

Student Disciplinary Policy and Procedure

February 2016

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1. Policy Summary

- 1.1 This policy was adopted by Solent Students' Union Leadership Team in April 2014. The policy will be reviewed no later than April 2018.
- 1.2 This policy and procedure applies to all student groups and individuals of Solent Students' Union, including all groups which are student-led, societies, student media and volunteers. ~~and in some cases students funded through the Trial, Adapt, Launch funding or Give A Go grant scheme. Students funded through the Trial, Adapt, Launch funding or Give A Go grant schemes will receive details of this policy and procedure in their funding acceptance letters if it is deemed applicable by the Leadership Team.~~
- 1.3 This policy aims to ensure that there is a fair and systematic approach to investigation and any subsequent corrective action for all matters where it is believed that accepted standards are lacking to a level that may be detrimental to Solent Students' Union, the University or the community, or that a breach of conduct is suspected to have occurred. Standards of conduct are those defined by the Union's policies, rules and procedures, legal requirements and Code of Conduct (Bye Law 13).
- 1.4 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 group or individuals alleged misconduct warrants such action, the procedure may be taken up at any appropriate stage, even when the group or individual had no current warnings on record.

2. Informal Procedure

- 2.1 Solent Students' Union will seek to resolve all matters regarding student groups or individuals on an informal basis. Where formal action is considered appropriate the informal procedure of this policy will apply.
- 2.2 The details of any complaint or concern should be raised with the relevant member of the Students' Union management team in the first instance. In most instances, this will usually be the Student Involvement Manager or Chief Executive. The relevant manager, or in some more serious cases the Leadership Team, will identify the appropriate Students' Union staff members or elected Officers to facilitate an informal discussion.
- 2.3 Solent Students' Union will facilitate an informal discussion with the relevant individuals or student groups to resolve all matters on an informal basis where possible.
- 2.4 In most cases informal discussion should resolve any difficulties identified. If the individual or student group fails to improve or sustain improvement, the formal procedure as outlined below should be commenced.

3. Investigation

- 3.1 In all cases of alleged misconduct the appropriate staff member or elected Officer will investigate the matter and record the details on the form *Student Disciplinary Investigation Record* (see Appendix 1).

- 3.2 The investigation may involve interviewing witnesses, taking witness statements, viewing online or social media communications, checking group emails, viewing CCTV or video recordings or any other such evidence as may be deemed appropriate. At all stages within the investigation the rights to privacy will be adhered to in accordance with UK law.
- 3.3 The investigating elected Officer or staff member will meet with the individual/s involved, or the student group's elected committee to clarify the situation and establish facts. When any such investigation takes place, all individuals involved will be told at the outset the nature of the interview and will have the right to be accompanied by a representative. The representative may be;
- A student at Southampton Solent University
 - A Sabbatical Officer, or
 - A member of Student Council

NB: The investigating elected Officer or staff member will make it clear to the individuals involved that the investigatory meeting is not a disciplinary hearing.

- 3.4 The investigating elected Officer or staff member will fully complete the Investigation Record Form, available in Appendix 1.
- 3.5 When the investigation is complete the following options will be available;
- No further action will be taken and the matter will be closed
 - Informal action should be taken without the recourse to the formal procedure
 - A disciplinary hearing should be arranged, as detailed below
- 3.6 Solent Students' Union reserves the right to suspend individuals from involvement in the activity related to the issue, or groups from operating as long as this is considered appropriate whilst an investigation and any subsequent disciplinary procedures are underway. This may include but is not limited to the removal of funding, the request for return of funds granted through Trial, Adapt Launch of Give A Go grants, or freezing society budgets.

4. Composition of the Disciplinary Panel

- 4.1 The disciplinary panel will consist of three people;
- A Trustee of Solent Students' Union
 - Two members of Student Council
- 4.2 The disciplinary panel will be selected by the Chief Executive or Student Involvement Manager. Where possible, the selection of Student Council members will be on a rotational basis across all members to avoid the same members sitting on multiple panels in one academic year.

