

# Disciplinary Procedure (Members)

G046

Policy Origin: **Staff**

Approved by:  
Board of Trustees – 28<sup>th</sup> July 2016

Expiry:  
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## 1. Application of Disciplinary Procedures

This Disciplinary Procedure sets out the procedures to be followed in the case of disciplinary actions against a member of The Guild ("the student") or a registered Student Activity Group ("the society").

1.1 Disciplinary action may be taken in respect of any breach of discipline alleged to have occurred:

- a. on Guild premises;
- b. whilst using Guild facilities;
- c. when representing, or purporting to represent, the Guild;
- d. whilst on Guild business;
- e. whilst undertaking any activity supported by the Guild;
- f. whether in person, in writing including on social media, or by a physical act or gesture.

1.2 In this Disciplinary Procedure, a breach of discipline means acting in breach of the Code of Conduct;

## 2. Licensed Premises

No part of this procedure shall prevent a Licensee from exercising such powers as are available in relation to the preservation of good order under the various Licencing Acts. The Licensee may delegate his or her powers under these Acts to Duty Managers.

## 3. Interim Bans

3.1 If the Guild President has reasonable cause to believe that a student, society or club has committed a breach of discipline they may place that student, society or club under an interim ban.

3.2 If the licensee, Duty Manager or their representative has reasonable cause to believe that a student, society or club has committed a breach of discipline while on Guild licensed premises they may place that student, society or club under an interim ban.

3.3 On being placed under an interim ban, the student, or the attending members of a society or club shall:

- a. surrender their University ID card to the person imposing the ban, a photocopy will be taken for the purpose of confirming identity and the card should not be unnecessarily withheld; and
- b. if on Guild premises or using Guild facilities, leave those premises or facilities forthwith.

3.4 The Chief Executive, Director of Operations or Director of Membership Services and the President shall determine the extent of the interim ban and consider whether the student, society or club has a need to access Guild services (e.g. advice). Each interim ban shall be considered on a case-by-case basis, having regard for the welfare of all parties, and may extend up to and including a total exclusion from all Guild premises, facilities and services.

- 3.5 An interim ban shall remain in full effect until the latter of the following:
- a. the date on which the student, society or club is notified of the decision on their case under paragraph 4.2 or 5.5;
  - b. the date of which the student, society or club is notified of the outcome of any appeal under paragraph 10.8.
- 3.6 An interim exclusion of a member from participation in Guild activities is not in itself a form of disciplinary action whilst the investigation is ongoing and shall not be considered as evidence against them unless the complaint is against the breach of the interim ban.

#### **4. Disciplinary procedure – Conduct on Licensed Premises**

This paragraph applies in respect of alleged breaches of discipline in respect of conduct on Guild licensed premises.

- 4.1 Where an interim ban has been imposed in respect of an incident on Guild licensed premises the Director of Operations, or their representative, shall arrange a meeting with the banned student, society or club as soon as possible, normally within a maximum of 5 working days. At that meeting the student, society or club shall have an opportunity to explain their actions. They may be accompanied by a fellow student (not being a member of the Disciplinary Panel or the Disciplinary Appeals Panel). Entering onto Guild premises for the purposes only of attending the meeting shall not be treated as a breach of the interim ban provided the student, society or club leave the premises immediately after the meeting ends.
- 4.2 The Director of Operations, or their representative, shall make a decision as to whether the student, society or club did commit the alleged breach and if so what sanction is imposed having regard to the Sanctions Guidance. The decision shall be notified to the student in writing (either by email or letter) within one week of the meeting.
- 4.3 Within one week of notification of the decision, the student, society or club may appeal against the finding that they committed the breach and/or the sanction imposed by writing to the Chair of the Disciplinary Appeals Committee (the Guild President).

#### **5. Disciplinary Procedure - Other Breaches of Discipline**

This paragraph applies in respect of alleged breaches of discipline other than those in respect of conduct on Guild licensed premises.

