



Disciplinary Procedure for DSU Members

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1. Introduction

- 1.1 This procedure sets out the steps to be followed where issues concerning the conduct of an individual member are raised or where an allegation of the breach of the Code of Conduct has occurred.
- 1.2 The Union believes that rules and procedures are necessary for promoting orderly relations as well as fairness and consistency in the treatment of individuals. It is important that all members understand the standards of conduct and performance that are expected of them and full details of this procedure will be given to members as appropriate.
- 1.3 For the purpose of this procedure, members are defined in accordance with the De Montfort Students' Union Memorandum and Articles and include:
 - Students
 - Sabbatical Officers
 - Associate Members
 - Alumni Members
 - Honorary Life Members
- 1.4 For the avoidance of doubt, it does not include DSU staff members who are covered by a separate procedure.
- 1.5 The Union reserves the right to implement this procedure at any stage as set out below taking into account the seriousness of the alleged misconduct of an individual member.
- 1.6 Where time limits are referred to in the course of this procedure they may be varied by agreement between the member and the union.

2. Roles and responsibilities

2.1 Trustee Board

The Trustee Board shall annually appoint a lay trustee to supervise the operation of this procedure, the 'Supervising Trustee'.

2.2 Supervising Trustee

The Supervising Trustee (or their nominated representative):

- will maintain an overview of the procedure and produce an annual report for the Trustee Board on the operation of this procedure;
- will appoint an appropriate Investigating Officer;
- can act as the Deciding Officer or appoint an appropriate Deciding Officer in accordance with the procedure;
- will make decisions on the suspension of membership pending a disciplinary investigation in accordance with this procedure.

2.3 **Investigating Officer**

The Investigating Officer will:

- Promptly investigate all potential breaches of the Code of Conduct in accordance with this procedure and prepare a factual report for the Supervising Trustee;
- Attend, as required, any disciplinary hearings in order to answer questions on the investigation process and the content of the investigation report.

2.4 **Deciding Officer**

The Deciding Officer will hear cases of alleged misconduct, convene and chair the disciplinary hearing, and reach a decision on appropriate disciplinary sanctions in accordance with this procedure.

2.5 **Advisor**

The Advisor will provide advice to the Deciding Officer on the operation of the procedure and the reasonableness and consistency of disciplinary outcomes.

3. Breaches of discipline

3.1 Disciplinary action may be taken in respect of any breach of the Code of Conduct:

- On Union premises;
- While the member is using Union facilities or at a Union event; or
- While a member is representing or acting on behalf of the Union at any event of whatever kind and wherever held;

3.2 The Union has set out within the Code of Conduct the types of misconduct and gross misconduct it considers to constitute breaches of discipline see. These lists are illustrative and not exhaustive.

4. Informal stage

4.1 In considering whether it is appropriate to apply this procedure, the Supervising Trustee should first consider whether it would be more appropriate to deal with the concerns informally. Minor cases of misconduct and poor performance are best dealt with informally. It may be necessary to issue an informal warning, but the Supervising Trustee will ensure that these areas are discussed with the objective of helping the member to make appropriate improvements. At this stage the member will be made fully aware of what steps need to be taken to address the conduct issue. They will also be told when this will be reviewed and over what period.

4.2 Members will be informed of what action will be taken if they fail to improve either their performance or conduct (see below). Informal warnings and/or counselling are not part of the formal disciplinary procedure and members should be made aware of this.

5. Investigation

- 5.1 Where a potential disciplinary matter arises concerning an individual member, or student group, the Supervising Trustee shall determine whether the matter should be investigated in accordance with this procedure or whether the matter should be dealt with in some other way or informally (see [Informal Stage](#)). Matters concerning political performance should be referred to the appropriate democratic/accountability procedures. Depending on the nature of the alleged breach, the Supervising Trustee will also consider whether the matter needs to be referred to the police, or to the university's disciplinary procedures.
- 5.2 If this procedure is deemed appropriate, the Supervising Trustee will appoint an appropriate person to act as Investigating Officer to carry out an investigation into the facts of the case. The Investigating Officer will be unbiased with no prior involvement in the matters to be investigated.
- 5.3 At the start of the investigation, the member will receive a letter detailing the allegations that are to be investigated. This letter will advise them of the name and, where appropriate, the contact details of the Investigating Officer.
- 5.4 The investigation is to establish the facts and, where appropriate, obtain statements from relevant available witnesses. Having carried out an investigation, the Investigating Officer will prepare a report for the Supervising Trustee.
- 5.5 As part of the investigation, the member will be given the opportunity to submit a written statement in response to the allegations within five working days of being notified of the investigation. The statement should be signed and dated, and the member should attach copies of any other documents on which they wish to rely at any subsequent disciplinary hearing. This statement will form part of the Investigating Officer's report.
- 5.6 Despite all reasonable endeavours of the Investigating Officer, should the member not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.
- 5.7 On receipt of the Investigating Officer's report, the Supervising Trustee will determine whether there is a case for the individual member to answer at a formal disciplinary hearing, whether the matter should be handled informally, or whether there is no case to answer.
- 5.8 The member, and other interested parties as appropriate, will be advised of the outcome of the investigation in writing normally within five working days of the investigation concluding, unless there are reasons why this is not reasonably practicable.

