

## **Schedule 2**

### **Disciplinary Procedure**

The disciplinary procedure distinguishes between allegations concerning DSU licensed premises and other allegations.

#### **DSU Licensed Premises**

##### **1. General Principles**

- .1 This code is to be read in addition to, and in conjunction with, chapter two of the De Montfort University General Regulations and Procedures Affecting Students and the Union disciplinary code and sanctions.
- .2 Responsibility for dealing with crime, disorder and anti-social behaviour within DSU licensed premises or, behaviour that occurs as a direct result of an event within DSU licensed premises, will be addressed by the union's Designated Premises Supervisor as defined by the Licensing Act (2003).
- .3 The Designated Premises Supervisor will conduct his duties at all times in accordance with the Licensing Act (2003), guidance on the Act issued by government departments and reasonable advice and guidance received from the local police and the local licensing authority.
- .4 The Designated Premises Supervisor will act in keeping with the values of the De Montfort University Students' Union.
- .5 A completed Incident Report Form (IRF) must be submitted by each member of staff involved in dealing with an incident the next university day after an incident has occurred. Copies will be given to the Designated Premises Supervisor, Vice President Student Activities and the Director.
- .6 Where staff in DSU licensed premises believe or reasonably suspect that a disciplinary offence has been committed he / she shall retain the students(s) union card(s) and issue them with an official receipt. This shall inform the student that they have committed an offence and require them to make an appointment with the Designated Premises Supervisor within two days.

- .7 Where the identity of a student is not known, and no other course of action is open, the Designated Premises Supervisor will retain any evidence including CCTV footage and witness statements, and may use whatever time is necessary to identify the student accused.
- .8 Upon receipt of an IRF, the Designated Premises Supervisor will have responsibility for investigating all allegations against union members emanating from DSU licensed premises. He / she will also decide when to involve the police to investigate allegations.
- .9 The Designated Premises Supervisor has authority to exclude members or their guests from DSU licensed premises on a temporary or permanent basis if he /she concludes that an offence has been committed. He / she may also request that the student involved make reasonable reparation of damages to the organisation or of personal belongings to the person(s) involved.
- .10 There will be no formal right of appeal against a decision of the Designated Premises Supervisor.
- .11 Union members who have been excluded on a temporary or permanent basis or asked to make reparations who believe their treatment has been unfair, may ask the Vice President Student Activities to meet with an Executive panel consisting of the President, Director and a Union Sabbatical Officer. This request must be made in writing within two working days of receiving notification of disciplinary sanctions. The union member may present their case to the panel. Having heard the member's case, the panel will make representations on behalf of the union member to the Designated Premises Supervisor, if they believe the conclusions of the investigation or the sanctions subsequently imposed are unfair.
- .12 Union members may be accompanied by a friend at a panel hearing.
- .13 Once the Designated Premises Officer has heard representations on behalf of the union member he / she will make a final decision regarding the allegations and any sanctions imposed. This decision will be final.
- .14 The Designated Premises Supervisor will record all decisions made in relation to disciplinary matters and will also produce quarterly reports of aggregate statistics on disciplinary investigations and consequent sanctions imposed. These reports will be provided for Governing Council on request.

Reports will include monitoring data, including for example, the gender and ethnic origin of those involved in disciplinary cases.

- .15 The procedure outlined within this appendix does not preclude the right of the Designated Premises Supervisor or other DSU venue staff working with his / her authority, the right to refuse admission to the union's licensed premises without giving a reason.
- .16 The Designated Premises Supervisor may at his / her discretion notify DMU of any incidents which may breach the University's disciplinary code. The Designated Premises Supervisor will have the authority to make evidence available to DMU staff in order that investigations and disciplinary hearings can be conducted.

#### **Disciplinary Matters not Associated with DSU Licensed Premises**

##### **1. General Principles**

1.1 This code is to be read in addition to, and in conjunction with, chapter two of the De Montfort University General Regulations and Procedures Affecting Students and the Union disciplinary code and sanctions.

