



University of Bath

**Students' Union**

**Regulation 4(a)**

**Disciplinary**

## Disciplinary

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### **1. *The Initial Allegation***

- 1.1. Allegations regarding the misconduct of Members of the SU, or of its Student Groups (hereinafter referred to as the Defendant) shall be made in writing to the SU President.
- 1.2. On receipt of an allegation of misconduct, the SU President may summon the Defendant. The Defendant shall be informed that they have the option of having the allegation considered either by the SU President or by a Disciplinary Panel. The SU President may also elect for the matter to be considered by a Disciplinary Panel if s/he wishes.
- 1.3. The Defendant may be suspended from any or all activities of the SU until the disciplinary process is concluded.
- 1.4. Where the SU President and the Defendant are well known to each other, either party may request that the disciplinary case be heard by another SU Officer, with the exception of the Education Officer (see paragraph 5.4 below).
- 1.5. In matters of a more minor nature or where an official complaint is not made but concerns are raised about the conduct of a member/members of a Student Group, potential disciplinary issues may be dealt with in the first instance by the relevant SU Officer, who will keep the SU President informed.
- 1.6. Sub-groups may also conduct disciplinary proceedings in line with their constitutions for minor infractions relating to the sub-group. They may not conduct disciplinary proceedings where the allegation is serious or where it may affect more than just the sub-group. The SU Officer of the sub-group shall chair the sub-group disciplinary panel.

### **2. *Allegations considered by the SU President***

- 2.1. If the allegation is considered by the SU President, s/he may conduct a hearing immediately, and will have the discretion to conduct the hearing in whatever manner s/he deems appropriate.
- 2.2. Upon hearing the detail of the allegation, the Defendant may ask to have the hearing delayed for up to a week to allow them time to put together any defence. If they are suspended from any of the activities of the SU, this suspension shall remain in force.
- 2.3. Having considered the allegation and any information provided by the Defendant, s/he may:
  - 2.3.1. Caution the Defendant on future conduct;

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- 2.3.2. Require costs to be paid to make good any damage or financial loss incurred by SU;
- 2.3.3. Exclude the Defendant from services or activities of the SU for up to three months. Should the SU President wish to suspend the Defendant from all services and activities of the SU for a period greater than three months, this decision should be taken following consultation with the Pro Vice-Chancellor (Learning and Teaching);
- 2.3.4. Refer the allegation to the Head of Student Services for consideration under the disciplinary procedures of the University;
- 2.4. In the event of a Student Group being found guilty, the SU President shall be competent to suspend (for any period up to the end of that Academic Year) that Student Group or limit the activities of the Student Group;
  - 2.4.1. Impose any other reasonable sanction considered necessary and appropriate, including disaffiliation.

### **3. Allegations considered by the Disciplinary Panel**

- 3.1. Disciplinary Panel will hear initial complaints or appeals arising from disciplinarys held within sub-groups
- 3.2. If the matter is referred to a Disciplinary Panel, the SU President shall aim to convene the Panel within seven (7) working days of receipt of the complaint.
- 3.3. The Panel shall comprise the SU President (Chair), and at least four (4) representatives, one from each of the following:
  - Academic Executive;
  - Postgraduate Executive;
  - Diversity and Support Groups Executive;
  - Student Media Executive;
  - Sports Executive;
  - Societies Executive; and
  - the Volunteer Liaison
- 3.4. The Panel shall hold an initial meeting, at which it will decide upon one or more of the following courses of action:
  - 3.4.1. dismiss the complaint;
  - 3.4.2. consider the complaint itself;
  - 3.4.3. refer the complaint to the Head of Student Services for consideration under the disciplinary procedures of the University; or
  - 3.4.4. recommend that the SU President take legal advice.

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- 3.5. If the Panel decides to consider the complaint itself, it shall reconvene within ten (10) working days to consider the matter. The Defendant should receive notice of the date of the meeting, at least two (2) working days prior to the meeting.
- 3.6. Any member of the Panel who is either unwilling to sit, or is involved in any way in a particular case, shall not sit on the Panel for that case. In such instances they shall be replaced by another Member appointed by the SU President.
- 3.7. The Defendant may object to the presence of up to two members of the Disciplinary Panel, who shall then be replaced by another Member appointed by the SU President.
- 3.8. The Panel shall require the complainant and the Defendant to attend the hearing, except in cases of individual harassment or attack, where the complainant may choose to make a written statement.
- 3.9. Both the complainant and the Defendant shall have the right to bring a companion to accompany or represent them. A companion must be a Member of SU and may not also be a witness.
- 3.10. The complainant and the Defendant shall have the right to call witnesses. This should be done through the SU President who shall arrange times of appearance. Witnesses may be cross-examined by the Defendant, the complainant and the Disciplinary Panel.
- 3.11. The disciplinary hearing shall be conducted as follows:
  - 3.11.1. The complainant (with the assistance of their companion as necessary) will be asked to explain their allegation of misconduct and present any supporting evidence. The evidence of any witnesses called by the complainant will also be heard at this point. The complainant, their companion and any witnesses called may be asked questions by the Panel and the Defendant (or their companion);
  - 3.11.2. The Defendant (with the assistance of their companion as necessary) will then respond to the allegation and present any supporting evidence. The evidence of any witnesses called by the Defendant will also be heard at this point. The Defendant, their companion and any witnesses called may be asked questions by the Panel and the complainant (or their companion);
  - 3.11.3. Both parties will be asked to sum up, following which they will be asked to withdraw. The Panel will then come to a judgement on the allegation.
- 3.12. If the allegation of misconduct is upheld, the Panel may:
  - 3.12.1. caution the Defendant on future conduct;