6. Suspension

- 6.1 In certain circumstances, for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property or the Union's responsibilities to other parties, the Supervising Trustee (or their nominated representative) should consider whether a period of suspension of membership rights with or without entitlements is necessary whilst an unhindered investigation is conducted.
- 6.2 Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted. Excluding a member

from participation in Union activities is not in itself a form of disciplinary sanction whilst the investigation is progressing.

- 6.3 Because the ability to hold elected office in the Union is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of that holding of office. Again, this will not constitute a formal disciplinary sanction.
- 6.4 Where a member occupying a paid role is suspended pending a disciplinary hearing, or whilst an investigation is being carried out, they will continue to be paid by the Union.

7. Formal disciplinary hearing

- 7.1 Where, upon receipt of the Investigating Officer's report, the Supervising Trustee determines that there is a case to answer, the member(s) will be invited to attend a disciplinary hearing.
- 7.2 The case will be heard by a panel, appointed by the Supervising Trustee and will comprise:
- a **Deciding Officer** – who will normally be a member of the Executive Committee other than the President;
 - a **Union Staff Representative** – who will normally be a Senior or Department Manager other than the Chief Executive Officer
 - The **Designated Premises Supervisor** – if misconduct is alleged to have taken place within the Union's licensed premises
 - an **Advisor** – who will normally be the DSU HR Officer or other nominated staff member of DSU appointed to advise the Deciding Officer on the operation of the procedure.
- 7.3 The member(s) will be notified in writing of the date and time of the disciplinary hearing, at least two days in advance. Hearings will be arranged as far as possible at a mutually convenient time and place.
- 7.4 The letter inviting the member(s) to a disciplinary hearing will:
- Advise the member(s) of the purpose of the hearing and that it will be held under the Disciplinary Procedure for DSU Members;
 - Explain the member's right to be accompanied at the hearing by a fellow member of DSU or a Union official. (Legal representation will not be permitted.);
 - Give the member(s) written details of the nature of the allegations;
 - Advise the member(s) of who will be in attendance at the hearing including any witnesses the panel intends to call; and
 - Provide to the member(s) all relevant information that is to be used at the hearing including the Investigating Officer's report, any witness statements taken as part of the investigation and a copy of the disciplinary procedure.
- 7.5 Where the member is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. Unless there are special circumstances mitigating against it, if the member is unable to attend the rearranged hearing, the rearranged hearing may take place in the member's absence. The member's chosen representative (see 7.4 above) may attend in such circumstances and will be allowed the opportunity to present the member's case. The member will also be allowed to

make written submissions in such a situation.

- 7.6 Where the member's chosen representative is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the member proposes an alternative time within five working days of the scheduled date.
- 7.7 The Investigating Officer will be in attendance at the hearing to present the findings of their investigation and to answer any questions either from the panel or from the member/their representative.
- 7.8 The member(s) will be permitted to set out their case and answer any allegations. The member will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses. Where the union intends to call relevant witnesses it will give the member advance notice of this. The member must also give advance notice if they intend to call relevant witnesses.
- 7.9 The member(s) will have a full and fair opportunity to state their case before any decision on disciplinary sanctions (if any) is taken.

The panel may adjourn the disciplinary hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information). The member(s) will be informed of the period of any adjournment. If further information is gathered, the member(s) will be allowed a reasonable period of time, together with their representative (if applicable), to consider the new information prior to reconvening the disciplinary hearing.

8. Role of the chosen representative

- 8.1 The member's chosen representative has the right to address the hearing to put the member's case, sum up the case and respond on the member's behalf to any view expressed at the hearing. The representative may also confer with the member during the hearing. However, there is no requirement for the panel to permit the representative to answer questions on behalf of the member, or to address the hearing where the member indicates that they do not wish this.