5. Formal Procedures Stages 1-5

- 5.1 At all stages the matter will first have been fully investigated by the appropriate elected Officer or member of staff following the guidelines at section 3.0.
- 5.2 The individual/s involved, or the student group's elected committee will be notified in writing (see Appendix 2) of the requirement to attend a hearing. The notification will specify the hearing date and time, the stage within the disciplinary process, the right to

representation and the allegations that have been made. Where a selected companion for representation is not available to attend the hearing on the date notified, the hearing can be arranged for a more convenient time. Copies of any relevant papers will be made available to the student groups' elected committee members prior to the disciplinary hearing.

- 5.3 In all cases, a minimum of two working days' notice of the hearing will be given to the students involved. If the individual/s involved, or the student group's elected committee need to rearrange the hearing to a more convenient time, the hearing will not normally be postponed for more than five working days.
- 5.4 At the hearing, the Panel will be accompanied by a staff member who will take minutes (**Appendix 3**). The details of the investigation as logged (**Appendix 1**) will then be conveyed to the individual/s involved, or the student group's elected committee. The individual/s involved, or the student group's elected committee and/or their representative will be given the opportunity to state their case, ask questions, present evidence and call witnesses.
- 5.5 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 individual/s involved, or the student group's elected committee 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 elected Officer or staff members, details of any further investigation will be logged (**Appendix 1**)
 - to permit the individual/s involved, or the student group's elected committee to consider further the nature of the case made against them.
- 5.6 After the disciplinary hearing, the Panel should consider all the facts and come to a conclusion 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.
- 5.7 The panel shall notify the individual/s involved, or the student group's elected committee 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.
- A Written Warning will remain current for six months from the date of issue, after which it will be disregarded for the purposes of further disciplinary action.
 - 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.
- 5.8 In exceptional circumstances, the panel may take into account an individual/s or student group's "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 taken into consideration for example when determining the length of a subsequent warning, or in deciding not to impose a lesser disciplinary sanction for subsequent offences.

- 5.9 The individual/s involved, or the student group's elected committee will be issued with a copy of a letter (**Appendix 4**) confirming the fact they have been given a disciplinary sanction, detailing at what stage. The panel will also explain the rights of appeal and detail of how to exercise those rights to the individual/s involved, or the student group's elected committee. 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 in the student groups' file.

6. Disciplinary Sanctions

- 6.1 If after the hearing the Panel feels a sanction is warranted, it may be decided to impose a sanction. The sanction stages are as follows:

Stage 1:	Written Warning and compulsory monthly development meetings with the appropriate Union staff member and, where deemed appropriate an elected Sabbatical Officer, for the period the warning remains current
Stage 2:	Final Written Warning and compulsory monthly development meetings with the appropriate Union staff member and, where deemed appropriate an elected Sabbatical Officer, for the period the warning remains current
Stage 3:	Final Written Warning plus suspension of the individual/s or student group from: <ul style="list-style-type: none"> - activities and/or - training and/or - room bookings and/or - booking access to facilities and resources and/or - booking and access to transport and/or - access to and use of budgets and/or - attendance at Solent Students' Union events
Stage 4:	Individual/s or elected committee removed and group suspended pending EGM (see appendix 5)
Stage 5:	Disbanding of the student group (see appendix 6)
Stage 6:	Removal of the student from Students' Union membership, in accordance with Solent Students' Union Bye Law 1 (1.5c)
Stage 7*:	Referral to an external body, i.e. the University or Police Authorities

*Stage 7 may be required to be applied alongside any other stage in accordance with the policies of Southampton Solent University and the regulations of UK law.

