

LSU Discipline Policy

Version 2.1

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Introduction

This policy shall run in accordance with

- The Union Constitution: Schedule III Union Sub-Committees: Discipline Committee
- The Discipline Pack
- The Minimum Sanctions for Offences

The Objective of this policy is to regulate the Discipline and Appeals procedure and the jurisdiction on which the Unions Discipline Structure Operates.

This policy notes that the Union wishes to provide a safe and non-discriminatory environment whilst within the building and during all Union activities. The Union has both a legal duty to uphold its Premise Licence, and also has a duty of care towards its members, staff and guests.

In line with the Union Constitution the Vice President: Finance & Commercial Services is delegated the responsibility of Union Discipline by the Discipline Committee, a Sub-Committee of Union Council.

In line with the Licensing Act the Duty Manager of an event night has the responsibility of lawfully upholding the Premises License and can therefore enforce the 'Right of Admission Reserved' (R.O.A.R.)

This policy applies to all members of Loughborough Students Union. Where incidents involve non-members, if a member has signed a non-member in as a guest to the venue, the member who has signed them in is responsible for their behaviour and therefore is liable for discipline in accordance with this policy.

Any non-members who have not been signed in and are involved in incidents are subject to a decision by the duty manager in accordance with the Licensing Act.

Finally the Vehicle Immobilising Officer is delegated the responsibility by the Discipline Committee, to enforce the car park clamping policy, approved by Union Council 2008.

Disciplinary action

Following a complaint the Vice President: Finance & Commercial Services is allowed to enforce sanctions to suspend the privileges of any member or opt-out Loughborough Student. These sanctions must be inline with the suggested minimum sanction laid out by Union Council.

Sanctions can be imposed in one of two ways:

1. Fixed penalty notice – A fixed penalty notice will be issued by the VP: Finance & Commercial Services where it is felt that the case is 'clear cut'. This will be imposed in the form of an electronic notice forwarded to the accused giving them the ability to discharge liability from the offence through the incurrence of a suitable sanction
2. Discipline Hearing – Hearing in front of the VP: Finance & Commercial Services. This will proceed in line with the discipline hearing guidelines

If the member wishes to appeal the decision of the VP: Finance & Commercial Services then they can appeal to the discipline committee through a formal request to the chair of Union Council. This Appeal must be heard inline with the Unions Discipline Appeal guidelines. The outcome of this appeal will over write any sanction previously imposed by the VP: Finance & Commercial Services.

The sanctioned party has the right to further appeal the case to a secondary appeal panel. This will take the form of a secondary Discipline Appeal and run inline with the Discipline Appeals Guidelines. This panel will be made up from different members of the Discipline Committee, i.e. councillors not present at the original appeal panel. The VP: Finance & Commercial Services will again present the case for the Union. The outcome of this hearing is final and can only be overturned by the decision of Union Council

i) Extreme Cases

These are incidents of a nature that the considered sanction will have a major affect on the party involved (ie a FULL LIFE ban or ban from participating in Union activities beyond the use of bars and entertainments) where the VP: Finance & Commercial Services CAN refer the case to the discipline committee if they feel they need too. At such a point the VP: Finance & Commercial Services can impose a suitable suspension of privileges pending the outcome of the discipline hearing.

ii) Extreme Case Hearing

In the discipline hearing the VP: Finance & Commercial Services will offer the case for the Union and suggest a suitable sanction (outlined in the suggested minimum sanctions), however let it be noted that the decision of the discipline hearing will be that of the discipline panel. This case must be heard inline with the Union discipline committee guidelines.

Following the decision of the discipline committee the sanctioned party has the right to appeal the case to an appeal panel. This will take the form of a Discipline Appeal and run inline with the Discipline Appeals Guidelines. This panel will be made up from different members of the Discipline Committee, i.e. Councillors not present at the original discipline panel. The VP: Finance and Commercial Services will again present the case for the Union. The outcome of this hearing is final and can only be overturned by the decision of Union Council.

