

SCHEDULE 3: DISCIPLINE

1. Powers and Offences

The Executive Committee shall have the power to apply this discipline code to any person on Association premises, at any event run by the Association or deemed to be in a position where they are representing the Association. It is the responsibility of individual members to make themselves aware of the Association's rules and policies. These rules and policies must be available to all members and should be displayed on the Students' Association website.

The following are all deemed to be disciplinary offences under which members may be charged:

- a) Breach of Association rules or policies
- b) Misuse of Association property or funds
- c) Unauthorised entry into Association facilities or functions
- d) Inappropriate behaviour on any premises operated by the Association or while representing the Association
- e) Violent or threatening conduct
- f) Harassment or discriminatory behaviour
- g) Breach of the rules of another students' association
- h) Failure to comply with a decision of the disciplinary committee
- i) Giving false evidence to the disciplinary committee

This list is not exhaustive and members may be charged for other behaviour than listed above. When a charge of violent or threatening conduct is brought the Chief Executive may decide to ban any individual from Association premises until the Disciplinary Committee convenes in the interest of staff and student safety.

2. Charging Procedure

- a) All allegations of offences covered by the discipline code must be reported to the President and recorded.
- b) The President will then decide whether there is sufficient evidence to conduct a hearing.
- c) A Vice President will be nominated to act as Chair and another to act as Prosecutor.
- d) The Chair will write to the Accused within ten working days of the allegation being reported to charge them under the discipline code.
- e) The Chair will arrange a time for the hearing with the alleged offender and instruct the Chief Executive to form a Discipline Committee.
- f) The Chair must inform the Accused of the date of the hearing and the Discipline Committee procedure by email or in writing at least five working days in advance.

- g) In the event that the President is facing allegations or is a witness to them then their role will be automatically delegated to a Vice President.
- h) In the event that the Vice Presidents are facing allegations or are witnesses to them, the President shall have the power to nominate members of Student Voice to act as Chair and Prosecutor.

3. Discipline Committee

- a) The Discipline Committee will be chaired by a Vice President selected by the President.
- b) The composition of the Discipline Committee shall be:
 - i. Chair (non-voting)
 - ii. Five members of Student Voice randomly selected by the Chief Executive
- c) In addition the Chief Executive (or nominee) and a clerk shall be in attendance to support the function of the committee.
- d) The Prosecutor will appear before the committee to present the charge.
- e) It is the responsibility of each Student Voice member chosen to make any connection they have to the Accused known beforehand so their suitability can be determined by the Chair.
- f) Any person deemed to have a connection to the Accused will be removed from the Committee and replaced with another randomly selected Student Voice member.

4. Procedure

- a) The Chair will read out the charge and ask the alleged offender whether they are pleading guilty or not guilty.
- b) In the event that the Accused cannot be present, the Chair may allow for a written plea and statement to be accepted on their behalf.
- c) If the plea is guilty then the Accused may make a statement of mitigation.
- d) If the plea is not guilty then the Prosecutor will first make the case against the accused and then the Accused will make the case in their defence.
- e) The Accused is allowed to bring one person who may be a student or member of university staff to accompany them to the hearing.
- f) This person may be consulted by the Accused during the meeting and can speak on behalf of the Accused if this is established from the beginning of the meeting and maintained throughout.
- g) The Prosecutor and the Accused may call witnesses and present written statements on behalf of witnesses who cannot be present.
- h) Any witness questioned will be open to cross-examination by the other side.
- i) Members of the committee may raise questions for the Prosecutor, the Accused or witnesses through the Chair.

- j) Once both sides have presented their case, they and all staff present shall leave the room allowing the committee to make their decision.
- k) Each committee member may decide that the Accused is either guilty, not guilty or abstain from making a decision.
- l) The committee may also vote to find the Accused guilty of a lesser charge than has been brought against them.
- m) A verdict of guilt can only be determined by an absolute majority decision.
- n) Once a decision has been reached, both sides and any staff members will be called back into the room and informed of the verdict.
- o) If they are found guilty, the Chair will decide on the sentence to pass at the meeting.
- p) A record of the hearing and its outcome will be kept.
- q) The Chair will write to the Accused informing them of the outcome within five working days.

5. Sentences

The Chair of the Discipline Committee may decide pass any, or a combination, of the sentences below:

- a) The Accused is given an informal warning.
- b) The Accused is given a formal warning which may be used as evidence at a future meeting of the Discipline Committee.
- c) The Accused is required to restore damages caused.
- d) The Accused is fined a sum not greater than £200.
- e) The Accused has their membership suspended for a prescribed period of time without compensation for any subscription paid.
- f) The Accused is referred to other relevant authorities.

6. Appeals

Any person found guilty under the discipline code has the right to appeal the decision or the sentence passed. The appeal procedure is as follows:

- a) The Appellant writes to the President stating the reason why they wish to appeal within ten working days of the meeting of the Discipline Committee.
- b) The President shall act as Chair of the Appeals Committee.
- c) An Appeals Committee is formed within fifteen working days of the appeal being lodged in consultation with the Appellant.
- d) The Appeals Committee shall be composed in the same manner the Discipline Committee with newly selected Student Voice members and the Appellant shall have the same right to representation.

- e) The Appeals Committee shall receive the minutes of the original Discipline Committee.
- f) The Appellant may make a statement to the Appeals Committee and provide additional evidence and witnesses to support their appeal.
- g) The committee members may decide to uphold or reject the appeal based on the reason for the appeal stated by the Appellant and any evidence provided to support this.
- h) If the appeal is rejected, committee members may vote to reduce the sentence passed.
- i) A record of the hearing and its outcome will be kept.
- j) The Appeals Committee Chair will write to the Accused informing them of the outcome within five working days.
- k) In the event that the Appellant is unsuccessful, they will be informed of their right to further appeal to an Independent Person within the University.
- l) The Independent Person will undertake whatever investigations they deem appropriate and will communicate their decision to the Appellant and the Appeals Committee Chair in writing within two working days of their decision.
- m) The decision of the Independent Person will be final and not open to further appeal.