



Student disciplinary procedures for member(s), Committees, Societies and Sports Clubs forming part of the Code of Conduct of the Students' Union

1. Interpretation

- 1.1 These procedures should be read in conjunction with the Constitution, Bye Laws, Code of Conduct, Code of Practice and the relevant Standing Orders of University of Lincoln Students' Union and shall be interpreted accordingly.

2. Procedure

- 2.1 Upon receipt of a written complaint from any person against a member(s), Committees, Societies and Sports Clubs, the ULSU Official Complaint Procedure will be used in the first instance.
- 2.2 Under ULSU Complaints Procedure paragraph 3a, the Chief Executive Officer can refer any complaint that they believe should result in disciplinary action to this procedure.

3. The complaint should refer to an incident which has happened

- 3.1 on campus or,
- 3.2 at an ULSU official function or an activity off campus where a Club, Society or Committee can clearly be identified as being part of ULSU as a member, a member of a ULSU Society, Club or Standing committee.

Otherwise, incidents occurring off campus will not be the responsibility of the Disciplinary Panel.

4. Complaints against Members of the Executive Committee

4.1 Any complaint against a member of the Executive Committee shall be made in writing and should be submitted in line with the ULSU Complaints Procedure. Complaints will be dealt with under the Sabbatical Trustee Terms and Conditions and Code of Conduct.

5. Informal resolution

5.1 The Chief Executive Officer can refer a complaint, which in the view of the Chief Executive Officer (or their deputy) does not initially warrant a formal panel process, to a department Manager whose remit covers the area referred to in the complaint. In the event that this is not obvious, or the relevant Manager is conflicted, then the Chief Executive Officer, or their deputy, can appoint an alternative Manager to try to informally resolve the complaint. Should a conflict of interest be raised by the relevant Manager then an alternative Manager shall be appointed. If the Chief Executive Officer (or their deputy) does not believe that the complaint can be resolved by informal means, then the Chief Executive Officer can refer the complaint directly to the Deputy Chief Executive for formal procedures to be undertaken as per paragraph 7.1.

6. Informal resolution procedure

6.1 The Appointed Manager, under paragraph 5.1 (hereby referred to as AM) arranges to meet or discuss on the telephone with the complainant the situation that gave rise to the complaint to understand the outcome that the complainant wishes to see and to see the main causes of grievance.

6.2 The AM arranges to meet with, or hold a telephone conversation, with the accused in order to discuss the complaint and the reasons for the complaint.

6.3 If no contact can be made, or there is no response by the accused, within 5 working days of the initial communication being sent or made, then the AM can reach a conclusion to the informal investigation without any contact with the accused.

6.4 If in the opinion of the AM the complaint is not upheld then the AM will write to the complainant, within 5 clear days, outlining the reasons why the complaint has not been upheld after an informal investigation.

- 6.5 The correspondence from the AM to the complainant will also outline that the complainant has the right to appeal within 5 clear days of the outcome letter received. This appeal should be submitted to the Students' Union's Chief Executive requesting that the Formal Disciplinary Procedure be instigated. The complainant is also required to submit the grounds for this appeal in their writing.
- 6.6 In the event of an appeal under 6.5, the AM will write a report outlining their findings and reason for not upholding the complaint. The Chief Executive can therefore review the information supplied by the AM and decide whether the formal process should commence. In the event that the Chief Executive does not uphold the appeal, the complainant will be informed within 5 clear days by letter of the outcome and of their right to appeal to the University under paragraph 11 of this policy on procedural grounds.
- 6.7 If the complaint is upheld by the AM, then the appointed individual can take any of the following actions:
- 6.7.1 Issue a letter of warning which will normally include the sanctions if a similar incident occurs again.
 - 6.7.2 Suspend the rights and privileges of a member including the right to hold any position of responsibility, excluding the right to vote, for a period not exceeding 4 weeks of teaching time. This entails a prohibition on entering the ULSU buildings and on using all ULSU services and partaking in Union activities (including Society/Sports Clubs events).
 - 6.7.3 Instruct that the member pays for the cost of any damage which they have caused to ULSU property.
 - 6.7.4 Instruct that a club or society pays a fine not exceeding £20.
 - 6.7.5 Refer the matter to a formal disciplinary panel for the case to be heard in full.
- 6.8 A letter detailing the outcome of the Informal Resolution Process detailing and sanctions imposed by the AM is to be sent within 15 working days of the initial complaint being made.