Fixed Penalty Guidelines

On receipt of a complaint from the duty manager the VP: Finance and Commercial Services will assess the severity of the incident and whether the incident seems 'clear cut'. The VP: Finance & Commercial Services will use discretion to decide whether a fixed penalty notice is appropriate for the offence. If it is deemed appropriate an electronic fixed penalty notice will be sent to the offender.

- 1) The fixed penalty Notice must adhere to the minimum sanctions for offences as they are policy of union council.
- 2) A censored copy of the incident must be sent to the offender who is receiving the fixed penalty.
- 3) The offender must accept or refuse this penalty by contacting union reception within 7 days or a further sanction of a £50 fine will be levied increasing by £50 for every 7 days that no contact is received.
- 4) The offender can decide to contest the fixed penalty notice, in which case the offender must attend a disciplinary hearing with the VP: Finance & Commercial Services.
- 5) The VP: Finance & Commercial Services must use all available information (Security Incident Report, CCTV, impartial witness statements, Staff etc) to determine on the balance of probabilities what actually happened and to deliver a just, appropriate sanction.
- 6) The Vice President: Finance & Commercial Services should realise the damaging effects personal bias can have on Disciplinary Proceedings, and should state a vested interest whenever one exists. In this case a Disciplinary hearing shall be undertaken by a deputised full time member of the executive, providing no bias exists on their behalf. If bias does exist the matter shall be referred to the Discipline Committee.
- 7) The Vice President: Finance & Commercial Services is not empowered to change their decision once a sanction has been issued. It is prohibited to alter their decision following the Disciplinary Interview and where either the Vice President: Finance & Commercial Services or the 'Defendant' feels bereaved by the sanction imposed the matter shall be referred to the Discipline Committee for a hearing to be scheduled.

Disciplinary Hearing Guidelines

- 1) The Vice President: Finance & Commercial Services role in the disciplinary interviews is to act as the day-to-day representative of the Disciplinary Committee.
- 2) The Disciplinary Committee' Minimum Sanctions for Offences must be at all times adhered to, as they are the policy of Union Council.
- 3) For the Interview to take place, the 'defendant' must have previously completed an Incident Report outlining their perception of the event.
- 4) The Vice President: Finance & Commercial Services' job is to use all available information (Security' Incident Report, 'Defendant' Incident Report, CCTV, impartial witness statements, Staff etc) to determine on the balance of probabilities what actually happened and to deliver a just, appropriate sanction.
- 5) The Vice President: Finance & Commercial Services should realise the damaging effects personal bias can have on Disciplinary Proceedings, and should state a vested interest whenever one exists. In this case the Disciplinary Interview shall be undertaken by a deputised full time member of the executive, providing no bias exists on their behalf. If bias does exist the matter shall be referred to the Discipline Committee.
- 6) A Discipline Interview would normally only involve The Vice President: Finance & Commercial Services and the 'Defendant', However giving the distressful nature of some incidents both the Vice President: Finance & Commercial Services and the 'Defendant' may have witnesses to the interview. Names off all parties present must be recorded on the "Student Declaration Form". Only one discipline interview can be carried out at once, two 'Defendants' are not permitted to be in the same Discipline Interview. The Vice President: Finance & Commercial Services should show no bias towards, gender, age, ethnicity or sexual orientation. If a 'Defendant' feels there has been any bias shown towards them then the case becomes a matter for the Discipline Committee and they should be contacted through the Chair of Union Council at the first available opportunity.
- 7) Any students under the age of 18 must bring an advocate in order for an interview to take place and make sure they are represented fairly. On these occasions the VP: Finance and Commercial Services should also have a witness present. All advocates must have no connection to the incident in question.
- 8) The Vice President: Finance & Commercial Services is not empowered to change their decision once a sanction has been issued. It is prohibited to alter their decision following the Disciplinary Interview and where either the Vice President: Finance & Commercial Services or the 'Defendant' feels bereaved by the sanction imposed the matter shall be referred to the Discipline Committee for a hearing to be scheduled.
- 9) For incidents of a nature that the considered sanction will have a major affect the party involved (ie a FULL LIFE ban or ban from participating in Union activities beyond the use of bars and entertainments) the VP: Finance & Commercial Services CAN direct the case to the discipline committee. In such cases the VP: Finance & Commercial Services can enforce a suspension of privileges to match the offence until the outcome of the hearing.

