

Student Group Disciplinary Policy September 2017

Student Group Disciplinary Policy

Document Author(s):	Beverley Crawford, Student Development and Activities Manager b.crawford@ljmu.ac.uk
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1.0 Adoption of this policy

- 1.1 This policy was adopted by the Union's Board of Trustees on 3 October 2017 and will be reviewed no later than October 2019.

2.0 Scope of Procedure

- 2.1 This procedure applies to all affiliated student groups of the Liverpool Students' Union which have an elected committee; the aim of this procedure is to clarify procedures if groups rather than individuals are found to be in breach of the Code of Conduct or Union policy and procedures. This policy aims to ensure, that if it is believed that standards are lacking or a breach of conduct is suspected to have occurred, there is a fair and systematic approach to investigating these matters and taking appropriate action.
- 2.2 Standards of conduct are (not exclusively) defined by the Union's policies, rules and procedures and code of conduct.
- 2.3 Except in cases of gross misconduct or similar, the following procedure will apply. However, if after initial investigation a matter appears sufficiently serious or, if the student groups alleged misconduct warrants such action, the procedure may be taken up at any appropriate stage, even when the group has no current warnings on record.

3.0 Informal Procedure

- 3.1 The Union will consider whether matters can be dealt with on an informal basis, but where formal action is considered appropriate against groups with elected committees, this Procedure will apply.

- 3.2 In most cases this informal discussion should resolve any difficulties identified. If the student group fails to improve, or sustain improvement, the formal procedure, as outlined below, should be commenced.

4.0 Investigation

- 4.1 In all cases of alleged misconduct the appropriate staff member will investigate the matter and record details on the form: Student Group Disciplinary Investigation Record **(Appendix 1)**
- 4.2 The investigation may involve interviewing witnesses, taking witness statements, viewing social media communications, checking group emails or social media accounts and viewing CCTV or video recordings as appropriate.
- 4.3 The investigating staff member will meet with the Student Group's elected committee to clarify the situation and establish facts. When any such investigatory interview takes place the elected committee members will be told at the outset the nature of the interview and will have the right to be accompanied by a representative. This representative may be:
- A member of a student group
 - A student at Liverpool John Moores University

NB: The staff member will make it clear to the elected committee members that the investigatory interview is NOT a disciplinary hearing

- 4.4 When the investigation is completed a number of options are available:
- No further action is taken and the matter is closed
 - Informal action is taken without recourse to the formal procedure

- A disciplinary hearing is arranged, as detailed below

4.5 The union reserves the right to suspend a group from operating for as long as it considers appropriate while an investigation and any subsequent disciplinary procedures are complete. This may include but is not limited to freezing the student group budget.

5.0 Composition of the Disciplinary panel

The disciplinary panel will consist of at least 2 people;

- Two members Sabbatical officers.

6.0 Formal Procedures Stages 1 – 5

6.1 At all stages the matter will first of all be fully investigated by the appropriate staff member following the guidelines at (4.0).

6.2 The student groups' elected committee members will be notified in writing (**Appendix 2**) of the need to attend a hearing at the formal stage of the policy. The notification will specify the hearing date and time, at which stage, and the allegations against the student group.

6.3 In all cases, a minimum of two working days' notice of the hearing will be given to the student groups' elected committee members. If the student groups' elected committee members needs to rearrange the hearing for a more convenient time the hearing will not normally be postponed for more than five working days.

6.4 The written notification will inform the student groups' elected committee members of their right to be accompanied by a fellow student, and or student group member. Where a selected companion is not available to attend a hearing on the date as notified, then the hearing will be rearranged for a more convenient time. The hearing will not normally be postponed for more than five working days. Copies of any relevant papers will be made available to the student groups' elected committee members prior to the disciplinary hearing.