- 6.9 The accused has the right to appeal the decision of the AM by writing to the Chief Executive within 5 working days to request that the case is heard by the Disciplinary Panel as detailed in Paragraph 7.

7. Disciplinary Panel – Formal Disciplinary process

- 7.1 The Deputy Chief Executive, or their nominated Deputy, has a responsibility upon receipt of a referral by either the Chief Executive Officer as detailed in paragraph 3 of the Complaints procedure, or AM as detailed in paragraph 6.7.5 or an appeal from the accused following an Informal Resolution Process (as detailed in 6.9) outcome from the AM to form a Disciplinary Panel consisting of:

Voting members:

- 7.1.1 Deputy Chief Executive (or their nominated Deputy) as Chair
- 7.1.2 Two other randomly drawn volunteer officers (as defined in Bye law 7.2.1.2) who are drawn at random by a ULSU member of staff.

Non-voting members:

- 7.1.3 Minute taker who records a summary of the meeting and who is to advise the Committee on procedural and constitutional aspects only.

7.2 Conflicts of Interest

- 7.2.1 In the event of a conflict of interest with the Deputy Chief Executive, the Chief Executive will nominate a Manager to assume the role of Nominated Deputy for the Disciplinary procedure.
- 7.2.2 At the beginning of any panel any conflicts of interest are discussed with an agreement reached by the panel on whether the conflict would prevent a fair decision being reached, or cause the panel to appear biased. Given the small size of available potential panel members, conflicts of interest should be absolute before removal of a panel member is considered. This decision is noted in the minutes of the panel.

7.3 The Disciplinary Panel will decide whether the issue should be dealt with by the panel directly, or alternatively referred to:

7.3.1 The police, if the matter may constitute a criminal offence.

7.3.2 The Registrar of the University, if the matter cannot reasonably be dealt with internally.

7.3.3 If a complaint is being investigated by the Police, then the ULSU disciplinary is suspended until the outcome of the Police action / court case is known.

7.4 Interpretation

7.4.1 Clear days shall not include Saturday, Sunday or Public Holidays.

7.4.2 The person against whom the complaint is made is hereinafter referred to as the accused.

7.4.3 Within the text 'complainant' and 'accused' are used in the singular form; where applicable these are to be read as being in the plural.

7.4.4 Teaching time is the recognised undergraduate semester timetable as published by the University of Lincoln. In the event of this not being clear, the decision on what time period is defined as "teaching time" is the non-voting member of the panel. Their decision is final on this matter.

7.4.5 In the case of an incident taking place within a Students' Union venue, the accused shall be placed under a ban pending investigation which shall be stipulated in the initial letter received. This prohibits the accused from entering Students' Union venues throughout the duration of the investigation to protect customers as well as those involved in the investigation. Students' Union venues include: Engine Shed, The Swan, Tower Bar, The Barge and the Students' Union Reception.

7.5 In dealing with the complaint, the Disciplinary Panel may:

7.5.1 Issue a letter of warning which will normally include the sanction if a similar incident occurs again.

- 7.5.2 Suspend the rights and privileges of a member including the right to hold any position of responsibility, excluding the right to vote, for a period not exceeding six months of teaching time. This entails a prohibition on entering the ULSU buildings and on using all ULSU services and partaking in Union activities (including Society/Sports Clubs events).
- 7.5.3 Instruct that the member pays for the cost of any damage which they have occasioned to ULSU property.
- 7.5.4 Instruct that where a member gains or attempts to gain entry to an ULSU function without making the due payment, that he or she is fined an equivalent amount.
- 7.5.5. Instruct that a club or society pays a fine not exceeding £100.00.
- 7.5.6 Closure of a Club or Society
- 7.5.7 Removal from office of an elected official
- 7.5.8 Funding of a Society or Club removed or frozen (including self-raised funds)
- 7.5.9 Removal of individual/s from BUCS competition
- 7.5.10 Removal of teams from BUCS competition
- 7.5.11 Any other removal of access to service or funding provided by ULSU;
- 7.5.12 Refer the matter to the Director of Student Affairs at the University of Lincoln for action under the University of Lincoln's Disciplinary procedure by the University as stated in the University Regulations.
- 7.5.13 Request that a meeting is arranged between the individual/ sport or society committee/ entire club in order to reiterate the expectations of student members in line with the ULSU Code of Conduct. This meeting should be utilised to provide advice and

discuss developments going forwards.