The Discipline Committee

The Disciplinary panel consists of 5 student Councillors, elected at Union Council, who make up the Bench. The Bench will meet if a 'defendant' wishes to appeal against a previously imposed sanction, or if a major case has been referred to them by the VP: Finance & Commercial Services.

They will hear the case in its entirety and can request evidence or testimony from anyone whom they deem could be useful. The defendant (student) may invite up to 3 witnesses or representatives to speak on their behalf, the prosecution (usually headed by the VP: Finance & Commercial Services) is granted the same privilege.

The Bench due to its consistency of 5 normal students is incredibly democratic, in essence students are deciding what acceptable student behaviour is, and sanctioning there from. They will understand implicitly what effects the sanctions will have on a student, and as such a very well placed to make competent rulings. The Chair of Union Council will randomly select the members of the Bench from the elected Councillors, ensuring that no conflicts of interests exist. i.e. they do not know the defendant (student) etc.

The Chair of Union Council is an independent person and will control the proceedings of the hearing; they do not have a vote on the ruling, but can offer advice at the Committees request. The Vice President: Finance & Commercial Services shall present the Union' stance on the case, they do not have a vote on the ruling, but can offer advice at the committees request.

The hearing belongs to the Chair of Union Council and they shall conduct it in line with the Union' democratic structure, and shall have the power to remove anyone whom proves themselves in contempt of Union democracy. Further disciplinary action may occur as a result of any such ill-behaviour. The hearing shall be 'minuted' by anyone appointed by the Chair of Union Council the providing there is no conflict of interest.

Discipline Committee Hearing Appeal Guidelines

- A hearing is scheduled by the Chair of Union Council. Such a hearing may be as the result of an appeal for a previously imposed sanction, or as a referral from the VP: Finance & Commercial Services in the case of a major offence.
- Papers of the meeting shall be distributed at the beginning of the meeting, to ensure that no preconceptions can exist with any of the committee members.
- The Chair shall open the hearing by explaining why and what the committee has been convened to hear, and reminding everyone of the terms of reference and jurisdiction of the committee.
- The defendant (student) and prosecution (usually VP: Finance & Commercial Services) are then invited into the meeting, along with their witnesses/representatives.
- The prosecutor may now present the Union' stance on the matter.
- The prosecutors' witnesses/representatives have opportunity to give their evidence.
- The defendant shall then present their defence.
- The defendants' witnesses/representatives have opportunity to give their evidence.
- The Committee may question either party, on matters for clarification.
- The prosecutor may summarise their case.

- The defendant may summarise their case.
- Both parties and witnesses/representatives are informed to leave the room while the committee goes into session.
- The committee shall discuss and debate the case, and deliver a verdict with a majority ruling.
- Only the chair of union council and the members of the bench are entitled to vote.
- The chair of union council shall be a non voting member if an even number of members is present to allow majority rule.
- The committee shall leave now, for the presenting of the verdict.
- The chair shall invite the defendant and prosecutor back into the room to deliver the verdict. Informing the parties of the implications of the outcome and informing them of their right to a second appeal to the Discipline Committee.
- This concludes the hearing.

Discipline Committee Second Appeal Guidelines

- Following a sanction imposed by the Discipline committee, the affected parties may further appeal to a second panel. Only if they feel there has been a **breach of policy** or **constitution** in the process of their discipline or sanctioning. This will follow the exact same format of the first meeting of the discipline committee, however the panel of 5 student councillors **MUST** be different from the original hearing. No Councillors of the discipline committee can be the same for both hearings.
- This meeting will be co-ordinated by the Chair of Union Council. The outcome of the second hearing will be final and can only be overturned by the decision of Union Council.