- 6.2 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 1-4 will normally be followed. However, if after an investigation a matter appears sufficiently serious or if the student groups alleged misconduct warrants such action, stages 1-4 may be omitted, even when a student group has no current warnings on record.
- 6.3 The panel may decide the length of any suspensions from operating, representing Solent Students' Union, competing, playing and/or training. This may be a:

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

7. Appeals

- 7.1 Individual/s or student groups may appeal any disciplinary sanction or other decision related to the process. This must be done by informing the Chief Executive in writing within five working days of the written outcome of the disciplinary hearing.
- 7.2 All appeals must clearly set out, in writing, the grounds on which the appeal is being made (see 7.6).
- 7.3 The individual/s or student groups elected committee members will be invited to attend an appeal hearing. An invitation will be received in writing and will confirm their right to be accompanied by a representative.
- 7.4 The Chief Executive will confirm receipt of the appeal request and the decision regarding whether there are grounds for appeal. This will be in writing within five working days of receipt, see appendix 7.
- 7.5 Solent Students' Union will appoint a panel to hear to appeal who, wherever possible, has not been involved in the original investigation or hearing. The appeal panel will hold the appeal hearing within seven working days of the appeal confirmation where this is possible.
- 7.6 The appeal hearing will consider the original decision taken at the Disciplinary hearing. The individual/s or student group's 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.
- 7.7 The outcome of the appeal will be confirmed in writing, see appendix 8, 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.
- 7.8 The appeal hearing decision is final and there is no further right of appeal.
- 7.9 The Students' Union works commits to fairness and equality across all decision making process. In the exceptional circumstance that the original *complainant* is not happy with the final decision made by the Students' Union, they may put their concerns in writing to the Chief Executive within 10 working days of the final hearing decision, however the

complainant has no right to appeal decisions made by the panel. It is likely the concern will be dealt with as a formal complaint.

8. Composition of the Appeal Panel

- 8.1 The appeal panel will consist of three people who, wherever possible, have not been previously involved in the case:
- A trustee
 - Two members of Student Council
- 8.2 The appeal panel will be selected by the Chief Executive or Student Involvement Manager. Where possible, the selection of Student Council members will be on a rotational basis across all members to avoid the same members sitting on multiple panels in one academic year.

9. Procedures for conducting a Disciplinary or Appeal Hearing

- 9.1 The following procedure should be applied for all disciplinary or appeal hearings:
1. The disciplinary hearing or appeal will be chaired by a Trustee
 2. The Chair will introduce the members of the panel and ascertain the status of anyone accompanying the individual/s or student group's elected committee
 3. The Chair will inform the representative that he/she has speaking rights
 4. Where a person is accompanying the individual/s or student group as a witness, the Chair will inform them that they have no speaking rights
 5. If the individual/s or student group elected committee members are unaccompanied, the Chair will clarify whether it is their wish to proceed unaccompanied or unrepresented
 6. Should the individual/s or student group express a wish not to proceed without representation, the Chair will adjourn the Hearing until such time as the individual/s or student group have arranged support. At this time the Hearing will reconvene
 7. Should the individual/s or 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 elected Officer or staff member to make an opening statement
 9. The Chair will invite the individual/s or student groups elected committee members or their representative to make an opening statement
 10. The Chair will ask the investigating elected Officer or staff member to present their case and call witnesses
 11. Witnesses may be questioned through the Chair, the individual/s or student group elected committee members and / or their representative
 12. The Chair will ask the individual/s or student group elected committee members to present their case and call witnesses
 13. Witnesses may be questioned by the investigating elected Officer or staff member through the Chair
 14. The Chair will summarise the meeting
 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 individual/s or 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 elected Officer or staff member during stage 5 of the Disciplinary Procedure. The individual/s or student group 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 Chair in order for the investigating elected Officer or staff member to interview those witnesses as a part of the investigation.