9. Disciplinary sanctions

- 9.1 Where an allegation against a member or group is upheld, the panel may impose a sanction they deem appropriate including:
- suspension of Union membership for a specified period of time, up to and including the remainder of the academic year or equivalent period;
 - qualified membership, defined restrictions to the membership rights of the individual or club/group/society;
 - withdrawal of Union membership;
 - suspension of a club, group or society;
 - a fine and/or ban on specific activities to the individual or club/group/society.
 - Removal of team(s) from BUCS Competition
 - Removal of grant funding and/or the ability to apply for future funding
 - Removal of privileges such as the ability to hire out or use University or Union facilities, coaching, stalls at Freshers' Fair or use of vehicles
 - Community service order

- 9.2 As soon as possible within three working days after the conclusion of the disciplinary hearing, the Deciding Officer will convey the decision of the panel to the member(s) and will also inform the member(s) what disciplinary sanction, if any, is to be imposed. The decision will be confirmed in writing. The member(s) will be notified of their right of appeal under this procedure.
- 9.3 Where a disciplinary sanction is to be imposed, the letter will detail:
- The misconduct that resulted in the disciplinary sanction;
 - The level of disciplinary sanction to be imposed and the duration that any formal warnings will remain 'live' (if applicable);
 - Any recommendations/action required in order to prevent future disciplinary action;
 - The potential consequences of any future misconduct;
 - Details of the appeal mechanism and the timescales for appeal.
- 9.4 Any formal warning issued will be kept on file for six months after which time, subject to the member's conduct being satisfactory, the warning will be treated as 'spent' for future disciplinary purposes
- 9.5 The Deciding Officer may decide that no disciplinary sanction is necessary. Alternatively, the Deciding Officer may take any of the above disciplinary sanctions after having regard to all the circumstances of the case and the seriousness of the breach.
- 9.6 In addition to any disciplinary sanction, the Deciding Officer may also recommend that the member should undergo training.
- 9.7 The warning will be kept on file for six months after which time, subject to the member's conduct being satisfactory, the warning will be treated as 'spent' for future disciplinary purposes.

10. Appeal

- 10.2 Members have the right of appeal against disciplinary sanctions under this procedure. The appeal must be registered in writing with the appropriate named officer within five working days of receipt of the written decision.
- 10.3 In lodging an appeal against a disciplinary sanction, the member is required to set out the grounds for their appeal in writing.
- 10.4 An appeal hearing will normally be held within ten working days of receipt of the letter of appeal. An appeal will be heard by a panel (see below) who have had no previous involvement in the case. The panel shall normally comprise the following:
- An Executive Officer (which would normally include the President)
 - Chief Executive Officer or their nominated representative to act in an advisory capacity
- 10.5 The member(s) will be given a minimum of two working days' notice in writing in advance of the time and place of the appeal hearing and will be advised of their right to be accompanied as set out in 7.4 of this procedure. At the appeal hearing the Deciding Officer will attend in order to answer any questions which may arise. The member, or their representative, will be entitled to ask any questions and be given full opportunity to state

their case.

- 10.6 The purpose of an appeal is not to repeat the detailed investigation of the disciplinary hearing or rehear the case, but to focus on specific factors which the member feels have been dealt with unfairly or which have received insufficient consideration, such as:
- an inconsistent, inappropriate or excessively harsh penalty;
 - extenuating circumstances;
 - alleged bias of the Deciding Officer;
 - alleged unfairness in the conduct of the disciplinary hearing;
 - new evidence subsequently coming to light.
- 10.7 The possible outcomes from an appeal are:
- The appeal is upheld and the disciplinary sanction reduced or removed;
 - The appeal is upheld and there is a request for a re-investigation or re-hearing;
 - The appeal is denied and the original decision is upheld.
- 10.8 At the completion of the hearing, the appeals panel will adjourn to consider their decision. The panel will deliberate in private only recalling the member and/or witnesses to clear points of uncertainty on evidence already given.
- 10.9 If recall is necessary, the member and their representative (if applicable) must return even if the panel wishes to clarify the evidence of a witness.
- 10.10 The member will be notified of the results of the appeal in writing within five working days of the hearing.
- 10.11 There will be no further right of appeal other than those described above.