- 6.5 A staff member will attend the disciplinary to take minutes (**Appendix**). The details of the investigation as logged (**Appendix 1**) will then be conveyed to the student groups' elected committee members. The student groups' elected committee members and/or their representative will be given the opportunity to state their case, ask questions, present evidence and call in witnesses to provide information. The chair will inform the representative that he/she has speaking rights
1. Where a person is accompanying the student group elected committee members as a witness, the Chair will inform them that they have no speaking rights.
 2. If the student group elected committee members are unaccompanied, the Chair will clarify that it is the wish of the committee members to proceed unaccompanied or represented.
 3. Should the student group elected committee members express a wish not to proceed, the Chair will adjourn the Hearing until such times as the student group has arranged support, at which time the Hearing will reconvene.
 4. Should the student group be satisfied and express a wish to proceed unaccompanied, the Chair will record the fact in the minutes and proceed.
- Note:** Witnesses will have needed to provide written statements to the investigating manager during **stage 4** of the Disciplinary Procedure.
- 6.6 After general questioning and discussion the panel should close the disciplinary hearing by summarising the main points concerning the offence, the main points raised by the student groups' elected committee members and any matters that need to be checked. The hearing will then be adjourned:
- to allow matters raised during the disciplinary hearing to be investigated by the appropriate staff members, details of any further investigation will be logged (**Appendix 1**)
 - to permit the student groups' elected committee members to consider further the nature of the case made against them (**Appendix 9**).
- 6.7 After the disciplinary hearing the Panel should consider all the facts and come to a view about what has happened. If the Panel is satisfied that the issue of concern is well founded and that there are no relevant or acceptable mitigating circumstances, they shall issue a disciplinary sanction, at the relevant stage.
- 6.8 The panel shall notify the student groups' elected committee members of the outcome of the disciplinary hearing within two working days of the hearing. The reason for the decision should be given along with any required improvements, over what period and how this will be assessed. The Panel will also notify the student groups' elected committee members of the period of time for which the warning will remain in force.

- 6.9 A Written Warning will remain current for 6 months from the date of issue, after which it will be disregarded for the purposes of further disciplinary action.
- 6.10 A Final Written Warning will remain current for 12 months from the date of issue, after which it will be disregarded for the purposes of further disciplinary action.
- 6.11 In exceptional circumstances, the panel may take into account a student groups' "expired" warning where there is evidence of abuse (such as unsatisfactory conduct soon after the expiry of a warning) or a pattern emerges. In such exceptional cases the expired warning will not be treated as if it were still current, but may be considered when determining the length of a subsequent warning (for example) or in deciding not to impose a lesser disciplinary sanction for subsequent offences.
- 6.12 The student groups' elected committee members will be issued with a copy of the letter **(Appendix 4)** confirming the fact they have been given a disciplinary sanction, detailing at what stage. The panel will also explain what the student groups' elected committee members' rights of appeal are and how they can exercise them.
- 6.13 These details will be included in the notes being taken **(Appendix 3)** in the space provided. Any documents pertaining to the hearing should be sent to the appropriate staff member to be retained on the student groups' file.

7.0 Disciplinary Sanctions

- 7.1 If after the hearing the Panel feels a sanction is warranted they may decide to impose a sanction at these stages:

- Stage 1 : Written Warning and potential sanction **(Appendix 9)**.
- Stage 2 : Final Written Warning and compulsory monthly development meetings with appropriate Union staff and sabbatical officers for the period the warning remains current and potential sanction **(Appendix 9)**.
- Stage 3 : Final Written warning plus suspension of the student group:
- activities and / or
 - playing and / or
 - training and / or
 - room bookings and / or
 - facilities booking and / or
 - transport bookings and / or
 - budgets and / or

- attendance at any Union events
- Stage 4 : Elected Committee Removed and group suspended pending EGM
- Stage 5 : Disbanding of the student group

7.2 If, after an investigation, it is decided that the formal procedures should be followed, the Panel should consider at which stage the formal procedures should be invoked. Except in cases of gross misconduct depending on the seriousness of the matter, the formal procedures stages 1-5 will normally be followed. However, if after initial investigation a matter appears sufficiently serious or, if the student group's alleged misconduct warrants such action, then stages 1 – 4 may be omitted, even when a student group has no current warnings on record.

7.3 The panel may decide the length of any suspensions from operating, representing the Union, competing, playing and / or training. This may be:

- 2 week ban
- 4 week ban
- 8 week ban
- 12 week ban
- 1 year ban
- Permanent ban

See Appendix 9 for further detail on sanctions.

8.0 Appeals

8.1 A student group may appeal any decision to take action by informing the President of LiverpoolSU in writing within 5 working days of the outcome of the disciplinary hearing being confirmed in writing.

8.2 All appeals must set out in writing the grounds on which the appeal is being made (See 8.6).

8.3 The student groups elected committee members will be invited to an appeal hearing in writing and informed of their right to be accompanied by a representative.

8.4 The President will confirm receipt of the appeal request and their decision regarding whether there are grounds for appeal in writing within 5 working days of receipt.

8.5 The Union will appoint a panel to hear the appeal who, wherever possible, has not been involved in the original investigation or hearing. The appeal panel will endeavour to hold the Appeal Hearing within 7 working days of the Appeal confirmation where possible.

8.6 The appeal hearing will consider the original decision taken at the Disciplinary hearing. The student group elected committee members will have the opportunity to put forward the following:

- New evidence which was not available during the first hearing and / or
- Criticisms or challenges to the original decision making process such as a failure to follow the correct procedure or a failure to provide a fair hearing.

