

# Disciplinary Policy & Procedure (Members)

<b>Approval Date</b>	27 <sup>th</sup> March 2025	<b>Expiry Date</b>	27 <sup>th</sup> March 2028
<b>Approved by</b>	Board of Trustees		
<b>Review Frequency</b>	Three Years		
<b>Document Type</b>	Policy		
<b>Policy Code</b>	G009		

Review History		
Date	Name, Job Title	Comments
March 2025	M Proctor, Director of Student Engagement	Full review with table of changes presented at Board meeting on 27 <sup>th</sup> March 2025.
July 2020	M Proctor, Director of Student Engagement in conjunction with Atkinsons HR	Full review

## Table of Contents

Table of Contents .....	1
1. Purpose.....	2
2. Scope .....	2
3. Principles .....	2
4. Licensed Premises .....	3
5. Breaches of Discipline .....	3
6. Making a Report.....	3
7. Informal resolution .....	3
8. Investigation .....	4
9. Suspension from the Guild (Interim Bans) .....	4
10. Disciplinary Procedure .....	4
11. Working with the University of Liverpool .....	6
12. Appeals .....	6
13. Confidentiality .....	7
14. Related Policies .....	7
15. Appendix.....	7

## 1. Purpose

- 1.1. Liverpool Guild of Students (the Guild) is committed to promoting an environment that is fun and friendly, welcoming and inclusive, and where individuals are treated fairly and with consistency. It is therefore important that all of our members understand the standards of conduct that are expected of them in maintaining that environment.
- 1.2. This procedure outlines Liverpool Guild of Students (the Guild)'s approach to ensuring that issues concerning the conduct of individual member(s) are resolved in a fair, consistent and timely manner.

## 2. Scope

- 2.1. Throughout this procedure, members are defined in accordance with the Liverpool Guild of Students Memorandum of Understanding (MoU) and Articles of Association for the Guild being students of the University of Liverpool.
- 2.2. This procedure does not apply to members of Guild staff or Guild Elected Officers.
- 2.3. Where a member who is also a staff member is alleged to have committed an act of misconduct, the process followed will depend on whether or not the alleged breach occurred while the member was 'on duty' as an employee. In serious cases, student staff members found to have committed misconduct whilst "off duty" may have the outcome of their case referred to the relevant Guild employee process.
- 2.4. Issues relating to the political performance of Sabbatical Officers will be handled using the "no confidence" rules stated in the Articles of Association for the Guild.

## 3. Principles

- 3.1. It is expected that members of the Guild are honest and act in accordance with the Guild Code of Conduct.
- 3.2. Breaches of standards will be treated in a consistent, fair and reasonable manner. Our aim is always to encourage improvements in member conduct.
- 3.3. The Guild reserves the right to begin disciplinary procedures against a member, society or club without a formal complaint being made against them, as long as there is sufficient evidence to suggest that a breach of conduct has taken place.
- 3.4. While the Disciplinary Procedure is enacted, it may be necessary to assess the potential risks associated with the situation and put in place measures to manage these. This is for the health, safety and/or wellbeing of all parties, and the wider Guild and University community, in the interests of public safety or the reputation of the Guild and/ or University. The procedure for deciding on the appropriate precautionary measures is outlined in [Appendix E. Risk Assessment Procedure](#). The implementation of any measures does not indicate a disciplinary decision or suggest that the member is believed to be guilty of any allegation.
- 3.5. We reserve the right to start the disciplinary procedure at any stage and issue the most appropriate disciplinary outcome.
- 3.6. Where time limits are referred to within this procedure, they are provided as a guide only and may be varied.

- 3.7. All e-mail communication sent to members or societies as part of this procedure will be sent to their registered University e-mail address.
- 3.8. In certain circumstances, behaviour may be considered so serious that membership may be revoked with immediate effect.