1.2 The disciplinary procedure shall normally consist of 3 stages. However, at any stage a matter may be referred to the University disciplinary procedure.

1.2.1 Stage One - The Vice President Student Activities in the first instance.

Who may deal with minor offences at a local level. Examples of minor offences include theft or fraud under £100 or minor acts of damage

1.2.2 Stage Two - The Disciplinary Committee

Who may act as a referral from stage one, for more serious offences. Examples of more serious offences include violent behaviour, theft over £100 or racist behaviour

.3Stage Three - The Appeal Committee

Which may be convened to act as an appeal to a decision taken in either stage one or two. This shall be the final stage of appeal.

- 1.3 DSU will notify the university of any Level 2 disciplinary proceedings taken against members, the outcome of the proceedings and any subsequent appeal proceedings.
- 1.3 For elected officers, the disciplinary procedure consists of two stages:-
  - .1The Elected Officer Disciplinary Committee.
  - .2The Elected Officer Appeal Committee.
- 1.4 The Student Council will be notified of any findings of the elected officer disciplinary process once the process has been completed either by the time for an appeal lapsing or at the end of an appeal hearing. Student Council will receive a summary of the case and will notified of the outcome of the process and any penalties imposed. However, they will not have a right to review other details associated with the case. Student Council members will be expected to keep all information about elected officer disciplinary proceedings confidential.
- 1.4 The disciplinary procedure shall deal with matters arising as a result of:
  - 1.4.1 Incidents within DSU buildings (unlicensed premises);
  - 1.4.2 Incidents occurring within or on the University campus or premises as a result of a DSU activities not associated with an event on licensed premises;
  - 1.4.3 Incidents occurring as a result of a DSU function or activity held outside the University;
  - .4 Incidents which affect DSU community relations;
  - .5 Incidents which bring the good name of DSU into disrepute;
  - 1.4.6 Other breaches of the University General Regulations and Procedures Affecting Students.
- 1.5 Where the alleged incident is an offence under the criminal law the Vice President Student Activities, in liaison with the President and Director:
  - 1.5.1 will decide whether to report the facts to the police, and in reaching that decision will not be influenced by the wishes of any other person;

- 1.5.2 will deal with any offence under this disciplinary code, whether or not the facts have been reported and proceedings are pending;
- 1.5.3 may defer action under this disciplinary code if it considers, (if criminal proceedings are pending) that to proceed might in some way prejudice the fair trial of the member concerned. Any suspension/ exclusion will remain in full force and will not be affected;
- 1.5.4 when considering proceedings for an offence under this disciplinary code, will not take into account the results of any criminal trial arising out of the same set of facts.
- 1.6 When an alleged incident involves a member of a Disciplinary Committee that is to hear an incident, then that person shall not sit on the committee for that hearing.
- 1.7 Where the Vice President Student Activities believes there may be a conflict of interest, he / she will refer the case to another Sabbatical Trustee (other than the President) to hear the case. In this instance, any reference to the Vice President Student Activities shall be deemed as the Sabbatical Trustee involved in the first stage of the disciplinary procedure.
- 1.8 If any of the parties involved wish to object to any member of a Disciplinary Committee, then the student shall submit his/her objections in writing, to be received by the Vice President Student Activities at least five (5) clear days before the hearing. If the grounds are upheld, an alternative member to fill the committee will be identified by the Vice President Student Activities.
- 1.9 The student(s) involved in the allegations may be accompanied by a friend (as defined in the glossary of the DMU General Regulations and Procedures Affecting Students) during all stages of these disciplinary procedures.
- 1.10 A Disciplinary Committee shall call witnesses to give evidence as appropriate. They shall ask questions of the witnesses.
- 1.11 The student may call his or her own witnesses to give evidence. The Disciplinary Committee may also ask questions of the witnesses.
- 1.12 Witnesses must complete a Witness Statement Form, or in the case of DSU staff, an Incident Report Form. Failure to complete these forms may result in

the Disciplinary Committee not accepting evidence from them at a disciplinary hearing.