8.7 The outcome of the appeal will be confirmed in writing and be one of these options:

- The original decision is upheld and the sanction confirmed
- The original decision is overruled and the sanction rescinded
- The original decision is confirmed but an alternative sanction imposed. A sanction may be reduced but not increased.

8.8 The appeal hearing decision is final and there is no further right of appeal.

9.0 Composition of the Appeal panel

The appeal panel will consist of 2 people who, wherever possible, have not been previously involved in the case:

- Two Sabbatical officers

10.0 Procedures for conducting a Disciplinary or Appeal Hearing

1. The disciplinary hearing or appeal will be chaired by the President of LiverpoolSU. The procedures for conducting an appeal meeting are the same as those set out below for the Disciplinary hearing.
2. The Chair will introduce the members of the panel where applicable and ascertain the status of anyone accompanying the student group elected committee members.
3. The chair will inform the representative that he/she has speaking rights
4. Where a person is accompanying the student group elected committee members as a witness, the Chair will inform them that they have no speaking rights.
5. If the student group elected committee members are unaccompanied, the Chair will clarify that it is the wish of the committee members to proceed unaccompanied or represented.
6. Should the student group elected committee members express a wish not to proceed, the Chair will adjourn the Hearing until such times as the student group has arranged support, at which time the Hearing will reconvene.
7. Should the student group be satisfied and express a wish to proceed unaccompanied, the Chair will record the fact in the minutes and proceed.
8. The Chair will invite the investigating staff member to make an opening statement.
9. The Chair will invite the student groups elected committee members or their representative to make an opening statement
10. The Chair will ask the investigating staff member or sabbatical officer to present their case and call witnesses.
11. Witnesses may be questioned through the Chair or student group elected committee members.
12. The Chair will ask the student group elected committee members to present their case and call witnesses.
13. Witnesses may be questioned by the investigating staff member or sabbatical officer through the Chair.
14. The investigating staff member or sabbatical officer will sum up.
15. At any point during the proceedings, members of the panel may ask questions or seek clarification through the Chair.
16. The Chair will inform the student group elected committee members that the outcome will be notified to the group in writing
17. The Chair will close the Hearing.

Note: Witnesses will normally provide written statements to the investigating manager during stage 4 of the Disciplinary Procedure. Employees may request that new witnesses be questioned at the disciplinary hearing, if those witnesses were unknown at the time that the case was investigated. In such cases, the hearing may be adjourned by the Sabbatical officer in order for the investigating manager to interview those witnesses as a part of their investigation.

Schedule 1: Examples of Gross Misconduct (this list is not exhaustive):

- Falsification of records
- Serious breach of the Union's policies or procedures including but not limited to financial procedures.
- Serious breach of the law
- Bringing the Union into disrepute
- Bullying or harassment
- Theft
- Fraud
- Dishonesty
- Threatening behaviour to staff or others

- Fighting
- A serious breach of safety rules potentially involving loss of life or limb
- Wilful damage to the Union's or another member's property
- Indecent conduct
- Acts of incitement, harassment and/or acts of discrimination on the grounds of race, ethnic background, colour, sex, religion, age or disability, etc
- Deliberate breach of the Union's data protection rules and regulations
- Unauthorised use or disclosure of confidential information

Appendix 1 Student Group Disciplinary Investigation Record

DISCIPLINARY INVESTIGATION

Student Group	Committee Members	Positions

Stage of procedure (tick as appropriate)			
Investigation at: (please tick)		Appeal at: (please tick)	
Stage 1		Stage 1	
Stage 2		Stage 2	
Stage 3		Stage 3	
Stage 4		Stage 4	
Gross Misconduct		Gross Misconduct	

Alleged breach of conduct, performance etc and date of occurrence.	
Investigation carried out by:	
Name:	

Date(s) of investigations:	
----------------------------	--

Notes: (When taking notes, identify those taken as a result of further investigations.)

Signature:		Date:	
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Appendix 2 Notice of Disciplinary Hearing

Date

Dear

I am writing to tell you that you are required to attend a disciplinary hearing at Stage _____ on _____ at _____ am/pm which is to be held in _____.

At this meeting the question of disciplinary action against you, in accordance with the Union's Student Group Disciplinary Procedure, will be considered with regard to:

You are entitled, if you wish, to be accompanied by another Student group member or a Liverpool John Moores University. I have enclosed a copy of the Union's Student Group Disciplinary Procedures with this letter.