## 4. Licensed Premises

- 4.1. This policy and its procedures do not affect the rights of the Designated Premises Supervisor or other Guild licensed premises staff to exercise the powers available in the Licensing Act (2003). The Designated Premises Supervisor may delegate their authority under the Act to another member of staff.
- 4.2. The Deputy Director of Operations (Bookings & Events) and their representative(s) have the authority to immediately suspend members or their guests from Guild licensed premises on a temporary basis, until a Risk Assessment is convened.

## 5. Breaches of Discipline

- 5.1. Disciplinary action may be taken as a result of any breach of discipline that:
  - happens on the Guild premises, including licensed areas;
  - is committed while using Guild facilities or attending a Guild event;
  - is committed while a member is representing, acting on behalf of or could be perceived to be representing or acting on behalf of the Guild at an event, during a trip, online (e.g. via social media) or in correspondence;
  - takes place whilst undertaking an activity supported by the Guild or whilst on Guild business;
  - takes place in person or in writing, online (for example by e-mail or social media), or by a physical act or gesture.
- 5.2. Please refer to the Guild Code of Conduct for examples of the types of misconduct and gross misconduct which may constitute breaches of discipline.

## 6. Making a Report

- 6.1. Where an individual (or group) wishes to make a report about alleged misconduct, they should email [guildconduct@liverpool.ac.uk](mailto:guildconduct@liverpool.ac.uk)

## 7. Informal resolution

- 7.1. Before considering formal disciplinary proceedings, every effort should be made to resolve the matter informally, where appropriate. This could include discussing the matter, with the objective of helping the member to make appropriate improvements to their conduct. At this stage the member will be made fully aware of the expectations, what steps need to be taken to address the conduct issue and when this will be reviewed. Additional coaching or training may also be recommended.
- 7.2. An informal resolution will not be taken if:
  - The member has not improved following a previous informal discussion or formal warning;

- It is more appropriate to deal with the situation formally, due to the potential seriousness of the issue.

7.3. Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this policy will be applied.

## 8. Investigation

- 8.1. Before formal action is considered, the Guild will appoint an appropriate person to act as the 'investigating officer' and carry out a full and fair investigation to establish the facts, the investigator may want to meet with the various parties involved. The investigating officer must not be involved in the matter in question, for example as a witness.
- 8.2. The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses.
- 8.3. As part of the investigation, the member may, if appropriate, be asked to:
- submit a written statement in response to the allegations, or
  - attend an investigation meeting to respond to the allegations
  - which will form part of the investigating officer's report.
- 8.4. Following the investigation, the investigating officer will share their findings and recommendations with the Chief Executive, who will determine whether to start a formal procedure to deal with any identified issues related to the alleged misconduct.

## 9. Suspension from the Guild (Interim Bans)

- 9.1. In certain circumstances, for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property, the Guild's reputation or responsibilities to other parties, a risk assessment will be conducted (see [Appendix E: Risk Assessment Procedure](#)) to consider whether a period of suspension of some or all membership rights is necessary whilst an investigation takes place.
- 9.2. Excluding a member from participation in Guild activities does not indicate a disciplinary decision or suggest that the member is believed to be guilty of any allegation.
- 9.3. We will keep any periods of suspension as brief as possible. The Chief Executive and/or Investigating Officer can lift the suspension at any time, and they will review it regularly throughout the process. Suspension during an investigation does not indicate a disciplinary decision or suggest that the member is believed to be guilty of any allegation.

## 10. Disciplinary Procedure

- 10.1. If, following investigation, the Guild decides to start a formal disciplinary process, the member (also referred to in this policy as the responding student) will be informed of the issues in writing and invited to a disciplinary panel to discuss the matter further.
- 10.2. The disciplinary panel will usually be appointed by the Chief Executive and will normally consist of a Sabbatical Officer (or their representative) and one or more of the following:
- A student trustee

