

## **Birmingham City Students' Union**

### **STUDENTS DISCIPLINE PROCEDURE**

#### **1 Preamble**

This procedure clarifies the systems in place to deal with anti-social behaviour. Birmingham City Students' Union is committed to providing high quality services to its members and to protecting its staff, members and visitors from anti-social behaviour. To this end, it is essential that anti-social behaviour is not tolerated and is dealt with swiftly and effectively.

#### **2 Scope of procedure**

- 2.1 Alleged misuse/neglect of position by Birmingham City Students' Union Sabbatical Officers should be dealt with via the democratic forums as outlined in the Union's Constitution and bye laws. Alternatively, this procedure may be invoked against Birmingham City Students' Union Sabbatical Officers, as Union members, if the complaint does not relate to their elected position.
- 2.2 The Union recognises that Licensed Premises provide unique and different problems regarding anti-social behaviour. Such behaviour in Licensed Premises must be dealt with quickly, as it may threaten the health and safety of customers and staff and may pose a threat to the licenses for the premises. As such, discipline in the Union's Licensed Premises is dealt with separately under point 3. Point 4 deals with discipline in all other areas of the Union. Point 5 outlines the appeals process against disciplinary action taken against students.

#### **3 Licensed Trade Exclusion Policy**

##### **3.1 The objectives of this section are to ensure:**

- 3.1.1 That the law relating to the held by the Union's licensees are adhered to at all times and that the licences are not jeopardised.
- 3.1.2 That there is effective deterrent to anti-social behaviour and that effective levels of safety and security are in force.
- 3.1.3 That customers of Birmingham City Students' Union Licensed premises feel welcome and able to enjoy the facilities in safety and comfort regardless of gender, colour, sexuality, ethnic or national origin or any other distinction, as required by the Union's Equal Opportunities Policy.
- 3.1.4 That staff in the Union's Licensed Premises are able to operate in a safe and secure environment and have the authority to exclude customers under the circumstances outlined below.

##### **3.2 Exclusion Code of Conduct. Staff excluding a student should:**

- 3.2.1 Remain polite and treat customers with respect and courtesy at all times.

- 3.2.2 Explain their actions and the reasons for their exclusion, to the person(s) they are excluding, without embarrassing or challenging them, and provide information on how customers can complain about the conduct during, or appeal against the reasons for, their exclusion.
- 3.2.3 Be prepared to call for help via the University security or ring the Police if necessary and control the situation until they arrive if possible.
- 3.2.4 It is standard procedure to keep all evidence of incidents that occur in Birmingham City Students' Union Licensed Trade premises. CCTV footage is kept for 28 days, unless a complaint is made which warrants holding such visual evidence for longer. If a complaint is made after 28 days, CCTV footage may not be available, which could influence the outcome.

Staff excluding a student should not get drawn into a confrontational situation, use inappropriate language or swear, or use more than minimum force necessary.

### **3.3 Exclusion Procedure.**

- 3.3.1 When a customer is excluded, every effort will be made to obtain identification at the time of exclusion. The student should have their white i.d card upon them or their NUS card and so their details should be available. In the case of a guest, the member that signed them in detail's will be available. An incident report should be submitted online as soon as possible in accordance with the incident report procedure. This will, of course, be dependent upon obtaining some identification at the time of removal from the premises.
- 3.3.2 Authority to exclude members resets with the security staff or the licensees of the premises
- 3.3.3 If a customer is unhappy at treatment received from staff in any of the Union's Licensed Trade premises, a complaint may be made using the Union Complaints Policy. Copies will be available from the union receptions at each campus.

### **3.4 Staff Training.**

Birmingham City Students' Union recognises its responsibility to ensure that managers and staff employed in its Licensed premises receive adequate training in licensing issues and customer care, as well as legal responsibilities such as health and safety and equal opportunities. The Union will ensure that licensees' ability to comply with their legal responsibilities is not compromised.

## **4 Discipline In other areas of the Union**

### **4.1 Behaviour that could warrant disciplinary proceedings include** (this is not an exclusive or exhaustive list):

- 4.1.1 Threats of, or actual, physical or verbal abuse against staff, students, Sabbatical Officers or members of the public on Union premises.
- 4.1.2 Damage to Union property.
- 4.1.3 Contravening Birmingham City Students' Union and/or University policies and/or procedures.
- 4.1.4 Any other conduct that may be deemed detrimental to the operation, reputation and/or organisation of the Union.

**4.2** Any member of staff has the right to ask a student or customer to leave Birmingham City Students' Union premises, if said person is abusing or threatening staff or customers. Security should be called if the member of staff feels it is necessary. The matter will then be taken to a Disciplinary Committee.