- 1.13 The execution of any sanction may be suspended for a period to be decided by the Disciplinary Committee imposing the sanction, pending a requirement of future performance.
- 1.14 Sanctions available to a Disciplinary Committee may be imposed singularly or in combination.
- 1.15 No person may sit in hearing on a case more than once. For the purpose of this rule a referral shall not be considered as a hearing.
- 1.16 The student shall have the right of appeal against any disciplinary decision, except the Appeal Committee. This must be in writing to the Vice President Student Activities and must be received within two (4) clear days of receipt of the disciplinary decision.
- 1.17 The Vice President Student Activities shall maintain a log of all incident reports received and action taken. This log shall be made available to any member of the Board of Trustees
- 1.18 The accused may appeal against sanctions applied. Appeals must be lodged within four) clear days of receiving notification of a disciplinary decision.

## **2. Stage One**

- 2.1 The Vice President Student Activities shall act as the first point of referral for any disciplinary offence except where that offence involves any elected officer.
- 2.2 A completed Incident Report Form (IRF) must be submitted by each member of staff involved, to the Vice President Student Activities the within 3 clear days of the incident occurring.
- 2.3 Where a DSU official believes or reasonably suspects there to have been a disciplinary offence committed, he/she shall retain the student(s) union card(s) and issue them with an official receipt. This shall inform the student that they have committed a disciplinary offence, and require them to make an appointment with the Vice President Student Activities within four clear days for the commencement of disciplinary proceedings.

.4 Upon receipt of an IRF (regardless of whether or not it is within the time limits listed above), the Vice President Student Activities shall immediately start investigations into the incident. This shall normally include a formal interview with the accused student(s) and the completion of a Witness Statement Form and an Incident Report Follow Up form. When the investigation is complete the Vice President Student Activities shall immediately inform both parties of the decision taken in writing.

2.5 Where the identity of the accused is not known, and no other course of action is open, the Vice President Student Activities shall have a period of up to six (6) months of the incident occurring to ascertain the identity of the student accused.

2.6 The Vice President Student Activities may impose the following sanctions on a student deemed to be guilty of an offence:-

2.6.1 reprimand;

2.6.2 suspension for a period of not more than six (6) calendar weeks from DSU premises and/or functions. If University vacation time falls during any period of suspension, then that vacation time shall be added on as extra;

2.6.3 Reparation of damages to the organisation or of personal belongings to the person(s) involved;

2.6.4 a fine of an amount not to exceed £50;

2.6.5 a letter of apology to any aggrieved party;

2.6.6 referral to the Disciplinary Committee;

2.7 Where imposed fines or reparation of damages are not paid, or apology letters not received, then the Vice President Student Activities may impose further sanctions, as defined above.

2.8 Where the Vice President Student Activities refers a case to stage two of the disciplinary process, unless there are exceptional circumstances preventing this, the hearing shall take place within twenty (28) clear days of the case being referred. The accused shall be informed not less than seven (7) clear days before the hearing is set. If the student with good reason cannot attend the hearing, then a mutually acceptable date shall be arranged.

2.9 When the issue is so serious as to warrant immediate referral to stage two of the disciplinary process, the Vice President Student Activities shall not hold a disciplinary meeting with the accused, but merely inform them that the issue is to be referred and ask them to produce a statement for the DC.

### **3 Stage Two ( Disciplinary Committee)**

3.1 The Disciplinary Committee shall consist of:-

3.1.1 the Vice President Student Activities as an ex-officio, non-voting chair;

3.1.2 one other member of the Executive Committee, other than the President;

3.1.3 two (2) student council members ;

3.1.4 A DSU senior manager in a non-voting, advisory capacity.

3.2 Quoracy shall be three (3) voting members.

3.3 Where the vote is tied, the Chair shall have the deciding vote.

3.4 Where student council members can not be convened, any student approved by the Executive Committee may sit in their place.

3.5 The Disciplinary Committee shall meet as and when required to deal with disciplinary matters arising as a result of referrals from the Vice President Student Activities.