- A Guild staff member
- 10.3. Members of the panel must not have been involved in the matter in question, for example during the investigation or as a witness.
- 10.4. At the formal meeting, the responding student may be accompanied by a fellow member of the Guild. They should inform the Guild in advance of who will be accompanying them prior to the meeting.
- 10.5. The responding student will receive an invitation letter to the formal meeting, at least 2 days in advance, which will:
- Advise the member of the purpose of the hearing, the date, time and venue;
  - Include a copy of this procedure;
  - Explain that member may be accompanied at the hearing by a fellow member of the Guild;
  - Provide information about the alleged misconduct;
  - Advise who will be in attendance at the hearing including any witnesses;
  - Provide all relevant information that is to be used at the hearing including the Investigating Officer's report, any written evidence, witness statements taken as part of the investigation and a copy of the disciplinary procedure.
- 10.6. During the meeting, the responding student will have the opportunity to:
- Set out their case and answer any allegations
  - Ask questions
  - Put forward their own evidence
  - Put questions to witnesses
  - Call their own witnesses (advance notice must be given)
  - Outline any mitigation in relation to their conduct
- 10.7. The investigating officer may also attend the hearing to present their findings and answer any questions regarding their investigation.
- 10.8. If, with good reason, the member is unable to attend the hearing, it will be rescheduled (usually to within 5 days of the original date). Except in exceptional circumstances, if the member is unable to attend the rearranged hearing, the hearing may take place in the members' absence.
- 10.9. The hearing may be adjourned if necessary, for example to gather further information. The member will be informed of the period of any adjournment. If further information is gathered, the member will be allowed a reasonable period of time (usually not less than 2 days), to consider the new information prior to reconvening the disciplinary hearing.
- 10.10. Following the conclusion of the meeting, the member will be notified of the outcome. This will be confirmed in writing, usually within 5 working days or as soon as possible and will include:
- Details of the misconduct that has resulted in the disciplinary action, the disciplinary sanction and the dates this will be applied from / to;
  - Any actions required to prevent future disciplinary action, the consequence of not carrying out these actions, details of the appeal process and, if appropriate, the length of time the sanction will remain in place.

## 11. Working with the University of Liverpool

- 11.1. On occasions, the nature of an allegation may mean it is necessary for the Guild to liaise with the University to ensure the matter is considered and responded to appropriately.
- 11.2. In some cases, the Guild will pass a case on to the University, for consideration under their processes. This will be assessed on a case-by-case basis, using the information available about the nature of the allegations, and with regard to safeguarding and other responsibilities. In this situation, the Guild's disciplinary process may be temporarily paused until the University has completed its own investigations.
- 11.3. When matters are considered through the University's procedures (either because the matter has been referred by the Guild or as a result of an allegation directly to the University) the Guild may receive a recommendation for sanctions from the University's Disciplinary Panel. In these cases, the recommendations will be considered by a Guild Panel of the following people (or their appointed representatives):
- The Student Representative Officer who sat on the University Disciplinary Panel;
  - Chief Executive;
  - Director of Membership Services;
  - Any other person whose presence is relevant and necessary, such as University colleagues.
- 11.4. The Panel will not consider the merits of the case or rehear the case. They will consider the recommendations on the basis of the outcome of the University Panel.
- 11.5. The University and Guild's Data Sharing Agreement outlines the basis on which information can be shared.

## 12. Appeals

- 12.1. The responding student can appeal against any disciplinary action taken against them if they feel that:
- the disciplinary sanction is unreasonable given all the circumstances and evidence considered;
  - the correct procedure was not followed during the formal stage and this has had a significant effect on the outcome; or,
  - they have new evidence to show which they were unable, for valid reasons, to provide earlier in the process, and which would have had a significant effect on the outcome of the formal stage.
- 12.2. They can submit an appeal within five working days of the date that they receive the outcome of the disciplinary hearing. They should do this in writing to the Guild President, setting out the reasons for appealing the decision.
- 12.3. If the President decides that there are grounds for appeal, an appeal hearing will take place as soon as possible, and without unreasonable delay. This will usually be within ten working days of their appeal being received.
- 12.4. Appeals will be heard by a panel who have had no previous involvement in the case and will normally consist of the Guild President (or their representative) and one or more of the following:

- An external trustee
- A student trustee
- A member of the Guild senior management team

12.5. They may be accompanied to an appeal hearing by a fellow Guild member.

12.6. The appeal panel may:

- uphold the original decision;
- vary or modify the original decision but should not usually impose a penalty greater than that decided during the disciplinary process; or
- overturn the original decision.

