

Member Disciplinary Procedure



EXETER STUDENTS' GUILD

Member Disciplinary Procedure

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1. Purpose

- 1.1. The University of Exeter Students' Guild (the Guild) is committed to promoting an environment that is inclusive, collaborative and empowering, and where individuals are treated fairly and with consistency. It is therefore important that all our members understand the standards of conduct that are expected of them in maintaining that environment.
- 1.2. This procedure outlines the Students' Guild's approach to ensuring that issues concerning the conduct of individual member(s) are resolved in a fair, consistent and timely manner.

2. Scope

- 2.1. Throughout this procedure, members are defined in accordance with the Students' Guild Memorandum and Articles of Association as being students at the University of Exeter.
- 2.2. This procedure does not apply to members of Guild staff or Elected Full-Time Officers.
- 2.3. Where a member who is also a student staff member is alleged to have committed an act of misconduct, the process followed will depend on whether the alleged breach occurred while the member was 'on duty' as an employee.
- 2.4. Issues relating to the political performance of Sabbatical Officers will be handled using the "no confidence" rules stated in the Memorandum and Articles of Association for the Guild.

3. Principles

- 3.1. It is expected that members of the Guild are honest and act in accordance with our [Members' Code of Conduct](#).
- 3.2. Breaches of standards will be treated in a consistent, fair and reasonable manner. Our aim is always to encourage improvements in member conduct and for members to remain active participants in the Guild's activities.
- 3.3. The Guild reserves the right to begin disciplinary procedures against a member, society or club without a formal complaint being made against them, if there is sufficient evidence to suggest that a breach of conduct has taken place.
- 3.4. In circumstances where the Guild believes that a member, society or club poses a risk to members of the Guild community or the public, or where a member is accused of a disciplinary offence that may also constitute a crime, we may put in place precautionary measures before a full investigation has taken place. The procedure for deciding on the appropriate precautionary measures is outlined in [Appendix E. Risk Assessment Procedures](#).
- 3.5. We reserve the right to start the disciplinary procedure at any stage and issue the most appropriate disciplinary outcome.
- 3.6. Where time limits are referred to within this procedure, they are provided as a guide only, and may be varied.
- 3.7. All e-mail communication sent to members or societies as part of this procedure will be sent to their registered University e-mail address.

4. Breaches of Discipline

- 4.1. Disciplinary action may be taken because of any breach of discipline that:

- happens on the Guild premises;
 - is committed while using Guild facilities or attending a Guild event;
 - is committed while a member is representing, acting on behalf of or could be perceived to be representing or acting on behalf of the Guild at an event, during a trip, online (e.g., via social media) or in correspondence;
 - takes place whilst undertaking an activity supported by the Guild or whilst on Guild business;
 - takes place in person or in writing, via e-mail or social media, or by a physical act or gesture.
- 4.2. Please refer to the [Members' Code of Conduct](#) for examples of the types of misconduct and gross misconduct which may constitute breaches of discipline.

5. Informal resolution

- 5.1. Before considering formal disciplinary proceedings, every effort should be made to resolve the matter informally, where appropriate. This could include discussing the matter, with the objective of helping you to make appropriate improvements to your conduct. At this stage you will be made fully aware of the expectations, what steps need to be taken to address the conduct issue and when this will be reviewed. We might also recommend that you attend training.
- 5.2. An informal resolution will not be taken if:
- Your conduct has not improved following a previous informal discussion or formal warning;
 - It is more appropriate to deal with the situation formally, due to the potential seriousness of the issue.
- 5.3. Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this policy will be applied.

6. Investigation

- 6.1. Before formal action is considered, an appropriate person will be appointed to carry out a full and fair investigation to establish the facts. The person carrying out the investigation must not be involved in the matter in question, for example as a witness, and will usually be a member of Guild staff.
- 6.2. The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses.
- 6.3. As part of the investigation, you may, if appropriate, be asked to submit a written statement in response to the allegations, which will form part of the investigation report.
- 6.4. The investigation findings will be reviewed by an appointed member of Guild staff along with an elected Officer, who will determine whether to start a formal procedure to deal with any identified issues related to the alleged misconduct.

7. Suspension from the Guild

- 7.1. In certain circumstances, for example cases involving gross misconduct or where we feel that there are risks to other people (such as witnesses, other students or staff), property or the Guild's reputation, it may be appropriate to suspend some or all of your membership rights while an investigation takes place.
- 7.2. A risk assessment will be conducted by Guild staff (see [Appendix E, Risk Assessment Procedures](#)) to consider whether this is necessary.