11. Records

- 11.1 Records will be kept confidential and retained in accordance with this procedure and the principles of the Data Protection Act 1998.
- 11.2 Copies of meeting records will normally be given to the member including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the union might withhold some information.

12. Confidentiality

- 12.1 The confidentiality of individuals subject to this procedure will be preserved wherever possible. No officer or representative should comment publicly on any incident that is being dealt with under this procedure. Failure to observe this requirement may result in disciplinary action being taken under the relevant disciplinary procedure.

13. Complaints

- 13.1 Any complaints on the operation of this procedure should be made to the Supervising Trustee, c/o the Membership Services Manager. Members and elected officers should seek advice from the Membership Services Manager on the operation of the procedure.

14. Review of the procedure

- 14.1 This procedure will be periodically reviewed and amended from time to time. Any amendment to it will be notified to members as appropriate.

Appendix A: DSU Licensed Premises

- 1 This appendix is to be read in addition to, and in conjunction with the Membership Code of Conduct and the Disciplinary Procedure for DSU Members.
- 2 Responsibility for dealing with crime, disorder and anti-social behaviour within DSU licensed premises or, behaviour that occurs as a direct result of an event within DSU licensed premises, will be addressed by the Union's Designated Premises Supervisor as defined by the Licensing Act (2003).
- 3 The Designated Premises Supervisor will conduct his/her duties at all times in accordance with the Licensing Act (2003), guidance on the Act issued by government departments and reasonable advice and guidance received from the local police and the local licensing authority.
- 4 The Designated Premises Supervisor will act in keeping with the values of the De Montfort University Students' Union.
- 5 A completed Incident Report Form (IRF) must be submitted by each member of staff involved in dealing with an incident the next university day after an incident has occurred. Copies will be given to the Designated Premises Supervisor, Vice President Student Activities and the Chief Executive.
- 6 Where staff in DSU licensed premises believe or reasonably suspect that a disciplinary offence has been committed s/he shall retain the student(s) union card(s) and issue them with an official receipt. This shall inform the student that they have committed an offence and require them to make an appointment with the Designated Premises Supervisor within two days.
- 7 Where the identity of a student is not known, and no other course of action is open, the Designated Premises Supervisor will retain any evidence including CCTV footage and witness statements, and may use whatever time is necessary to identify the student accused.
- 8 Upon receipt of an IRF, the Designated Premises Supervisor will have responsibility for investigating all allegations against union members emanating from DSU licensed premises. S/he will also decide when to involve the police to investigate allegations.
- 9 The Designated Premises Supervisor has authority to exclude members or their guests from DSU licensed premises on a temporary or permanent basis if s/he concludes that an offence has been committed. S/he may also request that the student involved make reasonable reparation of damages to the organisation or of personal belongings to the person(s) involved.
- 10 Union members who have been excluded on a temporary or permanent basis or asked to make reparations who believe their treatment has been unfair, may ask the Vice President Student Activities to meet with an Executive panel consisting of the President, Chief Executive and a Union Sabbatical Officer. This request must be made in writing within two working days of receiving notification of disciplinary sanctions. The union member may present their case to the panel. Having heard the member's case, the panel will make representations on behalf of the union member to the Designated Premises Supervisor, if they believe the conclusions of the investigation or the sanctions subsequently imposed are unfair.

- 11 Union members may be accompanied by a friend at a panel hearing.
- 12 Once the Designated Premises Officer has heard representations on behalf of the union member s/he will make a final decision regarding the allegations and any sanctions imposed. This decision will be final.
- 13 The Designated Premises Supervisor will record all decisions made in relation to disciplinary matters and will also produce quarterly reports of aggregate statistics on disciplinary investigations and consequent sanctions imposed. These reports will be provided for the Executive Committee on request. Reports will include monitoring data, including for example, the gender and ethnic origin of those involved in disciplinary cases.
- 14 The procedure outlined within this appendix does not preclude the right of the Designated Premises Supervisor or other DSU venue staff working with their authority, the right to refuse admission to the union's licensed premises without giving a reason.
- 15 The Designated Premises Supervisor may at their discretion notify DMU/DSU of any incidents which may breach either the University's or the DSU disciplinary procedures. The Designated Premises Supervisor will have the authority to make evidence available to DMU/DSU staff in order that investigations and disciplinary hearings can be conducted.
- 16 On occasion that a DSU Disciplinary panel is convened the Designated Premises Supervisors delegates the responsibility to the Deciding Officer to apply the sanction of removing access to the licensed venue.