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- 3.12.2. require costs to be paid to make good any damage or financial loss incurred by the SU;
  - 3.12.3. exclude the Defendant from any, or all, services or activities of the SU for up to three months. Should the Panel wish to suspend the Defendant from all services and activities of the SU for a period greater than three months, this decision should only be taken following consultation with the University Secretary;
  - 3.12.4. refer the allegation to the Head of Student Services for consideration under the disciplinary procedures of the University;
- 3.13. In the event of a Student Group being found guilty, the Panel shall be competent to suspend (for any period up to the end of that academic year) that Student Group or limit the activities of the Student Group;
- 3.14. Impose any other reasonable sanction considered necessary and appropriate.

### **4. After the hearing**

- 4.1. The Defendant and the complainant shall be informed of any decision made immediately, in writing.
- 4.2. All copies of documents should be kept on file. An annual report of disciplinary action will be presented to the Board of Trustees.
- 4.3. Should the Defendant commit a second similar disciplinary offence the SU President/Disciplinary Panel will contact the Head of Student Services to perform a welfare check with the residences and central University discipline reports. The Head of Student Services will consult the SU President as to whether to include counselling as part of the discipline.

### **5. Right of Appeal**

- 5.1. Appeals arising from disciplinaries held in sub-groups will be heard by the Disciplinary Panel, chaired by the SU President, following the Appeals procedures.
- 5.2. Where Disciplinary Panel has heard an appeal arising from a sub-group disciplinary, no further appeal is permitted. If students wish to take the matter further they should contact the Independent Person appointed to the SU, details of whom can be obtained from the Chief Executive of the SU upon request.
- 5.3. Where the case was originally heard by the SU President or Disciplinary Panel either the Defendant or the original complainant can appeal against the SU President's or Disciplinary Panel's decision to the SU's Appeals Panel. An appeal must be lodged within ten (10) working days of the date of the original decision.

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- 5.4. An appeal shall be made in writing to the Education Officer.
- 5.5. An Appeals Panel meeting shall be held within ten (10) working days of receipt of the appeal.
- 5.6. The Appeals Panel is made up of the Education Officer (non-voting Chair) and a panel of Members elected from and by Academic Council. These will not be the same people as on the Disciplinary Panel. At least four (4) members of the Appeals Panel must be present for the Appeals Panel to proceed and no more than six (6). The Education Officer does not count as one of these members.
- 5.7. If there is any new evidence this may be submitted to the Appeals Panel, but an appeal can still be lodged without any new evidence.
- 5.8. The same provisions for the hearing of cases shall apply to the Appeals Panel as do to the Disciplinary Panel.
- 5.9. The Appeal Panel shall be competent to confirm or change sanctions passed by the Disciplinary Panel or SU President. Should the Appeals Panel wish to confirm a suspension of the Defendant from the services and activities of the SU for a period greater than three months, this decision should only be taken following consultation with the University Secretary.
- 5.10. The original complainant will be informed of the appeals procedure outcome.

### 6. **Gross Misconduct**

- 6.1. Allegations of Gross Misconduct may arise from the following:
  - Violence that causes actual bodily harm
  - Serious damage to University/SU property
  - Contravening Safe Space Policy
  - Fraud
  - Theft
- 6.2. All these cases will be dealt with in the same manner, viz.: a report will be made at the time of the incident and will then be referred to the SU President at the earliest opportunity. The SU President will decide whether in the circumstances it is a sufficient misdemeanour to warrant contacting the University immediately although the SU Disciplinary procedure would also be invoked. Staff issues must be confidential.
- 6.3. There are some cases which will automatically be referred to the University:
  - Violence that causes actual bodily harm
  - Significant damage to University/SU property
  - Sexual harassment

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- 6.4. Cases of Gross Misconduct or Repeat Offences will be automatically referred to the SU President.

### **7. Rudeness/ Lack of Respect for SU Staff**

- 7.1. It is recognised that rudeness and lack of respect is a potential problem in all areas of the SU. It will never be tolerated by the SU. Rudeness is most regularly a problem in the bars and the following policy is with relation to bars.
- 7.2. Rudeness to bar staff will be dealt with in the following manner: if a member of bar staff feels that a member of the SU is being rude and abusive then they will refer the incident to a supervisor who will decide what action should be taken. The supervisor may wish to refer the matter to a manager who may decide to:
- 7.3. Ban the SU Member from purchasing from the bar - but not from being present in the area for the night
- 7.4. Ask the SU Member to leave the premises. The incident will be reported to the Bars and Events Manager the following morning. S/he will then either issue a warning to the SU Member themselves or refer the matter to the SU President.
- 7.5. In other areas, rudeness should be reported to the area manager who will decide what action to be taken. The manager may decide to:
- Ask the member to leave;
  - Refer the matter to the relevant officer
- 7.6. All cases which are referred to the SU President will see an automatic suspension of SU Membership until appropriate further action has been considered.