it shall be dealt with in-house, whether it should be referred to the University, or whether we should engage the police.

2.2.1 If the President feels there is a conflict of interest in handling the disciplinary case, or where they feel it necessary, the case can be referred to the Discipline Committee.

2.3 Once an incident form has been filed the President will, within two working days, contact the student involved to inform them that they are under investigation and, as appropriate, put in place a temporary suspension of membership privileges. This would include, but not be limited to, access to the Union Building.

2.4 Once an investigation has been completed the President will then invite those involved in the incident to a hearing. On the balance of the collected evidence, the President will then make a decision and hand down appropriate punishments. The student will also be presented with written notice of the outcome of the hearing.

2.5 A confidential record shall be kept of all such hearings and for these purposes the President may require the attendance of the General Manager or another delegated staff member.

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2.6 The student's details will be entered into the discipline database.

2.7 Once a decision has been made and a judgment passed down, the student may appeal to the Discipline Appeals Panel. This appeal must be submitted in writing to the President within three working days. However, appeals can only be lodged if:

- the student can show that either the process of investigation and/or the disciplinary did not follow this procedure or natural justice
- new and significant information has come to light that could not have been reasonably been provided previously
- the decision that has been made is perverse or unfair

## 3. **DISCIPLINE COMMITTEE**

3.1 Membership:

- 1 Sabbatical Officer (in the Chair) (not the President)
  - 3 members of Union Council (appointed at Union Council)
  - President (acting as Prosecutor)
  - General Manager or delegated member of staff (Advisory only).
- 3.2 All meetings of the Discipline Panel shall be chaired by one of the Sabbatical team. He/she shall have a casting vote only and shall ensure the fair and proper conduct of the meeting.
- 3.3 A member of Union Council who is able to give evidence or personally interested in a case shall declare an interest and may not sit on a panel.
- 3.4 If the Chair has, or is deemed to have, an interest then another Sabbatical Officer will be nominated as Acting Chair. In the event that no Sabbatical Officer can take up the Chair, a Union Councillor will be nominated as Acting Chair.
- 3.5 A quorum shall be the Chair and two members.
- 3.6 The Discipline Committee shall meet no sooner than five days and no later than twelve days from the date it was called. The Discipline Committee should also contact the student against whom the complaint is being made to ensure that they can make the date and time that is set. If extenuating circumstances emerge whereby a meeting on a date agreed on by both parties cannot be convened then it will be the Committees responsibility to speak with the Student and set another date that the student can attend.
- 3.7 The Chair shall, within five days of the referral, inform the defendant in writing of:
- (a) the date, time and venue of the meeting of the Discipline Panel;
  - (b) the details of the complaint as specified;
  - (c) availability of the Chair, if required, to advise the student on procedure;
  - (d) the membership of the Discipline Panel.
- 3.8 All written matter relevant to the case including witness statements and incident reports shall be circulated as soon as practically possible to the members of the Discipline Committee.
- 3.9 The General Manager (or appointed deputy) shall act as secretary to the Committee. S/he shall be present at all meetings of the Panel and shall record its proceedings.
- 3.10 The record of proceedings shall be kept strictly confidential to the Committee and remain within the possession of the General Manager.
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- 3.11 The member may be accompanied by a friend who shall be a Full member of the Students' Union.

- 3.12 The case against the student shall be presented by the President or deputy. Witnesses shall be subject to examination, cross-examination and re-examination and the President shall then complete the presentation of his/her case.
- 3.13 The student shall then present his/her case in the same fashion. Alternatively, the student's friend may present their case and the student may give evidence as a witness. The student or friend shall have the right to address the Committee last.
- 3.14 If, for any reason, it is necessary to adjourn the proceedings of a panel, the Chair shall at the adjourned meeting, set and immediately notify the student against whom the complaint is made of a time and date for continuing proceedings as soon as conveniently may be, having regard for adjournment.
- 3.15 When all the evidence has been heard the Discipline Committee shall consider in Closed Session whether the complaint is substantiated. With the exception of the Chair every member of the Discipline Committee present shall vote and there shall be no abstentions. If the Discipline Committee finds the complaint substantiated, it shall decide what action is to be taken, if any, by a simple majority. No member of the Discipline Committee shall be considered present and eligible to vote unless s/he has been present throughout the hearing.
- 3.16 Written notice shall be sent by the Chair to the student against whom the complaint is made, within two days of the decision of the Discipline Committee. A copy shall also be sent to the President. The notice shall state the decision of the Discipline Committee and if relevant draw attention to the student's right of appeal.
- 3.17 In the case of a fine or suspension from any or all of the privileges of membership or restitution of damages the notice shall contain a warning that failure to comply with any of these provisions constitutes a further breach of discipline and, in the case of suspension of all the privileges of membership.
- 3.18 Any appeal will be submitted to the President within five working days.
- 3.19 This appeal will be to the Discipline Appeal Panel whose decision will be final.

4. **PROCEDURE OF DISCIPLINE APPEALS PANEL WHEN HEARING APPEALS**

- 4.1 Membership:
- Chair of Union Council (in the Chair)
  - 3 members of Union Council chosen by lot
  - President (acting as Prosecutor)
- 4.2 All meetings of the Discipline Appeals Panel shall be chaired by the Chair of Union Council. He/she shall have a casting vote only and shall ensure the fair and proper conduct of the meeting.

