



## **Byelaw 4: Disciplinary Action**

### **1. General**

1.1. Disciplinary action will follow any relevant complaint raised through the Union's Disciplinary Procedure as detailed in Byelaw 3.

1.2. Disciplinary action may be taken in respect of any breach of discipline alleged to have occurred which:

**1.2.1.** On Union premises

**1.2.2.** Whilst the student is using Union facilities

**1.2.3.** Whilst the student is representing the Union at any event, in any way, held anywhere

**1.2.4.** Whilst the student is taking part in the activities of a club or society recognised by the Union

**1.2.5.** When the student is using premises on behalf of the Union

**1.2.6.** When publishing communications which could be associated with the Union.

**1.2.7.** This is not an exhaustive list of situations covered by this Byelaw

1.3. In this Byelaw, a breach of discipline refers to:

**1.3.1.** acting in breach of the Union Code of Conduct

**1.3.2.** threatening or harassing any other person, physically or verbally

**1.3.3.** assaulting another person

**1.3.4.** damaging property, deliberately or negligently;

**1.3.5.** acting in contravention of the Alcohol Harm Reduction Policy and/or Zero Tolerance to Sexual Harassment Policy

**1.3.6.** acting without due regard for the safety of others

**1.3.7.** acting with dishonesty or intent to defraud

**1.3.8.** behaving in any manner likely to bring LTSU into disrepute



## Byelaw 4: Disciplinary Action

---

### 2. Zero Tolerance to Sexual Harassment

2.1. If the union is made aware of any disciplinary process or formal allegation underway regarding sexual harassment or assault, the said individual will be suspended from all union social activity and/or union workshops.

**2.1.1.** For the avoidance of doubt, this also includes any union lead/run complaints or disciplinary procedure relating to sexual harassment and assault.

2.2. The definition of sexual harassment for the purposes of this policy is as follows, and which is defined in the Zero Tolerance to sexual harassment and assault written by Leeds Trinity Students' Union & Leeds Trinity University:

*“The defining characteristic of sexual harassment includes persistent behaviour, pressure, intimidation and/or causing alarm or distress to another person. Examples of such unacceptable behaviour include:*

- *Unwanted sexual comments (including comments about your body or private life);*
- *Unwelcome sexual invitations;*
- *Unwelcome innuendoes, and offensive gestures;*
- *Wolf whistling, catcalling or offensive sexual noises;*
- *Groping, pinching or smacking of your body;*
- *Having your clothes lifted or pulled at without agreeing;*
- *Someone exposing their genitals to you without consent.*

*This behavior could be perpetrated by or against anyone of any gender.”*



## Byelaw 4: Disciplinary Action

---

### **3. Constitution of Disciplinary Panel**

3.1. The Disciplinary Panel shall consist of three members from the following:

**3.1.1.** The Union President or Union Vice President (Chair)

**3.1.2.** The Chief Executive Officer, or a designated deputy

**3.1.3.** A Student Trustee, another Sabbatical Officer, or a member of Student Council.

3.2. The Union President will Chair the Disciplinary Panel

**3.2.1.** If the Union President is not available, the Vice President will Chair the Disciplinary Panel.

**3.2.2.** If the Union Vice President is unable to Chair the Disciplinary Panel, a Chair will be decided between the remaining members of the Disciplinary Panel.

**3.2.3.** If a disciplinary panel cannot achieve a membership of 3 using trustees, Union Senior Managers, and Sabbatical Officers, or members of Student Council, then a senior manager from another students' union should be approached to sit on the panel.

3.3. None of these individuals should have been previously involved with the matter for the disciplinary committee.

3.4. A non-investigating LTSU staff member may be present at the Disciplinary Panel to record and administrate.

3.5. Minutes should always be taken at Disciplinary Panels, for the minutes to be consulted in the case of an Appeals Panel.