Appendix 1: Student Disciplinary Investigation Record

Solent Students' Union
PRIVATE AND CONFIDENTIAL
Student Disciplinary Investigation Record

Student Name/ Group Name:	
Committee names and positions/titles	
Investigator:	
Date of Investigation:	

Stage of Procedure (tick as appropriate)			
Investigation Stage 1		Appeal Stage 1	
Investigation Stage 2		Appeal Stage 2	
Investigation Stage 3		Appeal Stage 3	
Investigation Stage 4		Appeal Stage 4	
Gross Misconduct		Gross Misconduct	

Details of concern raised and date of occurrence:

[insert detail summary here]

Investigation Summary and Conclusion:

[insert detail here]

Investigation Notes:

Solent Students' Union
PRIVATE AND CONFIDENTIAL
Investigation Record of Meeting

Name:	[insert name of person interviewed]
Investigator:	[insert name of Investigating elected Officer or staff member]
Date:	[insert date of interview]

Detail: RE: [Title of investigation]

[insert notes]

Investigator Signature		Date	
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Appendix 2: Notice of Disciplinary Hearing

[insert on SU letterhead]

Date

Dear [insert name]

I am writing to inform you that you are required to attend a disciplinary hearing at Stage [insert] of Solent Students' Union Student Disciplinary Procedure. At this meeting the question of disciplinary action against you will be considered with regards to [insert summary of the concern raised].

The disciplinary hearing will be held at [insert date and time] and will take place in [insert location].

You are entitled to be accompanied by another student, a Sabbatical Officer or a member of Student Council. I have enclosed a copy of Solent Students' Union Student Disciplinary Procedure with this letter.

Please confirm your attendance at the disciplinary hearing as soon as possible.

Yours sincerely

[name of person leading the hearing]

Appendix 3: Student Disciplinary Hearing Record and minutes template

Solent Students' Union
PRIVATE AND CONFIDENTIAL
Student Disciplinary Hearing Record

Student Name/ Group Name:

**Committee Member names
and positions**

Date of Hearing:

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):			
These notes taken by:			
Name and Job Title:			
Others present at the Hearing:			
Name (and position):			
Reason given for declining to be accompanied (if relevant). Note: If the right to be accompanied has not been taken up you must re-state that right and note the reason if still declined.			
Hearing Notes: When taking notes, identify those made following any adjournments/breaks			

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Complete the following section only if issuing a formal written warning (stage 1 of the procedure).

Formal Written Warning Date	
Reason(s)	

Agreement of standards required in the future:

Agreed plan specified to assist improvement:

Chair		Note taker	
Signature:		Signature:	
Date:		Date:	

Completed form to be retained on file, or within the Student Group's file.

Appendix 4: Notice of Written Warning / Final Written Warning

[insert on SU letterhead]

Date

Dear [insert name]

You attending a disciplinary hearing on [insert date] to discuss [insert summary of the concern raised]. I am writing to confirm the decision taken at the disciplinary hearing that you will be given a Written Warning / Final Written Warning / Final Written Warning and Suspension* under the [insert stage] of Solent Students' Union's Student Disciplinary Procedure.

This warning will be placed on your record/Student group record [insert name of group]. The record will be disregarded after a period of 6/12* months providing your conduct improves to a satisfactory level. *delete as required

The nature of the unsatisfactory conduct was: [insert summary]

The conduct or performance expected is: [insert summary]

The timescale within which the performance is required is: [insert]

The likely consequence of further misconduct or insufficient improvement is: [insert]

You have the right to appeal against this decision should you wish to do so. You must appeal in writing to Lorna Reavley, Chief Executive within five working days of receipt of this letter. You may email Lorna at lorna.reavley@solent.ac.uk, or bring your letter to the Chief Executive's Office, 1st floor Solent Students' Union, East Park Terrace campus.

Your sincerely

[name of person leading the hearing]

Appendix 5: Confirmation of a Student Group's elected committee member removal

[insert on SU letterhead]

Date

Dear [insert name]

On [insert date] you were informed in writing that you would be given a final written warning in accordance with stage 3 of Solent Students' Union's Student Disciplinary Procedure. In that letter you were informed that if your conduct or performance did not improve you were likely to be: [insert detail from previous letter]

At the disciplinary hearing on [insert date] it was decided that your conduct was still unsatisfactory and that the you*/the elected members* would be removed from their positions and the student group [insert student group name] suspended pending an EGM to elect new committee members/a new committee.*

*delete as appropriate

I am therefore writing to you to confirm the decision that [insert name]/your current elected committee members* have been removed in accordance with stage 4 of Solent Students' Union Student Disciplinary Procedure and the student group [insert name] is suspended until an EGM is held to elect new members. The reasons for the removal of elected committee members are:

You have the right to appeal against this decision should you wish to do so. You must appeal in writing to Lorna Reavley, Chief Executive within five working days of receipt of this letter. You may email Lorna at lorna.reavley@solent.ac.uk, or bring your letter to the Chief Executive's Office, 1st floor Solent Students' Union, East Park Terrace campus.

