

8. Disciplinary Process

- 8.1 A disciplinary meeting will be organised, with a disciplinary panel consisting of:
 - 8.1.1 The Complaints Supervisor, who will act as the panel Chair
 - 8.1.2 A Part-Time Officer (preferably from the same area as the accused)
 - 8.1.3 The Chair of the associated committee (e.g. AU chair for sports clubs)
 - 8.1.4 The Investigation Officer, who has full speaking rights but no voting rights
 - 8.1.5 UNSU staff minute taker, who has no speaking rights or voting rights
 - 8.1.6 If requested by the accused, UNSU's Student Advice Coordinator can also be present.
- 8.2 The disciplinary panel will invite relevant witnesses to be questioned regarding the disciplinary matter.
- 8.3 Notice of a disciplinary meeting must be sent out to all of the accused, in writing, at least 7 days in advance of the meeting. The notice must include:
 - 8.3.1 Date of the hearing
 - 8.3.2 Time of the hearing
 - 8.3.3 Location of the hearing
 - 8.3.4 Charges being levelled against the student(s)
 - 8.3.5 The investigation report (with details of the complainant removed where appropriate)
- 8.4 The meeting will follow the following format:
 - 8.4.1 The Investigating Officer will provide training for the panel (if required)
 - 8.4.2 The Investigating Officer will then present the findings of the investigation to the panel
 - 8.4.3 The panel will then discuss any additional facts they need to help with their decision making (e.g. repeat offence). They should formulate questions for the relevant people accordingly.
 - 8.4.4 The accused will be invited to make a statement before the panel and answer any questions the panel may have
 - 8.4.5 The panel may then request to question the witness(es)
 - 8.4.6 The panel will then convene to make a decision, based upon the guidance in Appendix A in Bye-Law 7
 - 8.4.7 The accused will be called to hear the decision of the panel and informed of the appeals process.
- 8.5 Minutes of the hearing should be distributed within 48 hours of the meeting, published on the SU website where appropriate. All minutes must be saved to the shared drive.

Appeals

- 8.6 Should the student or student group be unhappy with the outcome of the hearing and/or the sanctions applied, they may appeal to the UNSU Executive Team.
- 8.7 Appeals must be submitted using the appeals form on the UNSU website to the Vice President Education.
- 8.8 Appeals will only be heard on the following grounds of:
 - 8.8.1 Misdirection as to the facts
 - 8.8.2 Procedural Irregularity
 - 8.8.3 Imposition of a penalty too severe for the offence
- 8.9 New evidence is not grounds for an appeal.

- 8.10 The Executive Team panel must be convened with 7 days of the Vice President Education acknowledging receiving the appeal. The panel will consist of:
 - 8.10.1 The Vice President Education, who has full speaking and voting rights. They will also act as Chair for the meeting, and will have casting vote in the result of a tied decision
 - 8.10.2 At least two other Executive Team members, who have full speaking and voting rights
 - 8.10.3 The party who filed the appeal, who have full speaking but no voting rights
 - 8.10.4 The original Investigating Officer, who have full speaking but no voting rights
 - 8.10.5 A UNSU staff minute taker, who have no speaking and no voting rights
 - 8.10.6 The Student Advice Coordinator may be in attendance, if requested by the disciplined party, and will have full speaking but no voting rights
- 8.11 The persons who sat on the first panel are not permitted to be part of the appeal panel

Appeals Process

- 8.12 The appeal hearing should adhere to the following format:
 - 8.12.1 The Investigating Officer will provide training to the appeals panel if required
 - 8.12.2 The Investigating Officer will present the findings of the original investigation
 - 8.12.3 The party who filed the appeal will then be invited in to discuss the grounds of their appeal
 - 8.12.4 The panel may then question the accused and the Investigating Officer until they feel ready to make a decision
 - 8.12.5 The panel will then convene to make a final decision, based upon the guidance in Appendix A
 - 8.12.6 The accused will then be called upon to hear the decision of the panel
- 8.13 New evidence cannot be brought to the appeals panel
- 8.14 A further appeal can only be placed if the accused believe there has been a procedural irregularity against current UNSU bye-laws
- 8.15 This appeal must be placed with 7 days of the appeal panel's decision
- 8.16 The final appeal will be taken to the next meeting of the Board of Trustees
- 8.17 The decision of the Board of Trustees is final and binding on all parties
- 8.18 If a final appeal is placed any and all punishments shall be suspended until the Board of Trustees decision is made
- 8.19 Any punishment is not applied until the 7 day appeal period has expired; if an appeal is registered then the punishment is suspended until after the appeal process is completed

APPENDIX A

Disciplinary matrix when a student or student group has been found guilty of an offence

1 Sanctions for breaching the Code

- 1.1 Each charge that a student or student group is found guilty of will result in one or more sanction from the decision matrix below. It is the role of the panel to decide the level of the offence, using past decisions (under the guidance of the UNSU Staff Investigator) as a precedent for their decision.
- 1.2 If an incident occurred at the end of an academic year the sanction(s) may be levied for the following year.
- 1.3 Set out below is a matrix that details the decision making process and likely sanctions.