12.7. All decisions will be confirmed in writing within five working days, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

## 13. Confidentiality

13.1. All matters relating to the disciplinary and appeals process must be kept confidential.

13.2. We will investigate any breach of confidentiality by an individual involved in the process and take appropriate action. This could include disciplinary action against the individual(s) responsible for the breach.

## 14. Related Policies

G070 Guild Code of Conduct

G033 Complaints Procedure (Members)

## 15. Appendix

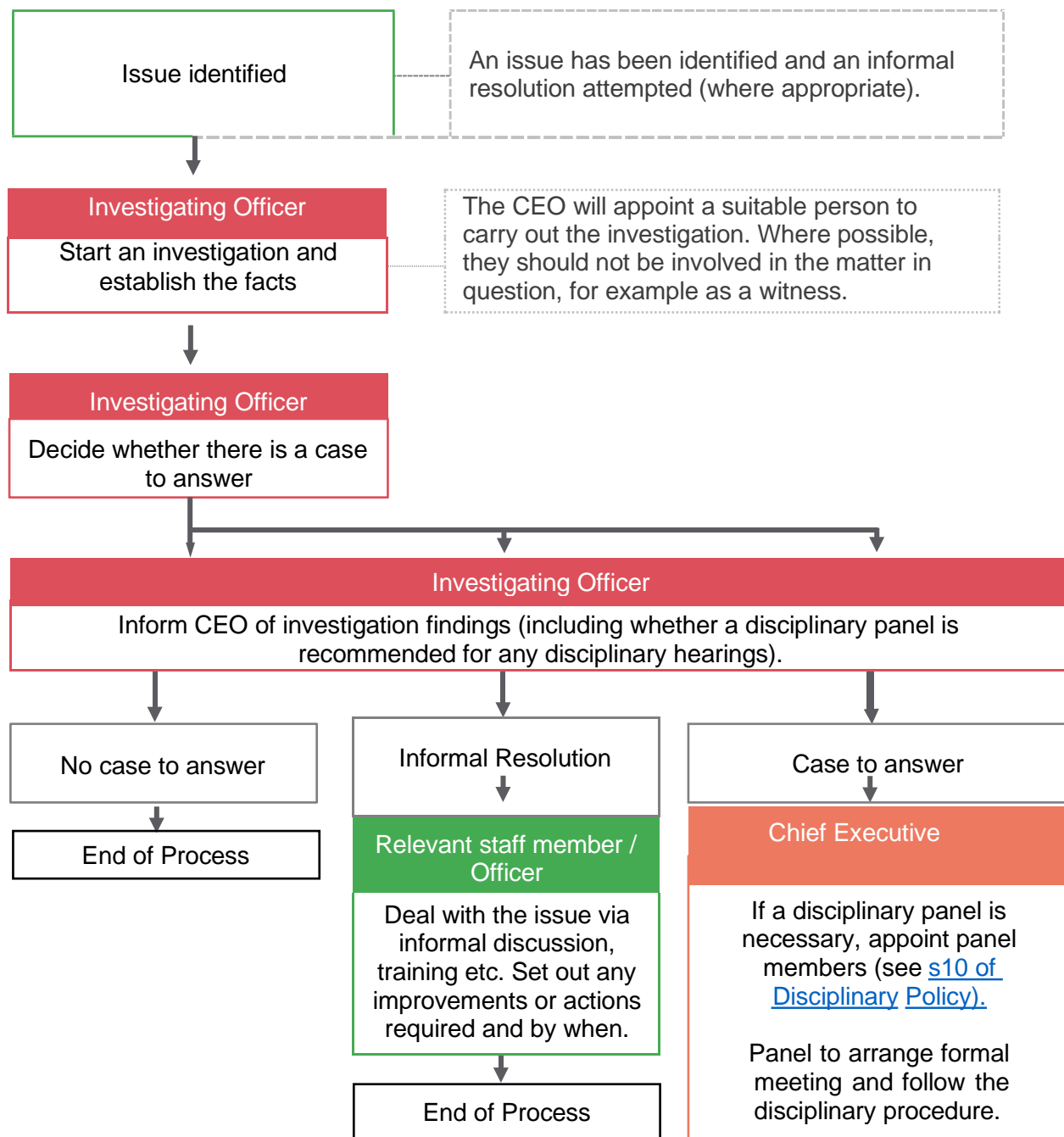
### Appendixes / Procedures

- [Appendix A: Investigation](#)
- [Appendix B: Formal Disciplinary Meeting](#)
- [Appendix C: Disciplinary Outcomes and Sanctions](#)
- [Appendix D: Appeal Procedure](#)
- [Appendix E: Risk Assessment Procedure](#)



## Appendix A: Investigation

The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses and/or the member(s) concerned, as well as other forms of information gathering (e.g. CCTV).





## Appendix B: Formal Disciplinary Meeting

### Disciplinary Panel

#### Tell the member in writing:

- What they are alleged to have done
- Time and place for the meeting
- Who will be attending
- They have the right to be accompanied

Provide **at least 2 days** notice

- Review all the investigation notes before the meeting
- Give the member copies of any information to be used
- Arrange another meeting within 5 working days if the member cannot attend
- If a member continues to be unavailable to attend a meeting without good reason, the hearing can take place in their absence.

### Disciplinary Panel

#### At the meeting:

- Explain the purpose of the meeting and introduce all attendees
- Allow Investigating Officer to summarise findings
- Let the member put their case forward
- Let the accompanying person ask questions

If the member is accompanied by a fellow Guild member, their companion can:

- address the panel to summarise the case
- respond on behalf of the member
- confer with the member during the meeting

The companion should not be allowed to answer questions on the member's behalf or address the panel if the member does not want them to, or prevent the panel from presenting the case.

### Disciplinary

#### Adjourn to consider any action (if necessary) and consider:

- Any previous sanctions
- Any special circumstances

The break allows time to check any matters raised and decide the outcome. It also allows the member and the panel time to reflect and consider any additional information they wish to put forward. If new facts emerge before or during the meeting, it may be necessary to decide whether further investigation is required.

### Disciplinary Panel

#### Make the decision:

- Summarise and confirm the decision in writing **within 5 working days\***
- Give reasons for the decision and, where there are several allegations, separate each decision out. Explain what has been taken into consideration, including any mitigating factors.
- Notify the member of their right to appeal.

Follow appropriate outcome process

See [Appendix C](#)