## Byelaw 4: Disciplinary Action

---

### **4. Constitution of Appeals Panel**

4.1. The Appeals Panel shall consist of three members from the following:

**4.1.1.** An external trustee, who was not a member of the disciplinary panel

**4.1.2.** A Union Senior Manager, who was not a member of the disciplinary panel

**4.1.3.** A Student Trustee, who was not a member of the disciplinary panel or an LTSU Sabbatical Officer who was not a member of the disciplinary panel, if no Student Trustee is available

4.2. An external trustee will Chair the Appeals Panel

**4.2.1.** If an external trustee is unable to Chair the Appeals Panel, a Chair will be decided between the remaining members of the Disciplinary Panel, where possible this Chair should be a non-sabbatical officer member of the trustee board.

**4.2.2.** If an appeals panel cannot achieve a membership of 3 using trustees, Union Senior Managers, and Sabbatical Officers, then a member of university staff should be approached to sit on the panel.

4.3. None of these individuals should have been previously involved with the matter for the Appeals Panel.

4.4. A non-investigating LTSU staff member may be present at the Appeals Panel to record and administrate.

### **5. Disciplinary Procedure**

#### **5.1. Initial Determination**

**5.1.1.** Where a complaint has proceeded through the Complaints Procedure found in Byelaw 3, all material related to the complaint will be provided by the complaint investigator.

**5.1.2.** The Chief Executive Officer or their designated deputy will consider the findings of the complaint investigator.



## Byelaw 4: Disciplinary Action

---

5.1.2.1. In the case that the CEO is the complaint investigator, they must refer the findings for determination to their designated deputy for independent consideration.

**5.1.3.** An initial judgement should be made on whether the complaint requires formal panel, based on the severity of the alleged issue and the evidence available.

### **5.2. Informal Resolution**

**5.2.1.** Should the Senior Manager determine that the complaint does not warrant a full panel, then the matter will be resolved informally.

**5.2.2.** Informal sanctions may constitute:

5.2.2.1. A letter of apology

5.2.2.2. An informal verbal warning

5.2.2.3. Attendance at mediation to resolve the dispute which is the subject of the complaint

5.2.2.4. Any other sanction which does not amount to the limiting or revocation of a member's membership, or their right to access LTSU facilities, events, and services, and which does not necessitate the involvement of the University or any external agencies.

### **5.3. Formal Disciplinary**

**5.3.1. Student Notification:**

5.3.1.1. Where a matter for the attention of the Disciplinary Panel has been reported to LTSU, the student in question shall be made aware in writing of LTSU's knowledge of the events.

5.3.1.2. This written notice should set out the particulars of the alleged breach.

5.3.1.3. The student should also be made aware of the temporary restrictions placed upon them in line with 2.1.



## Byelaw 4: Disciplinary Action

---

### **5.3.2. Investigation Period:**

5.3.2.1. If a breach of discipline has been directly referred to the panel without going through the Complaints Procedure as set out in Byelaw 3:

5.3.2.1.1. The Disciplinary Panel will convene and appoint a member of LTSU staff to investigate.

5.3.2.1.2. There shall be a minimum investigating period of five working days, with the investigating period to be concluded as soon as is reasonably possible.

5.3.2.1.3. If during the investigation the incident be deemed in breach of the law, the matter will be referred to the Police, which may lead to a criminal prosecution. In this situation the matter will be dealt with by the Police in the first instance, and the investigation be placed in suspense. Once the Police investigation is complete the matter will then continue to progress via the LTSU Byelaw.

### **5.3.3. Notice of Disciplinary Panel:**

5.3.3.1. Once the date has been set for a Disciplinary Panel the student must be notified of the date and location of the Disciplinary Panel, in writing, with at least five working days' notice.

### **5.3.4. Meeting of Disciplinary Panel:**

5.3.4.1. At the Disciplinary Panel evidence shall be presented against the student, and the student will also be given the opportunity to speak and present their explanation.

5.3.4.2. The student may be accompanied by a friend or colleague, who may not speak on their behalf, but may ask questions. In this definition, a



## Byelaw 4: Disciplinary Action

---

“friend or colleague” is not a member of the legal profession acting in their professional capacity.

5.3.4.3. The Disciplinary Panel shall decide as to whether the student in question has committed the alleged breach of discipline, and if so, what sanction should be imposed, by majority vote.