Yours sincerely

Appendix 3 Student Group Disciplinary Hearing Record

Student Group	Committee members	Positions

Stage of procedure (tick as appropriate)			
General Procedure:		Gross Misconduct:	
Stage 1		Hearing	
Stage 2		Appeal	
Stage 3			
Stage 4			
Appeal			
Alleged breach of conduct and date of occurrence:			
Hearing conducted by:			

Name (and position):	
Date of hearing:	
These notes taken by:	
Name (and job title):	
Present – other than the above:	
Name (and position):	
Reason given for declining to be accompanied (if relevant). (Note: If has not taken up right to be accompanied by a colleague or trade union representative you must re-state that right and note the reason if still declined.)	

Notes: (When taking notes, identify those made following any adjournments, e.g. for further investigations)

Note: Complete this section only if issuing a formal written warning (stage 1 of the procedure). Strike out for all other stages.

Formal Warning (date)/...../.....
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Reason(s)	
-----------	--

Standard of conduct, performance etc required in future.
--

Brief details of any plan specified to assist improvement.
--

--

Person chairing the hearing:		Person taking notes:	
Signature:		Signature:	
Date:		Date:	

NB: Send completed form to be retained on the student group's file.

Appendix 4 Notice of written Warning / Final Written Warning

Date _____

Dear _____

You attended a disciplinary hearing on _____. I am writing to confirm the decision taken that you be given a _____ warning / Final Written Warning / Final Written Warning and suspension * (* delete as applicable) under the _____ stage of the Union's Student Group Disciplinary Procedure.

This warning will be placed on your student group file but will be disregarded for disciplinary purposes after a period of 6 months / 12 months * (delete as applicable) provided your conduct improves to a satisfactory level. The nature of the unsatisfactory conduct was:

The conduct or performance improvement expected is:

The timescale within which the improvement is required is:

The likely consequence of further misconduct or insufficient improvement is:

You have the right to appeal against this decision (in writing) to _____ within five working days of receipt of this letter.

Yours sincerely

Appendix 5 Confirmation of a student groups elected committee
removal.

Dear

On _____ you were informed in writing that you would be given a final written warning in accordance with Stage 3 of the Union's Student Group Disciplinary procedures. In that letter you were informed that if your conduct did not improve you were likely to be:

At the disciplinary hearing held on _____ it was decided that your conduct was still unsatisfactory and that the elected committee members would be removed from their positions and the student group suspended pending an EGM to elect a new committee.

I am therefore writing to you to confirm the decision that your current elected committee members have been removed in accordance with Stage 4 of the Union's Student Group Disciplinary Procedure and the student group suspended until an EGM is held to elect a new committee. The reasons for the removal of the elected committee members are:

You have the right of appeal against this decision (in writing) to the President within five working days of receiving this letter.

Yours sincerely

Appendix 6 Confirmation of Disbanding of the student group (following previous warnings)

Date

Dear

On _____ you were informed in writing that you would be given a final written warning in accordance with Stage 3 of the Union's Student Group Disciplinary procedures. In that letter you were informed that if your conduct did not improve you were likely to be

At the disciplinary hearing held on _____ it was decided that your conduct was still unsatisfactory and that the student group will be disbanded.

I am therefore writing to you to confirm the decision that the student group will be disbanded in accordance with Stage 5 of the Union's Student Group Disciplinary Procedure and that your last day of being recognised as a student group will be _____. The reasons for the group being disbanded are:

You have the right of appeal against this decision (in writing) to the President within five working days of receiving this letter.

Yours sincerely

Appendix 7 Notice of Appeal Hearing

Date _____

Dear _____

You have appealed against the Formal Written Warning/Final Written Warning/ Removal of the elected committee members / disbanding of the student group* confirmed to you in writing on _____.

Your appeal will be heard on _____.

Your appeal will be heard by _____ in _____ on _____ at _____.

The decision of the appeal hearing is final and there is no further right of review.

You are entitled, if you wish, to be accompanied by another student group member or Liverpool John Moores student.

Yours sincerely

Appendix 8 Letter Informing Student Group that Appeal Has NOT Been Upheld

[Date]

Dear [name]

APPEAL AGAINST (either) WARNING (state which level) /Elected committee removal / Disbanding of the Student Group

In a letter dated [.../.../...] you formally requested that a meeting be arranged under the Union's Student group disciplinary procedure to hear your appeal against warning (state which level) / Elected committee removal / Disbanding of the Student Group.

The hearing took place on [.../.../...] at which [either] you were accompanied by [name and title] [or] you declined your right to be accompanied by a [student group member or LJMU student representative].

You [and/or your student group] were invited to state the grounds on which the appeal was being made, and these were as follows.