**\*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, members will be informed and kept up to date.**

## Appendix C: Disciplinary Outcomes and Sanctions

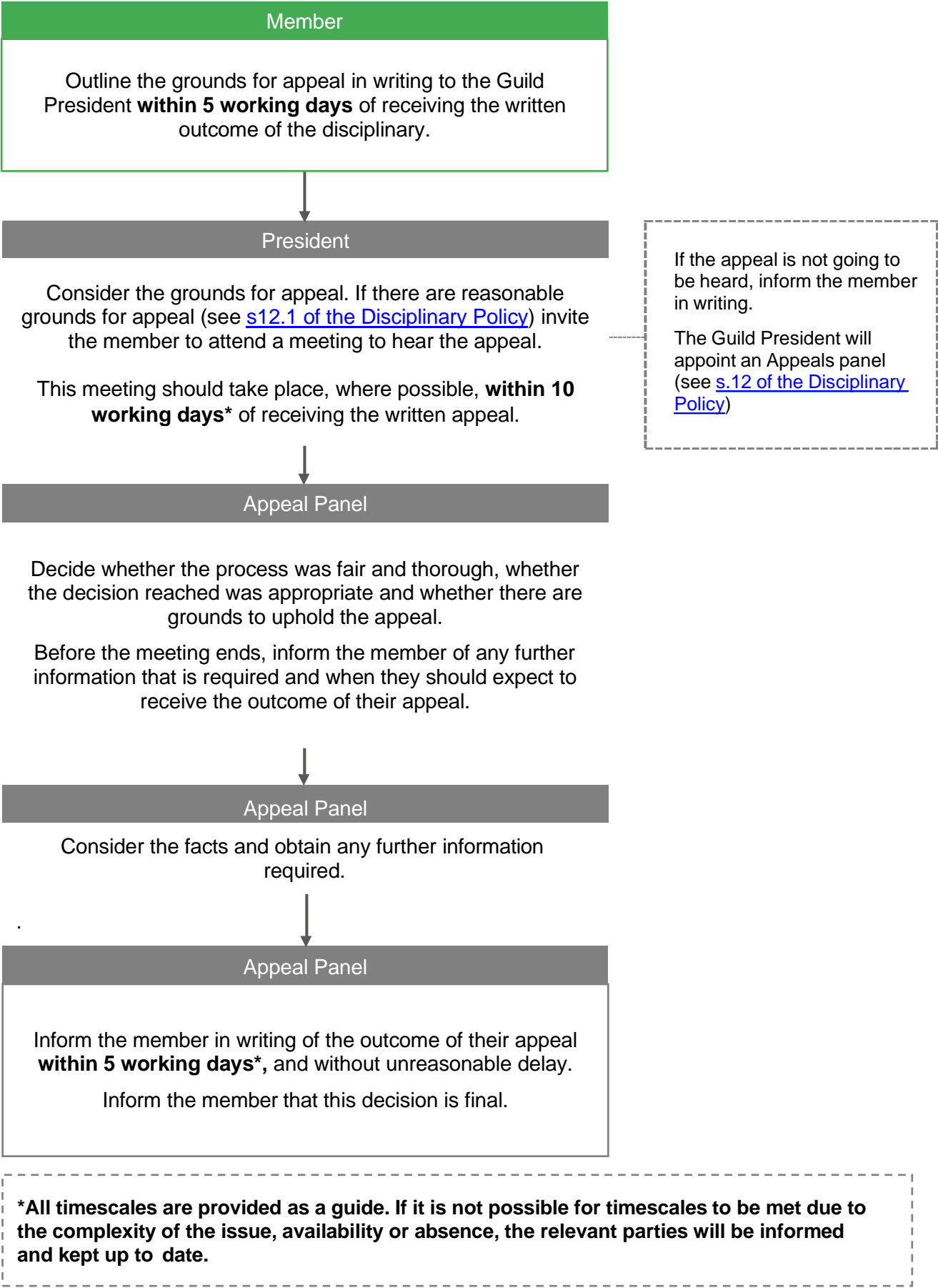
This is an indicative list and does not include every potential sanction.

On occasions, the University will recommend sanctions to the Guild as the outcome of their own processes. The list below is also intended to assist University Disciplinary Panels to identify appropriate recommendations.