### **5.3.5. Formal Sanctions:**

5.3.5.1. Should the Disciplinary Panel find that the student, club or society has committed a breach of the discipline the following sanctions are available to the Disciplinary Panel:

- 5.3.5.1.1. a formal warning
- 5.3.5.1.2. reimbursement of costs incurred for the breach of discipline
- 5.3.5.1.3. removal of an individual, team, club from BUCS, or from any other competitions
- 5.3.5.1.4. ban from LTSU premises
- 5.3.5.1.5. ban from utilizing some or all LTSU facilities
- 5.3.5.1.6. revocation of Students’ Union membership
- 5.3.5.1.7. disaffiliation of a club, society or individual and withdrawal of all support from LTSU

### **5.3.6. Notification of Decision:**

5.3.6.1. The decision of the Disciplinary Panel shall be notified to the student in writing within five University working days of the Disciplinary Panel taking place.

## **5.4. Appeals Process**

### **5.4.1. Appeal Validity**

5.4.1.1. The student may appeal the decision of the Disciplinary Panel on the following grounds:



## Byelaw 4: Disciplinary Action

---

5.4.1.1.1. Bias of the panel.

5.4.1.1.2. Lack of consideration of submitted evidence, which is clearly described and evidenced within the appeal.

5.4.1.1.3. New evidence has become available, which is proven to be not available for submission at the time of the Disciplinary Panel.

5.4.1.1.4. Breach of the Complaints Procedure or Disciplinary Procedure, including timescale, at any stage.

5.4.1.1.5. Harshness of the sanction imposed by the Disciplinary Panel.

### **5.4.2. Appeal Timeframe:**

5.4.2.1. To appeal, the student must notify the CEO in writing of their appeal within ten working days of the notification to the student of the result of the Disciplinary Panel.

5.4.2.1.1. If the CEO is part of the Complaints or Disciplinary Process, the appeals panel will be convened by another Senior Manager who has not been involved in the process.

5.4.2.2. If an appeal is made in writing to the Chair of the Disciplinary Panel, the Chair of the Disciplinary Panel will convene an Appeals Panel.

5.4.2.3. An Appeals Panel must take place within ten university working days of the appeal being submitted, unless the Chair of the Appeals Panel determines there is a reasonable cause to delay the Appeals Panel.

### **5.4.3. Notice of Appeals Panel:**

5.4.3.1. Once the date has been set for an Appeals Panel the student must be notified of the date and location of the Appeals Panel, in writing, with at least five working days' notice.





## Byelaw 4: Disciplinary Action

---

### **5.4.4. Appeals Panel:**

5.4.4.1. The Chair of the Disciplinary Panel and the non-investigating LTSU staff member who is responsible for recording and administrating the Disciplinary and Appeals Panels will pass all relevant information on to the Chair of the Appeals Panel.

5.4.4.2. The student, and/or their representative, will be invited to attend the Appeals Panel and explain their reasons for appeal.

### **5.4.5. Decisions of the Appeals Panel**

5.4.5.1. The Appeals Committee shall decide:

5.4.5.1.1. where the appeal is against a finding that the student has committed a breach of discipline, whether to uphold or to dismiss the appeal.

5.4.5.1.2. Where the appeal is against a sanction imposed, whether the sanction should be upheld or should be removed or altered.

5.4.5.1.3. Where the appeal is against the process, if the Disciplinary Panel has not followed the process, to restart the disciplinary process.

### **5.4.6. Notification of Decision:**

5.4.6.1. The decision of the Appeals Panel shall be made, and the student notified of the decision, within five university working days of the Appeals Panel taking place.

5.4.6.2. The decision of the Appeals Committee will be final.

### **5.4.7. Completion of Complaints Process**

5.4.7.1. Once the Appeals process has passed, the outcome of any outstanding complaint will be processed as detailed under Section 6 of Byelaw 3 (Outcome Stage).



## Byelaw 4: Disciplinary Action

---

### **5.5. Confidentiality**

**5.5.1.** All material relating to disciplinary and appeals proceedings, including the details of the alleged breach shall remain confidential and shall be recorded properly by LTSU.

**5.5.2.** Access to information shall be granted by a member of LTSU staff who is not a member of the Disciplinary or Appeals Committees, this can include the relevant person who is in attendance of the Committees to record minutes. Access should only be granted on a 'need to know' basis, as determined by the relevant panel.