Discipline Sanction Guidelines

Car Parking Offences

The maximum fine sanctioned by the Vehicle Immobilising Officer can be no more than £50. If the case does not fall under the minimum car park sanctions listed in the car park clamping policy or the offence warrants more discussion it should be forwarded to the VP: Finance & Commercial Services.

The Vehicle Immobilising Officer will keep reports on all car park violations and a photographic log of any clamps applied. All repeat offenders will be subject to a hearing with the VP: Finance & Commercial Services and subject to a sanction listed in the Major Offences. There will be **no black marks** issued for Minor Car park Offences – however any case referred to the VP: Finance & Commercial Services can receive **one black mark** for consistent bad behaviour.

Discipline Sanction Guidelines – Minimum Sanctions

Sanctions

These sanctions have been passed by Union Council, the governing body of the Union, and are therefore Official Union Policy. The responsibility of upholding discipline sanctions has been delegated to the Vice President: Finance & Commercial Services on behalf of the Discipline Committee.

Offence	Suggested Min Ban (Wks)	Suggested Min Fine	Suggested Black Marks	Suggested Other Sanctions
Aggressive/ Unacceptable Behaviour	3	£25	1	University
Serious Damage of Property	3	£30	1	University
Tampering with Fire Safety Equipment	3	£30	1	University
Misuse / Damage Of Disabled Facilities	3	£30	1	University
Discrimination (Racial Abuse)	4	N/A	1	University/Police
Possession of Drugs*	6	£30	1	University/Police
Assault	5	£30	1	University/Police
Aggressive	6	£30	2	University/Police

Behaviour towards union staff				
Serious Assault	10	N/A	2	University/Police/ Pubwatch
Assault Using a Weapon	12	N/A	2	University/Police/ Pubwatch
Dealing of Drugs on Union Premises*	Life	£50	3	University/Police/ Pubwatch
Assault on Staff	Life	£50	3	University/Police/ Pubwatch
Evacuation of an event due to vandalism of safety equipment	Life	£50	3	University/Police/ Pubwatch

*** Denotes that British Law Classifies Drugs:**

The severity of the Sanction will be determined by the classification of the drug in question in each individual case.

Use the Home Office Guidelines for classification of drugs. (Example Class A, Class B, Class C)

The police will also need to be contacted in every case as all drugs must be accounted for and ceased for the police to record.

Possession of 'Legal Highs' falls under the "possession of drugs" offence

Where instances of Serious Assault, Assault using a weapon, Dealing of drugs on the premises, Assault on Staff or the Evacuation of an event due to vandalism of safety equipment occurs the VP: Finance and Commercial Services has a duty to inform the University and Pubwatch. This is non-negotiable due to the seriousness of these offences.

Ban from use of all LSU facilities – Full Ban

This is a **full revoking** of a member's privileges. This ban comprises of a ban from the Union both at day and at night, a ban from the University Bars on campus, and a ban from representing Loughborough at any Union recognised activity including all societies and sports. A full ban will always be issued with a LIFE ban unless other wise stated by the discipline committee. A **life** ban can be issued with other sanctions – although this needs to be taken into consideration by the VP: Finance & Commercial Services with regards to the University reputation and the welfare of other students.

Ban from Bars and Ents facilities – Ents Ban

All Sanctions issued include a Ban from Bars and Ents. This ban comprises of a ban from the Union on a night, or any Union event, and a ban from all Union Bars.

Black Marks

The black marks are a system in place to prevent consistent bad behaviour in the Union. The Duty Manager can not issue a Black Mark to a Member of the Union. Only the VP: Finance & Commercial Services can issue black marks.

The black marks stay on a students file for the duration of their studies here at Loughborough Students Union. If a student collects 3 Black Marks this equals an automatic FULL LIFE BAN from Loughborough Students Union.