3.6 The Disciplinary Committee may impose the following sanctions on a student deemed to be guilty of a disciplinary offence:-

3.6.1 Reprimand;

3.6.2 Suspension for a specified period from DSU premises and/or functions;

3.6.3 Reparation of damages to the organisation or of personal belongings to the person(s) involved;

3.6.4 A fine of an amount not to exceed £100;

3.6.5 A letter of apology to any aggrieved party;

3.7 Where imposed fines or reparation of damages are not paid, or apology letters not received, then the committee may impose further sanctions as defined above.

#### **4 Stage Three (Appeal Committee)**

4.1 The Appeal Committee shall consist of:

4.1.1 the President, or Deputy President in their absence, as an ex-officio, non-voting Chair.

.2one (1) member from the Executive Committee (or Student Council).

.3Two members of the Student Council

.4the Union Director, or his/her appointee, in a non voting advisory capacity.

4.2 The Appeal Committee shall meet as and when required to deal with disciplinary matters arising as a result of appeals against either stage one or two.

4.3 The Appeal Committee shall be the only body of appeal.

4.4 The Appeal Committee shall:-

4.4.1. have available the same sanctions as the Disciplinary Committee where it is adjudged that a disciplinary offence has been committed.

4.4.2. have the power to confirm or alter sanctions imposed by the previous disciplinary stage, where it is adjudged that a disciplinary offence has been committed

#### **5 The Elected Officer Disciplinary Committee**

.1 The committee shall meet as and when required as a first point for a complaint against an elected officer.

.2 The Elected Officer Disciplinary Committee shall consist of:-

.2.1The Deputy President, or another Sabbatical Trustee, other than the President, approved by the Executive Committee in their absence, as an ex-officio, non-voting Chair.

- .2.2 One (1) other member of the Executive Committee
- .2.3 two members of student council.
- .2.4 A member of senior management, appointed by the Director, in a non-voting, advisory capacity.
- 5.2.5 Where the vote is tied, the Chair shall be given a deciding vote.
- 5.3 The following sanctions shall be available to the committee:
  - 5.3.1. reprimand
  - 5.3.2 suspension for a specified period from DSU premises and/or functions.
  - 5.3.3 reparations to the organisation or of personal belongings to the person(s) involved.
  - 5.3.4 a fine of an amount not to exceed £200 for an Executive officer, or £100 for a non-Executive officer.
  - 5.3.5 a letter of apology to any aggrieved party.
  - 5.3.6 request Governing Council to convene an Extraordinary General Meeting, with a vote of no confidence in the elected officer as the agenda item.
  - 5.3.7 suspension on full pay without prejudice for a specified period of time
  - 5.3.8 in the event of a court of law finding an elected officer guilty of an offence during their term of office, where deemed appropriate, termination of office.
- .4 Where imposed fines or reparation of damages are not paid, or letters of apology not received, then the committee may impose further sanctions, as defined above.
- .5 The President shall keep a log of all incidents received and complaints taken at this stage.
- .6 Elected officers may appeal against any decision taken by the committee to The Elected Officers Appeal Committee.

**6. The Elected Officer Appeal Committee**

- 6.1 The Committee shall meet only as an appeal against a decision made in The Elected Officer Disciplinary Committee. It is the only body of appeal for elected officers.
- 6.2 The Elected Officer Appeal Committee shall consist of:
  - 6.2.1 The President, or the Deputy President in their absence, as an ex-officio, non-voting Chair.
  - .2 One (1) other member of the Executive Committee and two members of the Student Council .
  - .3 The Union Director, or their appointee, in a non-voting, advisory Capacity.
- 6.3 No member who took part in an earlier hearing shall sit in this committee.
- 6.4 The appeal committee shall:
  - 6.4.1 have available the same sanctions as the Elected Officer Disciplinary Committee where it is adjudged that a disciplinary offence has been committed.
  - 6.4.2 have the power to confirm or alter sanctions imposed by the Governing Council Disciplinary Committee, where it is adjudged that a disciplinary offence has been committed.