Disciplinary Process

- 7.6 On receiving a complaint, the Deputy Chief Executive, or nominated Deputy as Chair, will investigate the complaint by writing to the accused asking for their version in writing of the events leading to the complaint. In the event of a complaint against a Club or Society, the letter will be sent to the Committee members as prescribed in the Club or Societies constitution.
- 7.7 Written statements of the complaint will be included but names of the complainant(s) may be withheld at the discretion of the Deputy Chief Executive. Staff names will always be withheld.
- 7.8 A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.
- 7.9 The Panel will consider the written evidence at the meeting following the expiry of the response time.
- 7.10 The Panel may request further written responses in which case the meeting will be adjourned and the Chair will write to the necessary sources to obtain further information. The deadline for responding to the request for more information will be 3 clear days. In this case the panel must reconvene within 5 clear days regardless of further information being received.
- 7.11 In the event of additional evidence against the accused being received after the initial letter to the accused, the new evidence is sent to the accused inviting them to respond to the evidence. A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.
- 7.12 Any evidence considered by the panel, must have been seen by the accused and in line with natural justice, been able to respond within the time line prescribed in 8.6. It is at the discretion of the Chair whether the complainant should be approached for further information as part of the investigation.
- 7.13 It is at the discretion of the Chair to reject any further evidence received should they feel that it is not relevant to the ongoing investigation. The accused shall be notified should this be decided upon, with all rejected evidence withheld from the Disciplinary Panel.
- 7.14 Having considered the evidence, the Panel shall decide

whether the complaint is justified or not. If it is, they shall impose a penalty as laid out in paragraph 7.5).

- 7.15 Should the accused request to give evidence in person, it is at the discretion of the Deputy Chief Executive to approve or deny this request. Please note that evidence given in person is only agreed under exceptional circumstances.
- 7.16 The Deputy Chief Executive shall confirm in writing to the accused the penalty within 2 clear days of the meeting's decision. This letter will be accompanied by the minutes of the panel.
- 7.17 The letter will state that there is a right of appeal, excluding any sanctions imposed by the Designated Premises Supervisor or licensees of the venue which cannot be appealed, or if the initial referral to the Disciplinary process is the result of an appeal by the accused from an Informal Resolution Process as detailed in paragraph 6.6. In this case, the letter will state that the accused can appeal to the University on procedural grounds only, as per paragraph 11.
- 7.18 Any appeal must be in writing to the Chief Executive Officer clearly stating the grounds for appeal and this must be received within 5 clear days of the date of the outcome letter. Grounds for appeal can be defined by the following options:
 - 7.18.1 In light of new evidence that has come to light since the original panel. This does not include evidence that was, or could have been available to be previously submitted for the original panel to consider.
 - 7.18.2 Procedural errors
 - 7.18.3 Should the decision hugely impact a wider group that was not previously known to the original panel
 - 7.18.4 An undeclared conflict of interest
- 7.19 Regardless of the outcome of an investigation, should a similar incident take place in the future the investigation may be used as part of a further Disciplinary Panel.
- 7.20 Should an individual have their Students' Union membership privileges revoked further to the Disciplinary Panel, in the circumstance of an academic event taking place in a Students' Union venue during the duration of an individual's ban then approval must be sought by contacting the Disciplinary Clerk – via email - slimm@lincoln.ac.uk.

8. Disciplinary Appeals Panel

- 8.1 Should a member (the appellant) of ULSU who has received a sanction from the Disciplinary Panel, excluding an appeal of an Informal Resolution Process as detailed in 7.1) wishes to appeal against the decision, the procedure detailed below must be followed.
- 8.2 The Disciplinary Appeals Panel, hereinafter called the Panel, shall be responsible for hearing appeals against the decision of the Disciplinary Panel.
- 8.3 The membership of the committee shall be as detailed below:

Voting Members:

- 8.3.1 The Chief Executive, who will assume the role of Appeal Chair;
- 8.3.2 Two other randomly drawn volunteer officers (as defined in Bye law 7.2.1.2) who are not involved in the original panel and who drawn at random by a ULSU member of staff.