- 5.1 A student, society or club alleged to have committed a breach of discipline shall, as soon as possible after the event in question (or its discovery, as the case may be), be given a written notice (either by email or letter) setting out the particulars of the alleged breach.
- 5.2 The appointed investigator, or their representative, shall gather information about the alleged breach. They shall call a meeting of the Members Disciplinary Panel to be held within 2 weeks of the alleged breach (or its discovery, as the case may be) or as soon thereafter as reasonably practicable. The student, society or club may attend and may be accompanied by a fellow student (not being a member of the Disciplinary Panel or the Disciplinary Appeals Panel) and, whether or not they attend, may submit representations and provide information to the Panel.
- 5.3 If during the course of the investigation the incident is suspected to be a breach of the law the matter shall be referred to the police. In this situation the matter will be dealt with by the police in the first instance, once their investigation is complete the matter will then progress via the Guilds disciplinary procedure.
- 5.4 The University of Liverpool's Student Administration Support Division will be informed by the Guild of any serious misconduct. Where the University considers that its Regulations for conduct have been breached it may instigate its own conduct and disciplinary process. In this situation the matter will be dealt with by the University in the first instance. Once this investigation is complete the matter will then progress via the Guild's disciplinary procedure.
- 5.5 The Disciplinary Panel shall make a decision as to whether the student, society or club committed the breach of discipline as alleged and if so what sanction should be imposed having regard to the Sanctions Guidance. The decision shall be notified to the student, society or club in writing within one week of the meeting.

5.6 Within one week of notification of the decision, the student, society or club may appeal against:

- a. the finding that they committed the breach;
- b. the sanction imposed; and/or
- c. the process followed

by writing to the Chair of the Disciplinary Appeals Panel (the Guild President).

## **6. Supervising Trustee**

6.1 The Board of Trustees shall annually appoint a Supervising Trustee in accordance with Bye-Law 3.

6.2 The Supervising Trustee shall appoint at the time of a disciplinary matter arising an appointed investigator and a panel to conduct any disciplinary hearings in accordance with the composition outlined in paragraph 7.1. The appointed investigator should not have had any prior involvement in the matter and may not serve on any Disciplinary Panel or Disciplinary Appeals Panel.

6.3 When a disciplinary matter arises or a complaint is made the Supervising Trustee shall first determine which policy is appropriate for the issue being raised.

6.4 If the disciplinary issue relates to a Sabbatical Officer, the Supervising Trustee will determine whether the matter relates to the person being a member of the Guild, being an employee of the Guild or being a Trustee of the Guild. In some cases this may be difficult to determine but the Supervising Trustee will have the overall authority to decide which is the most appropriate procedure to follow. If the Supervising Trustee decides that the matter is one of political performance, the procedures detailed in the Articles of Association will be followed in the first instance with the appropriate employment procedures being managed concurrently by the Chief Executive.

## **7. Constitution of Disciplinary Panel and Disciplinary Appeals Panel**

7.1 The Disciplinary Panel shall consist of a Sabbatical Officer or their representative, who shall chair the meetings, a student trustee and a senior Guild staff member. None of these individuals should have previous involvement in the matter.

7.2 The Disciplinary Appeals Panel shall consist of the President of the Guild or their representative, who shall chair the meetings, and a combination of two people from the following: a co-opted trustee; a student trustee or a member of the Senior Management Team. None of these individuals should have previous involvement in the matter.

7.3 No-one who serves on a Disciplinary Panel shall simultaneously serve on a Disciplinary Appeals Panel.

## **8. Sanctions Guidance**

Should the Disciplinary Panel find that the student or society has committed a breach of discipline the following sanctions are available to the Panel:

### **8.1 Members**

- Formal verbal warning - a note of the warning kept on file for six months after which time it shall be disregarded for disciplinary purpose.
- Formal written warning - a copy of the warning kept on file for twelve months after which time it shall be disregarded for disciplinary purposes.
- Require the member to issue a formal written apology.
- A ban from Guild premises for a specified period of time.
- A full or partial suspension from utilising Guild facilities for a specified period of time.
- Removal of an individual from their position on a committee.
- Revocation of Guild membership.

As the ability to hold elected office in the Guild is dependent upon membership status and one of the rights and privileges of membership, suspension would represent a suspension of holding that office.