The hearing was adjourned while I investigated the issues you raised and the circumstances relating to the disciplinary action generally. I then considered all of the information in my possession and reconvened the appeal hearing to make known that I considered the original decision to take disciplinary action was the correct one, given the circumstances. My reasons were as follows. [Give brief details.]

I explained that in coming to the above conclusion I had considered the points [either] that you raised [or] that were raised on your behalf at appeal, but felt that they were [e.g. not relevant/not sufficient as mitigating factors, etc.] [Provide brief details as to why. Give great thought and care to what you say, because the next step may be a hearing before a tribunal.]

[Then either]

I am therefore writing to state that the decision to [State what decision was made after disciplinary hearing] stands.

This confirms the position as explained to you at the reconvened appeal hearing that took place on [.../.../...].

Yours sincerely

[Name]

[Title]

Appendix 9 – Disciplinary Sanctions

Offence	Result	Result if additional offense is repeated within the same academic year
<p>A student group has not adhered to student group democratic election process for their student group and has not provided new committee contact details to Activities staff.</p> <p>(LiverpoolSU staff must be able to provide evidence of requesting this information and providing deadlines on at least three occasions to previous committee and or members of the club or society).</p>	<p>The Club or Society will be derecognised.</p> <p>The club or society will be required to complete a reinstatement form to the Vice President Activities before Committee training and or Fresher's Fair. If a club or society wish to be reinstated formally after this date, they will follow the two dates for new clubs and societies in December and or April.</p>	n/a
<p>A Student group has not completed the required Committee training to be affiliated with LiverpoolSU</p> <p>Examples</p> <p>*Committees not completing online training</p> <p>*No representation at committee welcome/ training events</p>	<p>No Fresher's Fair stall</p> <p>.....</p> <p>If for any reason a student group does not attend or follow any of their requested training and are deemed to require a minimum amount of training to be able to run their student group effectively the matter will be investigated and an outcome will be decided by the LiverpoolSU sabbatical officers; this could lead to suspension of activities until the training has been completed to derecognition as a LiverpoolSU affiliated student group.</p>	n/a
Initiations are banned and not tolerated at LiverpoolSU. A	Depending on the severity of the initiation, the allegations	If there has been any previous initiation of any kind (stored on

<p>student group has been found to conduct an Initiation, See Initiation and Social event policy for further information.</p>	<p>against one or more student group or members, and initial evidence of the initiation, it may be agreed by the Sabbatical officers to suspend all of the student group, in question, activities until a full investigation has been completed.</p> <p>Following an investigation (depending on severity) a potential result will be a full month ban of all activities including BUCS Fixtures, cancellation of coach hire for away fixtures and cancellation of training facilities.</p> <p>If the initiation is deemed to go against the safe space policy and is deemed severe at investigation or hearing stage the University will be informed and the disciplinary could then affect all students involved continuing with their degrees.</p>	<p>the Student group's file) this will be used as additional evidence in the new hearing. This could increase the severity of disciplinary action.</p>
<p>Individual found to be taking part in activities without a paid membership card (and therefore without valid insurance).</p>	<p>Individual suspended from all activities until they pay their membership.</p> <p>Club or society group receive a formal written warning</p>	<p>Club or society activity suspended for one month.</p> <p>For sports clubs, Sabbatical officers decide whether this includes all BUCS fixtures as well as training.</p>
<p>Individual found to be taking part in a competitive activity Examples below, but not limited to;</p> <p>BUCS fixture or competition</p>	<p>Individual suspended for one month and the requirement of paying their membership fee on return</p> <p>Club or society group investigation – this could result in a formal written warning or</p>	<p>Automatic suspension of club or society group activities for one month including BUCS fixtures or competitions.</p>

	<p>suspension for activities for one month.</p> <p>Example</p> <p>LiverpoolSU must follow BUCS rulings if it is found that an ineligible player has been fielded LiverpoolSU may be liable to a fine or removal from BUCS and therefore the sanction may be more severe in certain circumstances.</p>	
<p>Failure to follow Trip procedures</p> <p>It is extremely important that LiverpoolSU ensures the safety of all members therefore all procedures (including department deadlines) must be adhered.</p>	Club or society receive a written warning	Club or society unable to book transport through LiverpoolSU
Trip that carries a non-student group member or a non-student member on a LiverpoolSU organised transport	Team/ society receive a one month suspension	Team/ society suspended for remainder of the year
Failure to return all kit and equipment by the advertised deadline	Committee who signed out the kit charged for the replacement cost	Committee taken to small claims court and banned from all LiverpoolSU activity