<b>Applies to:</b>	<b>Outcome</b>
<b>Members, Societies and clubs</b>	<b>No disciplinary action</b> This course of action would be followed if, based on the evidence and/or explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
<b>Members, Societies and clubs</b>	<b>Informal action</b> This means that an informal record is made of the discussion, and the required actions or changes are noted and clearly explained. This may be used when the issue is not serious enough to justify a formal warning, but still needs addressing.
<b>Members, Societies and clubs</b>	<b>Written apology required</b> The member, group or group representative will be required to write a formal apology to any other parties that have been affected by their misconduct.
<b>Members, Societies and clubs</b>	<b>Suspension from Guild premises</b> For sufficiently serious issues of misconduct, where conduct has failed to improve or where further breaches have taken place while written warning is active, a member or society or club may be restricted from entering some, or all, of the Guild premises for a specified period of time.  This can include commercial areas, public spaces, meeting rooms and licensed premises
<b>Members, Societies and clubs</b>	<b>Suspension from participation in Guild activities</b> For sufficiently serious issues of misconduct, where conduct has failed to improve or where further breaches have taken place while written warning is active, a member or society or club may be restricted from participating in some or all Guild activities for a specified period of time. This may include; <ul style="list-style-type: none"> <li>• participating in Guild volunteering activities</li> <li>• attending Give it a Go events or activities</li> <li>• being a member of a society (see below for details)</li> </ul>
<b>Members</b>	<b>Suspension from participation in Guild societies</b> This may include participation in; <ul style="list-style-type: none"> <li>• Online activities, include Dischord servers, or WhatsApp groups</li> <li>• Events held in the Guild</li> <li>• Off campus events</li> <li>• Overnight trips</li> <li>• Day trips</li> <li>• International trips</li> <li>• Performances</li> </ul>

<b>Members, Societies and clubs</b>	<p><b>Not permitted to represent the Guild</b></p> <p>For sufficiently serious issues of misconduct, where conduct has failed to improve or where further breaches have taken place while written warning is active, a member or society or club may be restricted from representing the Guild. hold positions of trust within the Guild. This may include.</p> <ul style="list-style-type: none"> <li>• Participating in competitions or performance, including those organised through societies</li> <li>• Standing in Guild elections</li> <li>• Taking up or remaining in roles they have been elected or appointed to, including society committee roles</li> <li>• Attendance at NUS events</li> <li>• Registering for, or using, Volunteering Liverpool</li> <li>• Appearing on society social media</li> </ul>
<b>Societies or clubs</b>	<p><b>Take restorative steps</b></p> <p>In some circumstances, a society will be required to take restorative steps. These may include;</p> <ul style="list-style-type: none"> <li>• paying any fines or other outstanding payments to the Guild, or external organisation or body.</li> <li>• participating in further training</li> </ul>
<b>Societies or clubs</b>	<p><b>Suspension from running</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, societies registration with the Guild may be suspended for a period of time. This means that they are not permitted to undertake any activity as a society.</p>
<b>Societies or clubs</b>	<p><b>Suspension from running some activities</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, societies may not be permitted to undertake particular activities for a period of time.</p>
<b>Members</b>	<p><b>Membership terminated</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, membership may be revoked and a member's entitlements terminated.</p>
<b>Members, Societies and clubs</b>	<p><b>Referral to the University</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, the matter may be referred to the University for consideration under their processes.</p>
<b>Members</b>	<p><b>Referral to the Guild Staff Discipline procedure</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, the matter may be referred to the Guild Staff Discipline procedure.</p>

# Appendix D: Appeal Procedure



## Appendix E: Risk Assessment Procedure

1. A risk assessment may be conducted where we have reason to believe that a member, society or club may pose a risk to themselves, the Guild/University community, the Guild/University's reputation or to public safety.
2. Situations which may require a formal risk assessment include:
  - Where a report has been received of serious misconduct of a member, society or club which suggests that they pose a risk to others;
  - Where concern is raised by an investigating officer that the circumstances being investigated suggest that a member, society or club poses a risk to others or to the disciplinary process.
  - Where the University has informed the Guild that they are carrying out their own Risk Assessment Panel, and as part of this are recommending that the Guild implements risk management measures in relation to the case.
3. The purpose of the risk assessment is to evaluate the specific circumstances, identify the current and potential risks and consider what action, if any, should be taken to reduce those risks.
4. A risk assessment panel will act in the best interests of the member(s), the Guild and the University using the information available at the time.
5. Member(s) would not normally be required to meet with a risk assessment panel, however this may be requested in certain circumstances.
6. The risk assessment panel will not be able to take disciplinary action against any member, but are able to put in place measures to reduce actual or perceived risk to others and/or to the Guild's reputation, while an investigation is carried out.
7. Possible outcomes of a risk assessment could include:
  - to temporarily suspend a member from all or some of the Guild premises and/or activities;
  - to temporarily withdraw the right to participate in societies, events or activities or access to specific spaces;
  - restrictions on access to specific premises;
  - A specific requirement that the member is not permitted to represent the Guild in a society or club until the investigation has concluded;
  - A society not being permitted to undertake some, or all, activities;
  - Referral to the University of Liverpool's Student Life Division for investigation under their own disciplinary procedures;
  - Referral to the Guild's Disciplinary Procedure (Staff).
8. When assessing the extent of any interim bans, the Risk Assessment Panel will consider all Guild activities that the member is active in by checking against the following list:

Activities	Information Held
Employed by the Guild	HR records
Registered on Volunteering Liverpool	Volunteering section of website
Participating in a volunteering activity with Volunteering Liverpool	Held by Volunteering Liverpool/External Charity
Participating in a Guild volunteering activity	Guild website
Course Representative	Course rep database
Senate Representative	List held by Advocacy Manager

Member of a Guild Society	Guild website
Committee member in a society	Guild website/society re-registration forms
Standing in a Guild election	Guild website
Use of the advice centre	Advice Pro records

9. This may require the panel to liaise with other Guild staff and/or external organisations, such as volunteering organisations that the Guild works with. Information relating to the case, beyond the name of the member, will only be shared where appropriate and necessary.
10. Consideration should be given by the Risk Assessment Panel to the impact or potential impact on the member of any measures taken, particularly in relation to recommendations involving temporary suspension of access to services or premises.
11. Full suspension from the Guild premises and activities will only be recommended in high risk circumstances where there are no alternative measures that can be put in place.
12. Any suspensions will usually only be put in place pending the outcome of a disciplinary investigation and hearing. Any suspension will be for a fixed period of time and subject to regular review.
13. In cases where there has been a complaint from a fellow member, the Risk Assessment Panel will take the interests and welfare of both members into consideration when deciding on the appropriate precautionary measures. The Panel will consider any support arrangements that need to be put in place for either party.
14. Any refusal by a member to meet the requirements put in place following recommendations made by the Risk Assessment Panel may be investigated under the Disciplinary Policy & procedure for members
15. The Risk Assessment Panel may need to reconvene if the circumstances mean that the member's situation changes.
16. A Risk Assessment Panel would normally include the following people (or their appointed representatives):
  - Guild President;
  - Chief Executive;
  - Director of Membership Services;
  - Any other person whose presence is relevant and necessary, such as University colleagues.
17. Following the meeting of the Risk Assessment Panel, the Director of Membership Services (or their nominee) will write to the member to provide information about the outcome of the meeting with details of any measures to be put in place.
18. Where there is a complainant, the Director (or nominee) will provide the same information to them.
19. The Risk Assessment Panel will be mindful of the requirements placed on the University under data protection legislation to ensure that appropriate confidentiality is maintained for the student and any other person involved.
20. A written record will be kept of all Risk Assessment Panel meetings which should be retained in line with the Guild's Data Protection & Information Security Policy.
21. Any appeal to the measures put in place by the panel should be submitted to the Guild Chief Executive and will be considered by a Guild Senior Manager, who has not had prior involvement in the case. Appeals should normally be submitted within 10 days of notification of the outcome of the Risk Assessment Panel.

- The **responding** student can appeal on the grounds that the restrictions are disproportionate, or that the panel did not have access to all the information. Any appeal would be considered on the basis of the statements or evidence the responding student supplies, and whether this suggests that the measures in place are disproportionate to mitigate the risks that have been identified.
  - The **reporting** student has the right to appeal the level of restriction imposed on the responding student on the grounds that the restrictions do not enable them to carry out their day-to-day activities safely. Any appeal would be considered on the basis of the statements or evidence the reporting student supplies and whether this suggests that the measures in place are not sufficient to mitigate the risks that have been identified.
- 22.** Details of how to appeal will be contained in every Risk Assessment Outcome Letter.