## 8.2 Societies and Clubs

- Formal verbal warning - a note of the warning shall be kept on file for six months after which time it shall be disregarded for disciplinary purposes.
- Formal written warning - a copy of the warning shall be kept on file for twelve months after which time it shall be disregarded for disciplinary purposes.
- A ban from Guild premises for a specified period of time.
- A full or partial suspension from utilising Guild facilities for a specified period of time.
- A fine of a restorative sum.
- Freezing of a society account.
- De-ratification of a society from the Guild and withdrawal of all support.

## 9. Hearing Procedure

- 9.1 Before a decision is reached or any disciplinary action taken there will be a disciplinary hearing at which the member will have an opportunity to state their case and answer the allegations that have been made.
- 9.2 The appointed investigator will present their findings at the disciplinary hearing.
- 9.3 The Panel chosen by the Supervising Trustee will hear the case. The member will be notified of a disciplinary hearing in advance and will be provided with information relating to the reason for the disciplinary hearing.
- 9.4 Hearings will be arranged as far as possible at a mutually convenient time and place and the member will have the right to be accompanied by a colleague of their choice (not being a member of the Disciplinary Panel), should this colleague be a legal professional the Guild must be notified in advance of the meeting.
- 9.5 During a disciplinary hearing, the case against the member will be presented in detail by the appointed investigator. If the member challenges the substance of the witness statements then witnesses may be called to the hearing where the member or their representative will have the opportunity to ask them questions.
- 9.6 Where disciplinary action is necessary the member will be informed of the decision. This will be sent as soon as is reasonably practical in writing (either by email or by letter) and will state:
- a. Detail of the misconduct that has resulted in the disciplinary action, the level of disciplinary action, details of and the date from which the sanction is applied;
  - b. Any recommendations/action required to prevent future disciplinary action, the consequence of failure, details of the appeal mechanism and if appropriate the length of time the sanction will last before it is disregarded.

## 10. Appeals Procedure

- 10.1 Within two weeks of receipt of an appeal under paragraph 4.3 or 5.6, the Chair of the Disciplinary Appeals Panel shall convene a Panel according to the composition outlined in paragraph 7.2.
- 10.2 The Chair shall gather information about the case, including a report from the Director of Operations or the Disciplinary Panel, as appropriate, in advance of the meeting.
- 10.3 The appeal may not re-hear the case originally put to the Disciplinary Panel and must be confined to the points raised in the grounds of appeal.
- 10.4 The member may attend and may be accompanied by a fellow student (not being a member of the Disciplinary Panel or the Disciplinary Appeals Panel) and, whether or not they attend, may submit representations and provide information to the Panel.

10.5 The Disciplinary Panel may be represented by its Chair (or their nominee) to assist the Appeal Committee in considering whether the appeal should be allowed.

10.6 The Disciplinary Appeals Panel shall decide:

- a. where the appeal is against a finding that the student has committed a breach of discipline, whether to uphold or to dismiss the appeal;
- b. where the appeal is against a sanction imposed, whether the sanction should be stand or should be removed, altered or varied
- c. where the appeal is against the process, whether this would have had an impact on the sanction imposed.

10.7 The Disciplinary Appeals Panel may:

- a. uphold the original decision;
- b. vary or modify the original decision but should not usually impose a penalty greater than that ordered by the Disciplinary Panel; or
- c. overturn the original decision.

10.8 The decision of the Appeals Panel shall be communicated in writing (either by email or by letter) within one week of the meeting.

10.9 The decision of the Disciplinary Appeals Panel is final.

## **11. Confidentiality**

All material relating to disciplinary and appeals proceedings, including the names and addresses of those involved, shall be recorded and kept securely. Access to such material will be allowed on a "need to know" basis only.

## **12. Disciplinary action against student staff members or Guild trustees**

Where a student who is also a staff member is alleged to have committed a breach of discipline, the matter may be dealt with either under this Disciplinary Procedure or under the Student Staff Disciplinary Procedure, whether or not the alleged breach occurred while the student as working as a staff member.

## **13. Emails:**

Emails shall be sent to a student's registered University email address or in the case of a society to the registered University email addresses of the registered committee members or any other society members as required.