

BGSU Disciplinary Policy

1. INTRODUCTION

- 1.1. This policy and procedure operates separately from, but in conjunction with, Bishop Grosseteste University.
- 1.2. The scope of the procedure relates to:
 - 1.2.1. Behaviour within the Students' Union Building.
 - 1.2.2. Union sponsored or organised activity, individual or group.
 - 1.2.3. Any matter referred to the Students' Union by the University.
 - 1.2.4. Any matter considered appropriate by the Students' Union Executive Team.
- 1.3. If a student group breaches the Constitution or other Union Policy this will be dealt with under this procedure.
- 1.4. In pursuance of this procedure, the Students' Union will maintain a database of students who offend. Students' details will normally be kept on this database until one year after the students' graduation. In cases of life-time bans, students' details will remain on the database indefinitely.
- 1.5. Offences can be aggregated. Failure to comply with the procedure will be seen as an offence in itself and referred accordingly.
- 1.6. The lead officer administering the policy and procedure on behalf of the Students' Union will be the Students' Union President. If the President feels there is a conflict of interest in handling the disciplinary case, or where s/he feels it necessary, the case can be referred to the Vice President Education or the Students' Union Manager.
- 1.7. In order to maintain the good order and running of the Students' Union, the Trustees and nominated staff will have the right to execute temporary powers. These powers will include but are not limited to exclusion and suspension of membership. Any temporary disciplinary measures executed by nominated staff remain in place until the President has contacted those involved in the incident.

2. INCIDENT REPORTING PROCESS

- 2.1. When an incident has occurred, an incident report or statement will be completed and forwarded to the President.
- 2.2. Once an incident report has been received, the President will make an assessment based on the evidence in the report how to proceed – with regard as to whether it shall be dealt by the Students' Union, whether it should be referred to the University, or whether the Police should be engaged.
- 2.3. Once an incident report or statement has been filed the President will, within five working days, contact the student or group involved to inform them that they are under investigation. In certain circumstances this may be accompanied by a temporary suspension of membership privileges.
- 2.4. Once an initial investigation has been completed the President will then invite those involved in the incident to an investigatory hearing, either individually or collectively. On the balance of the collected evidence, the

President will then make a decision regarding the outcome of the investigatory hearing. The President may:

- 2.4.1. Dismiss the allegation
- 2.4.2. Issue a penalty appropriate to the case
- 2.4.3. Refer the case to the Vice President, Students' Union Manager or University for further investigation.
- 2.5. The student or group will also be presented with written notice of the outcome of the hearing.
- 2.6. A confidential record shall be kept of all such hearings and for these purposes the President may require the attendance of a delegated staff member to take minutes.
- 2.7. If the student or group is found to be guilty then the student's details will be entered into the discipline database.
- 2.8. If the student or group is found to be guilty, the student or group may appeal. This appeal must be submitted in writing to the Vice President: Education or the Students' Union Manager within five working days of receipt of notification of punishment from the President. However, appeals can only be lodged if:
 - 2.8.1. the student can show that either the process of investigation and/or the disciplinary hearing did not follow this procedure or natural justice.
 - 2.8.2. new and significant information has come to light that could not reasonably have been provided previously
 - 2.8.3. the decision that has been made is perverse or unfair

3. PROCEDURE OF DISCIPLINE APPEALS

- 3.1. The Vice President Education, or Students' Union Manager, who the case has been referred to is known as the Appeals Investigator
- 3.2. The Appeals Investigator shall, within five days of the referral, inform the defendant in writing of the date, time and venue of the meeting for a meeting to discuss the appeal. This meeting will hear the students' case.
- 3.3. All written matter relevant to the case shall be forwarded as soon as practically possible to the Appeals Investigator.
- 3.4. A confidential record shall be kept of the initial appeals meeting, as well as any necessary meetings that follow. For these purposes the Appeals Investigator may require the attendance of a delegated staff member to take minutes.
- 3.5. The student or group may be accompanied by a supporter who shall be a Full member of the Students' Union.
- 3.6. The Appeals Investigator must review the student's, or group's case alongside a statement from the President as to why the outcome was reached.

- 3.7. The Appeals Investigator may choose to uphold the original decision, or uphold the appeal. If the appeal is upheld, the Appeals Investigator must decide what, if any, necessary action must be taken.
- 3.8. Written notice shall be sent by the Appeals Investigator to the student or group against whom the complaint is made, within two days of the decision. A copy shall also be sent to the President. The notice shall state the decision of the investigator.
- 3.9. In the case of a suspension from any or all of the privileges of membership, or restitution of damages, the notice shall contain a warning that failure to comply with any of these provisions constitutes a further breach of discipline.

4. REFERRAL TO THE UNIVERSITY

- 4.1. When an incident potentially constitutes a criminal offence (e.g. including but not limited to physical violence, discrimination, substance abuse, possession of weapons) but is not under investigation by the Police, this will be immediately referred to the University for investigation.
- 4.2. All other cases will usually progress through the Students' Union procedure first, unless regarded by the Students' Union President as exceptionally serious with wider repercussions for the University community.

SUGGESTED GUIDELINES ON DISCIPLINARY PENALTIES

(Note: The below guidelines are presented for advisory purposes to show what actions can be

taken by the President and/or the Discipline Committee. The actual punishments delivered are at the discretion of the President and/or the Appeals Investigator.)

- Acts of physical violence
Ban – Minimum 1 month up to maximum life ban.
Referral to the University or Police (if deemed appropriate)
- Acts of verbal or non verbal harassment
Ban – Minimum 2 weeks up to maximum 1 year.
- Act of verbal or non verbal harassment against either customers or staff on the basis of race, gender, sexual orientation or ability
Ban – Minimum 1 month up to maximum life ban.
Referral to the University or Police (if deemed appropriate)
- Acts of vandalism.
Ban – Minimum 1 week up to maximum 6 months.
Restitution of damages
Referral to the University or Police (if deemed appropriate)
- Possession of illegal substances (drugs) and/or weapons
Ban – Minimum 1 month up to maximum life ban.
Referral to the University or Police.
- Urinating or Vomiting through the excess of alcohol
Ban – Minimum 1 week up to maximum 6 months.
Restitution of damages
- Theft of property from the Union building.
Ban – Minimum 1 week up to maximum life ban.
Restitution of damages
Referral to the University or Police (if deemed appropriate)
- Setting off a false fire alarm
Fixed ban – 1 month

In all other offences, it is at the discretion of the President and/or Appeals Investigator as to what penalties are handed down. Bans can apply to either the Union Building, Union Activities or both. The Union retains the right to strip members of their membership privileges. Should any student be subject to any other disciplinary action within a year of a previous disciplinary incident, unlimited bans or fines can be levied, as appropriate. Community service may also be used as a disciplinary penalty. If a student should fail to comply with discipline procedures and penalties, it is at the discretion of the President as to what further punishments are delivered. It would be envisaged that in most cases, the matter would be immediately referred to the University for further action.