Your sincerely

[name of person leading the hearing]

Appendix 6: Disbanding of a Student Group (following previous warnings)

[insert on SU letterhead]

Date

Dear [insert name]

On [insert date] you were informed in writing that you would be given a final written warning in accordance with stage 3 of Solent Students' Union's Student Disciplinary Procedure. In that letter you were informed that if your conduct or performance did not improve you were likely to be: [insert detail from previous letter]

At the disciplinary hearing on [insert date] it was decided that your conduct was still unsatisfactory and that the student group [insert name] would be disbanded.

I am therefore writing to you to confirm the decision that the student group [insert name] will be disbanded in accordance with stage 5 of Solent Students' Union Student Disciplinary Procedure and that your last day of being affiliated as a student group will be [insert date]. The reasons for the disbanding of your student group are:

You have the right to appeal against this decision should you wish to do so. You must appeal in writing to Lorna Reavley, Chief Executive within five working days of receipt of this letter. You may email Lorna at lorna.reavley@solent.ac.uk, or bring your letter to the Chief Executive's Office, 1st floor Solent Students' Union, East Park Terrace campus.

Your sincerely

[name of person leading the hearing]

Appendix 7: Notice of Appeal Hearing

[insert on SU letterhead]

Date

Dear [insert name]

You have appealed against the Formal Written Warning/Final Written Warning/Removal of elected committee members/disbanding of the student group [insert name]* confirmed to you in writing on [insert date of previous letter].

*delete as appropriate

Your appeal will be heard on [insert date and time] at [insert location].

Your appeal will be heard by [insert name of appeal panel].

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

You are entitled to be accompanied by another student, a Sabbatical Officer or a member of Student Council.

Your sincerely

[name of person leading the hearing]

Appendix 8: Letter informing the appeal has NOT been upheld

[insert on SU letterhead]

Date

Dear [insert name]

In the letter dated [insert date] you formally requested that an appeal meeting be arranged under Solent Students' Union's Student Disciplinary Procedure, to hear your appeal against [insert].

The hearing took place on [insert date] at which [either] you were accompanied by [insert details of representative] OR you declined your right to be accompanied by a representative.

You were invited to state the grounds on which the appeal was being made. These were as follows [insert].

The hearing was adjourned whilst the issues you raised were investigated. All the information provided was considered and the hearing was reconvened to make known that the original decision to take disciplinary action was the correct one. The reasons are as follows [insert].

In coming to the above conclusion the points raised by you/your representation were considered, but felt that they were not sufficient as mitigating factors/not relevant to the investigation. [include any description or explanation of the above statement].

I am therefore writing to state that the decision to [state decision] stands.

*delete as appropriate

Your sincerely

[name of person leading the hearing]

Appendix 9: Gross Misconduct

The following are examples of matters that are normally regarded as gross misconduct:

- 6.2.1 Theft or fraud;
- 6.2.2 Physical violence or bullying;
- 6.2.3 Deliberate and serious damage to property;
- 6.2.4 Serious misuse of the organisation's property or name;
- 6.2.5 Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- 6.2.6 Serious insubordination;
- 6.2.7 Unlawful discrimination or harassment;
- 6.2.8 Bringing the organisation into serious disrepute;
- 6.2.9 Serious incapability brought on by alcohol or illegal drugs;
- 6.2.10 Causing loss, damage or injury through serious negligence;
- 6.2.11 A serious breach of health and safety rules;
- 6.2.12 A serious breach of confidence.

This list is intended as a guide and is not exhaustive.