### **4.3 Committee Structure**

- 4.3.1 The Disciplinary Committee is a sub-committee of the Union's Executive. Its membership is comprised of the President as chair, the Education and Welfare Officer, the Bars, Catering and Ents Manager, plus one other Executive member delegated the task at the beginning of their term in office.
- 4.3.2 The Disciplinary Committee will meet once a month if necessary. All disciplinary matters which have occurred during the previous month will be heard in one session although at different times throughout the day.
- 4.3.3 In exceptional circumstances, for instance if The Disciplinary Committee feel that the outcome may be biased by an internal hearing, an independent panel from outside Birmingham City Students' Union may be established. In such cases, the help of the NUS Regional Officer will be sought in recruiting such a panel and this procedure should be followed as usual.
- 4.3.4 No Committee member who knows the person being disciplined in a personal 'friendship' capacity will be permitted to form part of the Committee and an alternative will be sought. This may require discussion from other Executive Officers about suitability before the Disciplinary Committee is formed.

### **4.4 Procedure prior to hearing:**

- 4.4.1 In the first instance the complaint/report should be submitted to the President who will determine whether disciplinary action is necessary.
- 4.4.2 The complainant has the right to remain anonymous, should they choose to do so.
- 4.4.3 If a member acts in breach of section 3 of this policy he/she will be informed immediately that he/she has been excluded from all Union premises and from all Union events until a hearing has taken place. This will be reiterated in a letter from the President which will include a copy of the Unions' Disciplinary procedure and a date for the hearing. This date must provide the student with no less than two working days notice of the hearing.
- 4.4.4 It is the responsibility of the Disciplinary Committee to investigate the allegations, speak to those involved and seek verification from independent witnesses. The accused member will have the right to speak in his/her defence and has the right to be accompanied by a representative.
- 4.4.5 The Disciplinary Committee will decide whether the allegations are true. If the Committee decide that there is no cause for further action then the expulsion is automatically lifted.
- 4.4.6 If the Disciplinary Committee decides that further action is necessary then the student will be informed of the decision made and the reasoning behind it as soon as possible. Time already excluded will be considered when setting a date for the expulsion to be lifted.

- 4.4.7 The decision will be re-iterated in writing to the student in the form of a letter from the President. This letter must state the students' right to appeal the decision of the Disciplinary Committee.
- 4.4.8 If a student fails to attend the Disciplinary Committee he/she will be seen to have once again contravened Union policy and will automatically be excluded until the end of the academic year.

#### **4.5 Procedure during hearing**

- 4.5.1 The hearing will take place no less than 1 academic week and no more than 2 academic weeks, after the letter from the Chair of the Committee was sent to the defendant.
- 4.5.2 Statements may be invited via the complainant. These will be reviewed independently by the Disciplinary Committee to see if they are relevant.
- 4.5.3 The defendant shall have the right to bring another member of Birmingham City Students' Union to represent them, however, nothing this friend says can be taken as evidence. The Chair of the Disciplinary should be informed prior to the hearing if the defendant intends to bring witnesses or witness statements.
- 4.5.4 The Chair should make every effort to ensure that there are an equal number of witnesses/witness statements for the defendant and the complainant, to help ensure that a balanced judgement is made. The Disciplinary Committee shall set times of appearance of witnesses and the duration of the testimony may be limited at the discretion of the Committee.
- 4.5.5 For repeat offenders, the results of any previous Disciplinary hearings will be taken into consideration when applying sanctions. For an offence for which the Police have charged the defendant, the Committee will take this into consideration during, and in some instances there may be a delay pending the Police outcome.
- 4.5.6 Minutes of the hearing shall be taken and kept on file, with copies of documents. The Committee will move into Closed Business while making their decision.
- 4.5.7 Throughout this procedure, the complainant and the defendant may invoke the complaint procedure if they feel they have been unfairly treated.

#### **4.6 The following sanctions may be taken by the disciplinary committee:**

- 4.6.1 Payment for damage caused, including labour charges for repair of damage.
- 4.6.2 Banned from any or all Birmingham City Students' Union premises for a specified time.
- 4.6.3 Banned from participation in Birmingham City Students' Union clubs or societies.
- 4.6.4 Any combination of the above, the time period being at the discretion of the Disciplinary Committee, but not exceeding one academic year.
- 4.6.5 In cases where a breach of the law has occurred, or is suspected, the Police should be informed immediately.

- 4.6.6 If a sanction is ignored by a member, the Disciplinary Committee may use its judgement to extend or increase the sanction already imposed. No suspended member may be introduced to the Union as a guest
- 4.6.7 If the Disciplinary Committee feel at any stage of the proceedings that an offence is of an extremely serious nature, it may refer the matter onto the University's disciplinary procedure

## **5 Appeals procedure**

### **5.1 The defendant or complainant may appeal against the Disciplinary Committee's decision.**

- 5.1.1 A student wishing to appeal must submit his/her intent to appeal in writing to the President within five working days stating the grounds for appeal.
- 5.1.2 The appeal will be heard by an appeals committee, a sub-committee of the Executive Committee. It will include three members of the Executive who have had no prior involvement in the case. The Appeals Committee will have access to all original information put before the Disciplinary Committee.
- 5.1.3 There will be a final right of appeal through the Student Union Representation Council

**Passed 29<sup>th</sup> January 2008**  
**Updated October 2011**