Ignorance of the Discipline Notification

It is the responsibility of the VP: Finance and Commercial Services to contact anyone accused of being involved in an incident in order to ensure that they face disciplinary action. If no hearing/ contact is arranged then the 10 and 20 day penalties are brought into effect. These penalties should not influence any decision over the disciplinary hearing sanction.

10 day penalty

A fine of £25. This is a fine issued by the VP: Finance and Commercial Services for a member who does not arrange to see the VP: Finance and Commercial Services within 10 Working Days of the Incident.

20 day penalty

A full revoking of union membership as described in the life ban sanction until contact has been made.

Fines

Fines must be sufficient to cover the costs of the offence; however, a minimum penalty should be enforced to ensure that the guilty party is not let off too lightly. A fine may be levied at the discretion of the Discipline Committee representative, in exchange for a proportional sanction. All fines must be settled before a sanction is lifted.

As some members may not have the immediate finances to pay fines 5 working days may be granted in order raise funds. Failure to pay a fine by an agreed date will result in the guilty party appearing on the ban list as 'ongoing' this includes Duty Manager and Vehicle Immobilising Officer issued fines.

Failure to attend a discipline hearing	£25
<i>(This is a fine issued by the VP: Finance & Commercial Services for a member who does not attend a discipline hearing)</i>	
Vandalism (Minimum)	£30
Theft (Minimum)	£30
Tampering with Fire Safety Equipment (Minimum)	£30
Contamination of External Waste Containers (Minimum)	£25

Car Parking Fine (Minimum)	£50
Failure to pay fine by agreed date (Minimum)	£10

Community Service

Community service may be issued where it is felt that the implications of an incident may be better understood through carrying out similar work. For example the VP: Finance & Commercial Services may issue Community Service for Vandalism instead of a fine.

As some members may be unable to pay fines due to financial issues, the VP: Finance & Commercial Services and the Discipline Committee are able to issue Community Service instead of a fine.

1 hour community service equates to a fine of £5 which is approximately minimum wage.

All Community Services must be completed to a satisfaction level that the supervisor is happy with before any hours will be classed as completed and signed off.

All community service hours will have a date in which the hours must be completed. Completion dates will be sensitive to timetables and term restrictions. Any hours not completed by the completion date will result in the guilty party re-appearing on the ban list until the hours are paid off in the form a fine.

Any Community Service hours issued by the Union can be paid off in the form of a fine.

Discipline Sanction Guidelines

- These are set as suggested minimums and will not reflect or be influenced by the sanctions imposed by institutions and other sources, e.g. the police.
- The Vice President: Finance & Commercial Services_has the authority to issue only the Sanctions approved by the Discipline Committee.
- The Vice President: Finance & Commercial Services_shall place a 'Defendant' on the Banned List as 'ongoing', until the Disciplinary Interview, as a resolution awaits.
- The Sanctions that exist are:
 1. Full Ban
 2. Bars and Ents Ban
 3. Fine
 4. Community Service
 5. Informing other disciplinary bodies
 6. Black Marks.
- Sanctions are not mutually exclusive. Bans coupled with Fines shall be issued where appropriate. Providing they are equivalently proportional.
- Black Marks shall stay on a 'Defendants' permanent Union Record for the entirety of them being a member of the Union. Acting as a tracking stipulation to prevent re-offending.
- All Incident Reports and Disciplinary Documentation shall be kept by the Vice President: Finance & Commercial Services for 6 years following the last Discipline Proceeding involving the case. After which all information shall be shredded in line with Data Protection Laws.

- The Vice President: Finance & Commercial Services shall notify the Chief Operating Officer of the University when an incident involves an incident of any serious nature or a request is made by a victim for the University to be involved. In turn the student in question may undergo University disciplinary proceedings also.
- The Vice President: Finance & Commercial Services shall notify the Chair of the Loughborough Eye Pubwatch scheme when an incident is deemed to breach pubwatch criteria.
- Loughborough Students Union will honour all sanctions issued by Loughborough Eye Pubwatch scheme. Any bans would take the form of Bars and Ents bans instead of Full Union bans.