- 4.3 A member of Union Council who is able to give evidence or personally interested in a case shall declare an interest and may not sit on a panel. This would include any member of Council that sat on the original Discipline Committee.
- 4.4 If the Chair has, or is deemed to have, an interest then a Sabbatical Officer (not previously involved in the case) will be nominated as Acting Chair.
- 4.5 A quorum shall be the Chair and two members.
- 4.6 The Discipline Appeals Panel shall meet no sooner than five days and no later than twelve days from the date it was called. The Discipline Appeals Panel should also contact the student against whom the complaint is being made to ensure that they can make the date and time that is set. If extenuating circumstances emerge whereby a meeting on a date agreed on by both parties cannot be convened then it will be the Committees responsibility to speak with the Student and set another date that the student can attend.
- 4.7 The Chair shall, within five days of the referral, inform the defendant in writing of:
- (a) the date, time and venue of the meeting of the Discipline Appeals Panel;
  - (b) the details of the complaint as specified;
  - (c) availability of the Chair, if required, to advise the member on procedure
  - (d) the membership of the Discipline Appeals Panel
- 4.8 All written matter relevant to the case shall be circulated as soon as practically possible to the members of the Discipline Appeals Panel.
- 4.9 The General Manager (or appointed deputy) shall act as secretary to the Committee. S/he shall be present at all meetings of the Panel and shall record its proceedings.
- 4.10 All records of the proceedings shall remain strictly confidential and within the possession of the General Manager.
- (removed)
- 4.11 The student may be accompanied by a friend who shall be a Full member of the Students' Union.
- 4.12 The case against the student shall be presented by the President or deputy. Witnesses shall be subject to examination, cross-examination and re-examination and the President shall then complete the presentation of his/her case.
- 4.13 The student shall then present his/her reasons for appealing in relation to the requirements necessary for an appeal. Alternatively, the student's friend may present their case and the student may give evidence as a witness. The student or friend shall have the right to address the Committee last.

- 4.14 If, for any reason, it is necessary to adjourn the proceedings of a panel, the chair shall at the adjourned meeting, set and immediately notify the student against whom the complaint is made of a time and date for continuing proceedings as soon as conveniently may be, having regard to the reason for adjournment.
- 4.15 When all the evidence has been heard the Panel shall consider in Closed Session whether to uphold the original disciplinary action or to uphold the appeal. With the exception of the Chair every member of the Panel present shall vote and there shall be no abstentions. If the Panel upholds the appeal, it shall decide what action is to be taken, if any, by a simple majority. This could include either reducing or removing the punishment as they see appropriate. No member of the panel shall be considered present and eligible to vote unless s/he has been present throughout the hearing.
- 4.16 Written notice shall be sent by the Chair to the student against whom the complaint is made, within two days of the decision of the Panel. A copy shall also be sent to the President. The notice shall state the decision of the panel and if relevant draw attention to the student's right of appeal.
- 4.17 In the case of a fine or suspension from any or all of the privileges of membership or restitution of damages the notice shall contain a warning that failure to comply with any of these provisions constitutes a further breach of discipline and, in the case of suspension of all the privileges of membership.

5. **REFERRAL TO THE UNIVERSITY**

- 5.1 Cases will be referred to the Dean for Learning Development at the President's discretion or where they are deemed to be too serious for the Students' Union to deal or where the punishments open to the Students' Union are insufficient.

## **SUGGESTED GUIDELINES ON DISCIPLINARY PENALTIES**

(Note: The below guidelines are presented for advisory purposes to show what actions can be taken by the President and/or the Discipline Committee. The actual punishments delivered are at the discretion of the President and/or the Discipline Committee.)

1. Acts of physical violence to either customers or staff.  
Ban – Minimum 1 month up to maximum life ban.  
Referral to the University or Police (if deemed appropriate)
2. Acts of verbal or non verbal harassment against either customers or staff.  
Ban – Minimum 2 weeks up to maximum 1 year.
3. Act of verbal or non verbal harassment against either customers or staff on the basis of race, gender, sexual orientation or ability  
Ban – Minimum 1 month up to maximum life ban.  
Referral to the University or Police (if deemed appropriate)
4. Physical removal from building “failing to co-operate”.  
Double the original fine and ban.
5. Acts of vandalism.  
Ban – Minimum 1 week up to maximum 6 months.  
Fine – Minimum costs of repair/replacement.
6. Possession of illegal substances (drugs) and/or weapons  
Referral to the University or Police.
7. Urinating or Vomiting  
Fixed fine - £20.
8. Theft of property from the Union building.  
Ban – Minimum 1 week up to maximum life ban.  
Fine – Minimum the cost of replacement.  
Referral to the University or Police (if deemed appropriate)
9. Setting off a false fire alarm  
Fixed ban – 1 month plus a fixed fine of £100

In all other offences, it is at the discretion of the President and/or Discipline Committee as to what penalties are handed down. Bans can apply to either the Union Building, Union Activities or both. The Union retains the right to strip members of their membership privileges. Should any student be subject to any other disciplinary action within a year of a previous disciplinary incident, unlimited bans or fines can be levied, as appropriate. Community service may also be used as a disciplinary penalty.

If a student should fail to comply with discipline procedures and penalties, it is at the discretion of the President as to what further punishments are delivered. It would be envisaged that in most cases, the matter would be immediately referred to the University for further action.