



St Mary's
University
**Students'
Union**

**St Mary's Students' Union
Disciplinary Procedure**

INTRODUCTION

1.1 St Mary's Students' Union is a body legally constituted under the auspices of St Mary's University.

1.2 The Students' Union occupies property (K Block) under the auspices of an agreement with the University Governing Body.

1.3 In pursuance of the above 1.2, the Students' Union has a policy and procedure on behaviour and discipline.

1.4 This policy and procedure operates separately from, but in conjunction with, St Mary's University.

1.5 The scope of the procedure relates to:

- Behaviour within the Students' Union Building.
- Students' Union sponsored or organised activity, individual or group.
- Any matter referred to the Students' Union by the University.
- Any matter considered appropriate by the Students' Union.

1.6 If a student group breaches the Memorandum and Articles of Association, Bye-Laws, Union Policy, their own constitution, or reasonable requirements set down by the Students' Union, this will be dealt with under this procedure.

1.7 The Students' Union will publish a set of 'House Rules'; a general statement of expectation on customer behaviour and discipline in relation to the licenced events. This will be updated annually, available on our website.

1.8 In pursuance of this procedure, the Students' Union will maintain a record 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 record indefinitely.

1.9 Offences can be aggregated; failure to pay fines and/or failure to comply with the procedure will be seen as offences in themselves and referred accordingly.

1.10 The lead officer administering the policy and procedure on behalf of the Students' Union will be the Students' Union Membership Services Manager.

1.11 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 Membership Services Manager 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 Membership Services Manager.

2.2 Once an incident report has been received, the Membership Services Manager 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.

2.2.1 If the Membership Services Manager 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 another member of staff or officer.

2.2 Once an incident report or statement has been filed the Membership Services Manager will, within ten 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 - this may include, but not be limited to, access to K Block.

2.3 Once an initial investigation has been completed the Membership Services Manager will then invite those involved in the incident to a hearing, either individually or collectively. If the Membership Services Manager deems the incident as 'low impact', the hearing will continue via informal channels. If the Membership Services Manager deems the incident to be of a more serious nature, then the hearing will be a meeting of the Disciplinary Committee.

3. DISCIPLINARY COMMITTEE

3.1 Membership:

- Student Life President (Chair)
- 1 SU member of staff
- A trustee
- Membership Services Manager (advisory)

3.2 All meetings of the Disciplinary Committee shall be chaired by the Student Life President (or alternate). The Student Life President shall have a casting vote only and shall ensure the fair and proper conduct of the meeting.

3.3 A member of the committee who is able to give evidence or personally interested in a case shall declare an interest and may not sit on a panel.

3.4 If the Chair has, or is deemed to have, an interest then another officer will be nominated as Acting Chair. In the event that no person can take up the Chair, then the committee will be postponed until such a time that a Chair can be found.

3.5 The Disciplinary Committee shall meet no sooner than five days and no later than twelve days from the date it was called, except in circumstances set out in 3.4. The Disciplinary Committee should also contact the student against whom the complaint is being made to ensure that they can make the date and time that is set.

3.6 The Chair shall, within five days of the referral, inform the defendant in writing of:

- (a) the date, time and venue of the meeting of the Disciplinary Committee;
- (b) the details of the complaint as specified;
- (c) availability of the Chair, if required, to advise the student on procedure;
- (d) the membership of the Disciplinary Committee.

3.7 All written matters relevant to the case including witness statements and incident reports shall be circulated as soon as practically possible to the members of the Disciplinary Committee.

3.8 A delegated member of staff shall act as secretary to the Committee. They shall be present at all meetings of the Committee and shall record its proceedings.

3.9 The record of proceedings shall be kept strictly confidential to the Committee and remain within the possession of the Membership Services Manager.

3.10 The member may be accompanied by a supporter who shall be a full member of the Students' Union (current student) or a close friend or family member. Legal representation is not permitted.

3.11 The case against the student shall be presented by the Membership Services Manager or appropriate alternate. Any witnesses present shall be subject to examination, cross-examination and re-examination and the Membership Services Management shall then complete the presentation of the case.