2 Code of Conduct matrix

Severity of the charge	Likely Severity of Harm (Possible/actual injury to person and/or damage to reputation)			
		Slightly harmful	Moderately Harmful	Extremely harmful
	Low severity	1	2	3
	Moderate severity	2	4	6
High severity	3	6	9	

3 Guidance

- 3.1 **Low Severity**
 - 3.1.1 Failure to follow a required Students' Union procedure
- 3.2 **Moderate severity**
 - 3.2.1 Failure to follow University policy and/or Students' Union policy*
- 3.3 **High severity**
 - 3.3.1 Civil/criminal law broken
 - 3.3.2 Failure to follow University and/or Students' Union policy or bye-laws which is deemed as Gross Misconduct

- 3.4 **Low Harm**
 - 3.4.1 No injury or risk of minor injury
 - 3.4.2 No reputational damage or low risk of reputational damage
- 3.5 **Moderate Harm**
 - 3.5.1 Minor injury or risk of moderate injury
 - 3.5.2 Minor reputational damage or major risk of reputational damage
- 3.6 **Extreme Harm**
 - 3.6.1 Moderate injury or risk of major injury
 - 3.6.2 Moderate reputational damage or major risk of reputational damage
- 3.7 The guidance above is not intended to be exhaustive, and should be updated annually once precedents have been set by panels at disciplinary hearings.
- 3.8 A breach of this conduct may result in one or more of the following (please note this is not an exhaustive list and is intended to guide the panel, additional sanctions may be imposed that are deemed at a similar severity to other sanctions at that level).

4 Sanctions

4.1 Group Sanctions (Sport): sanctions will be cumulative

1	Written warning
	Letter of apology to be written to those affected
2	Group banned from accessing additional funding for a set time period (up to 3 months)
3	Group banned from accessing additional funding for a set time period (up to 6 months)
	1 fixture ban (cannot be rearranged) any charges incurred will be paid by the club
4	Downgrading of funding level for following academic year
	1x fixture/competition ban (cannot be rearranged) any charges incurred will be paid by the club
	Removal of SU sponsorship funding (up to two terms)
6	Removal of team/club from BUCS competition/remaining competitions
	Suspend all activity and funding until the end of the academic year
9	University disciplinary action
	Immediate disbanding of student group

4.2 Group Sanctions (Societies/Volunteering): sanctions will be cumulative

1	Written warning
	Letter of apology to be written to those affected
2	Activity ban for up to 1 week
	Group banned from accessing additional funding for a set time period (up to 3 months)
3	Activity ban for up to 1 month
	Group banned from accessing additional funding for a set time period (up to 6 months)
	Removal of SU sponsorship funding (up to two terms)
4	Activity ban for 1 term
	Removal of SU sponsorship funding (up to two terms)
	Downgrading of funding level for following academic year
6	Suspend all activity and funding until the end of the academic year
9	University disciplinary action
	Immediate disbanding of student group

4.3 Individual Sanctions (Student Group Officials): sanctions will be cumulative

1-2	Written warning
	Letter of apology to be written to those affected
3-5	Removed from post
6-8	Removed from post and banned from holding any position of responsibility in the SU for life
9	Life ban from Students Union, with membership revoked

4.4 Individual Sanctions (All students): sanctions will be cumulative

1	Written warning
	Letter of apology to be written to those affected
2	Suspension of activity (1 week)
3	Suspension of activity (1 month)
4	Suspension of activity (1 term)
6	Suspension of activity (1 year) and banned from holding any position of responsibility in the SU for life
9	Life ban from Students Union, with membership revoked
	University disciplinary action

5 Offences

1	Noise/room misuse complaints from university staff
	Failure to manage funds appropriately to the detriment of the group i.e. raising a PO
2	Repeated noise/room misuse complaints from university staff
	Consented humiliation
3	Breaching Students' Union Sponsorship contract
	Advertising external companies without agreement from the Students' Union
4	Breach of Food Supply policy i.e. cooking hot food in a university room
	Destruction of property or facilities
6	Non consented humiliation i.e. initiations
	Bullying, intimidation or harassment of group member(s) or staff
9	Breach of External Speaker policy having received necessary training and/or information
	Misappropriating group funding for personal gain i.e. theft
	Non-Consented humiliation which displays lasting effects on the victim
	Groups found guilty of holding an initiation.

5.1 The list of possible offences above is not intended to be exhaustive, and should be updated annually once precedents have been set by panels at disciplinary hearings.