Non-voting members:

- 8.3.3 Minute taker who records a summary of the meeting, who can advise the Panel on procedural and constitutional aspects only.

8.4 Conflicts of Interest

- 8.4.1 In the event of a conflict of interest for the Chief Executive, which means that the Chair position cannot be filled, the Chief Executive may nominate the appropriate Manager to take the place of Appeal Chair of the panel.
- 8.4.2 At the beginning of any panel, any conflicts of interest are discussed with an agreement reached by the panel on whether the conflict would prevent a fair decision being reached, or reasonably cause the appearance of bias on the part of one or more panel members. Given the small size of available potential panel members, conflicts of interest should be substantive before removal of a panel member is considered. The decision is noted in the

letter to the accused member/group.

- 8.4.3 In the event of an inability to appoint an Appeal Chair due to conflicts of interest, the matter is referred to the Supervising Trustee for decision. If the Supervising Trustee has already been involved in the original decision, then the appeal is heard by the Deputy Chair of the Board of Trustees.

9. Procedure

- 9.1 A letter outlining the request for an appeal clearly stating the grounds for the appeal (as detailed in paragraph 7.17), should be sent to the Chief Executive Officer, or if there is a declared conflict by the Chief Executive Officer then their nominated deputy.
- 9.2 If in the opinion of the Chief Executive Officer, or their nominated deputy, the appeal is frivolous or vexatious, then the request can be denied.
- 9.2.1 The Chief Executive Officer will write to the Appellant detailing the reason that the appeal has been declined.
- 9.2.2 The Chief Executive Officer will inform the appellant of their right under this procedure to appeal to the University under paragraph 11 of this procedure.
- 9.3 If the Chief Executive Officer accepts the ground for appeal then the appeals panel shall convene within ten clear days of the appellant's letter.
- 9.4 The panel will consider the written evidence at the meeting of the panel.
- 9.5 The panel may request further written responses in which case the meeting will be adjourned and the Appeal Chair will write to the necessary sources to obtain further information. The deadline for responding to the request for more information will be 3 clear days. In this case the panel must reconvene within 5 clear days regardless of further information being received.
- 9.6 In the event of additional evidence against the appellant being submitted or received after the initial letter to the accused, then the new evidence is sent to the accused inviting them to respond to the evidence. A maximum of 5 clear days will be allowed for this response from the date of the letter asking for a response.

- 9.7 Any evidence considered by the panel, must have been seen by the appellant and in line with natural justice, been able to respond within the time line prescribed in 10.6.
- 9.8 It is at the discretion of the Appeal Chair to reject any further evidence received should they feel that it is not relevant to the ongoing investigation. The accused shall be notified should this be the case, with all rejected evidence withheld from the Appeals Panel.
- 9.9 Having considered the evidence, the panel shall decide whether the appeal is justified or not. The panel has the power to remove or reduce any sanction set by the original panel or alternatively apply further sanction as outlined in paragraph 7.5.
- 9.10 If the Appeal Chair deems circumstances to be exceptional evidence may be given in person.
- 9.11 The Appeal Chair shall confirm in writing to the appellant the outcome of the hearing within 2 clear days of the meeting's decision along with the minutes from the panel.
- 9.12 The letter will state that there is a right of appeal to the University (other than against an exclusion from licensed premises by its licensees).

10. University Procedural Appeal

- 10.1 If, and only if, the complainant or the appellant has reasonable grounds for believing that the procedure set out in this Disciplinary procedure has not been followed correctly, they may request that the issue is referred to the University in accordance with the Code of Practice. Such a request is to be made to the University Registrar by the appellant within 5 clear days of the date of the letter sent by the Chairperson under paragraph 10.10 or 8.10 in the result of an AM appeal.
- 10.2 The Registrar or nominee will review the documentation about the complaint and the consideration of it by the Complaints Panel and/or Appeal Panel and will determine whether the procedures of this Complaints Policy have been properly followed. Exceptionally, the Registrar or nominee may convene a meeting(s) with relevant individuals before reaching a determination.
- 10.3 In the event of the Registrar or nominee finding in favour of the appellant or complainant, then the disciplinary procedure will be re-run taking on board the findings of the Registrar or nominee.

11. Exhausted

- 11.1 Once these procedures have been exhausted, there is no further appeal or complaint process available to the appellant. The matter is deemed to be closed by ULSU.

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