3.12 The student or group shall then present their case in the same fashion. Alternatively, the supporter attending with the student may present the students case on their behalf. The student or supporter shall have the right to address the Committee last.

3.13 If, for any reason, it is necessary to adjourn the proceedings of a panel, the Chair shall at the adjourned meeting, set and immediately notify the student, against whom the complaint is made, of a time and date for continuing proceedings as soon as conveniently may be, having regard for adjournment.

3.14 When all the evidence has been heard the Disciplinary Committee shall consider in Closed Session. With the exception of the Membership Services Manager, every member of the Disciplinary Committee present shall vote and there shall be no abstentions. If the Disciplinary Committee finds the allegations substantiated, it shall decide what action is to be taken, if any, by a simple majority. No member of the Disciplinary Committee shall be considered present and eligible to vote unless they have been present throughout the hearing.

3.15 Written notice shall be sent by the Chair to the student or group against whom the complaint/allegation is made, within two days of the decision of the Disciplinary Committee. The notice shall state the decision of the Disciplinary Committee and if relevant draw attention to the student's right of appeal.

3.16 In the case of a fine or 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 and, in the case of suspension, of all the privileges of membership.

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 Membership Services Manager in the first instance, as exceptionally serious with wider repercussions for the University community.

5. RIGHT TO APPEAL

5.1 A student may appeal the outcome of a Disciplinary Hearing by writing to the Chief Executive Officer within 10 days of notification of the outcome of the Disciplinary Hearing.

5.2 The CEO will call a panel consisting of themselves and a trustee (not previously involved in proceedings) to revisit the evidence and proposed outcome. The Appeal panel may ask the student(s) to attend a hearing to give evidence.

5.3 The Appeal Panel will only consider an appeal based on the following:

- 5.3.1. New evidence that was not previously considered;
- 5.3.2. Irregularities within policy or procedure.

5.4 The Appeal Panel will write to the student(s) within 10 days of the hearing with notification of whether or not the original outcome has been upheld.

6. SUGGESTED GUIDELINES ON DISCIPLINARY PENALTIES

(Note: The below guidelines are presented for advisory purposes to show what actions can be taken by the Disciplinary Committee. The actual punishments delivered are at the discretion the Disciplinary Committee. Sports Club and Society disciplinary procedures may be evoked in conjunction with the Sports and Societies Code of Conduct and/or University Initiations Policy.)

a. Acts of physical violence to either customers or staff

- Ban – Minimum 1 month up to maximum life ban
- Letter of Apology
- Referral to the University or Police (if deemed appropriate)

b. Acts of verbal or nonverbal harassment against either customers or staff

- Ban – Minimum 1 week up to maximum life ban
- Letter of Apology

c. Act of verbal or nonverbal harassment against either customers or staff on the basis of race, gender, sexual orientation, ability or possession of any protected characteristic

- Ban – Minimum 1 month up to maximum life ban
- Letter of Apology
- Referral to the University or Police (if deemed appropriate)

d. Physical removal from building “failing to cooperate”

- Ban – Minimum 1 week up to maximum life ban
- Community Service
- Letter of Apology

e. Acts of vandalism

- Community Service
- Fine – Minimum costs of repair/replacement
- Referral to the University or Police (if deemed appropriate)

f. Possession of illegal or misuse of substances and/or weapons

- Ban – Minimum 1 month up to maximum life ban
- Community Service
- Letter of Apology
- Referral to the University or Police

g. Urinating or vomiting in public (though substance abuse)

- Community Service
- Letter of Apology

h. Theft of property from the Students' Union building

- Fine – Minimum the cost of replacement
- Letter of Apology
- Community Service
- Referral to the University or Police (if deemed appropriate)

6.1 In all other offences, it is at the discretion of the Disciplinary Committee as to what penalties are handed down. Bans can apply to the Students' Union Building, activities or both. The Students' 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.

6.2 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 Disciplinary Committee 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.

*This policy may be used in conjunction and/or informed by the Societies and Activities Code of Conduct and the St Mary's Initiations Policy.

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