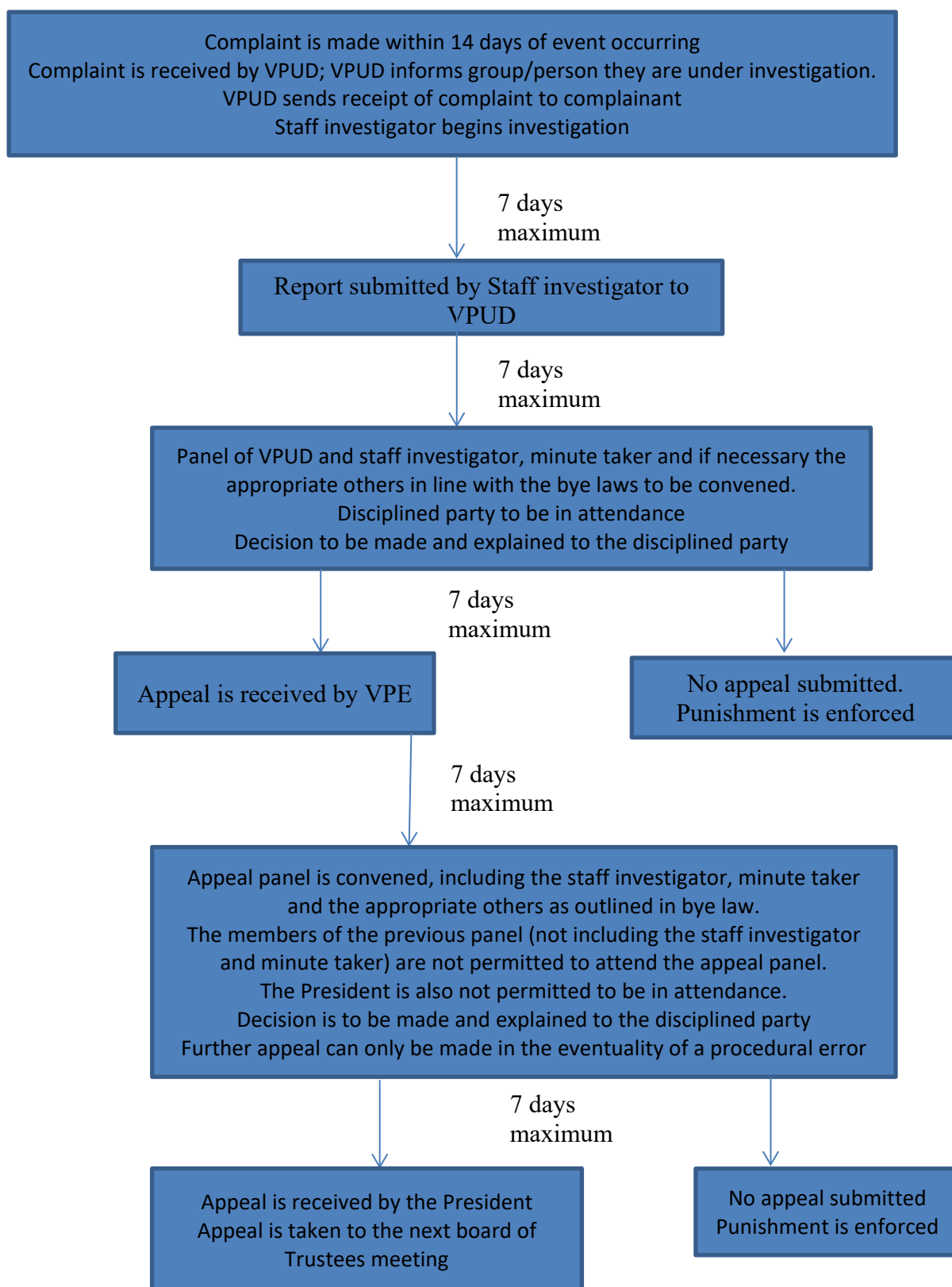
5.2 Sanctions will be cumulative if an offence is repeated within an academic term as follows:

5.2.1 Sanctions will multiply by 2x if the same offence is repeated.

5.2.2 Sanctions will multiply by 3x if the same offence is repeated a third time.

APPENDIX B

Disciplinary Flow Chart



8. Disciplinary Bye-Law

Date of this revision: 29 June 2020
Date of next revision: 30 September 2021

Revision date	Previous revision date	Summary of Changes	Changes marked
25/08/17	Unknown	Separation of Disciplinary bye-law from the Complaints bye-law passed by Board of Trustees on 15/12/16.	
05/02/2018	25/08/2017	Agreed by Trustees on 15/12/17. Add at Item 5 Section 9: Offences - Groups found guilty of holding an initiation	
15/11/18	05/02/2018	Updated Branding	
29/06/2020	15/11/2018	Change revision date to fit with Revision status of the Students' Union Constitution	

Owner

Name	Email Address	Title	Date of Issue	Version
K Macintyre	Kate.macintyre@northampton.ac.uk	Governance Administrator	29/06/2020	5