- 7.3. Excluding a member from participation in Guild activities does not indicate a disciplinary decision or suggest that the member is believed to be guilty.
- 7.4. We will keep any periods of suspension as brief as possible and review it regularly throughout the process.

8. Disciplinary Procedure

- 8.1. If, following investigation, the Guild decides to start a formal disciplinary process, the member will be informed of the issues in writing and invited to a formal hearing to discuss the matter further.
- 8.2. Depending upon the seriousness of the alleged misconduct, it may be necessary for a panel to be formed to conduct the disciplinary hearing. The decision of whether to form a panel will be decided after an investigation has taken place, and before a formal hearing is scheduled.
- 8.3. The disciplinary panel will normally consist of a Sabbatical Officer (or their representative) and either a member of Guild staff or student trustee.
- 8.4. Members of the panel must not have been involved in the matter in question, for example during the investigation or as a witness.
- 8.5. At the formal meeting, you may be accompanied by a fellow member of the Guild. You should inform the Guild in advance of who will be accompanying you prior to the meeting.
- 8.6. You will receive an invitation letter to the formal meeting, at least 5 days in advance, which will:
 - Advise you of the purpose of the hearing, the date, time and venue;
 - Explain that you may be accompanied at the hearing by a fellow member of the Guild;
 - Provide information about the alleged misconduct;
 - Advise who will attend the hearing including any witnesses;
 - Provide all relevant information that is to be used at the hearing including the investigation report, any written evidence, witness statements taken as part of the investigation and a copy of the disciplinary procedure.
- 8.7. During the meeting, you will have the opportunity to:
 - Set out your case and answer any allegations
 - Ask questions
 - Put forward your own evidence
 - Put questions to witnesses
 - Call your own witnesses (advance notice must be given)
- 8.8. The person that conducted the investigation may also attend the hearing to present their findings and answer any questions regarding the investigation.
- 8.9. You will have the opportunity to state your case before any disciplinary sanctions are decided on. All decisions will be reached following a full and fair review of the evidence and based on balance of probabilities.
- 8.10. If, with good reason, you are unable to attend the hearing, it will be rescheduled (usually within 5 days of the original date). Except in exceptional circumstances, if you are unable to attend the rearranged hearing, a decision may be reached in your absence.

- 8.11. Following the conclusion of the meeting, you will be notified of the outcome. This will be confirmed in writing, usually within 5 working days or as soon as possible and will include:
- Details of the misconduct that has resulted in the disciplinary action, the disciplinary sanction and the dates this will be applied from / to;
 - Any actions required to prevent future disciplinary action, the consequence of not carrying out these actions, details of the appeal process and, if appropriate, the length of time the sanction will remain in place.

9. Gross Misconduct

- 9.1. We will inform the University of any serious misconduct. Where the University considers that its Regulations have been breached, it may follow its own separate disciplinary process or implement its own sanctions. In this situation, the Guild's disciplinary process may be temporarily paused until the University has completed its own investigations.
- 9.2. In certain circumstances, behaviour may be considered so serious that membership may be revoked with immediate effect, for example where we believe that a member poses a serious risk to the safety or wellbeing of others.

10. Appeals

- 10.1. You can appeal against any disciplinary action taken against you if you feel that:
- the disciplinary outcome is unreasonable given all the circumstances and evidence considered;
 - the correct procedure was not followed during the formal stage and this has had a significant effect on the outcome; or,
 - you have new evidence to show which you were unable, for valid reasons, to provide earlier in the process, and which would have had a significant effect on the outcome of the formal stage.
- 10.2. You can submit an appeal within 5 working days of the date that you receive the outcome of the disciplinary hearing. You should do this in writing to the Guild President, setting out the reasons for appealing the decision.
- 10.3. If the President decides that there are grounds for appeal, an appeal hearing will take place as soon as possible, and without unreasonable delay. This will usually be within 5 working days of your appeal being received.
- 10.4. Appeals will be heard by a panel who have had no previous involvement in the case and will normally consist of the Guild President (or their representative) and one or more of the following:
- A trustee
 - A student trustee
 - A member of the Guild senior management team
- 10.5. You may be accompanied to an appeal hearing by a fellow Guild member.
- 10.6. The appeal panel may:
- uphold the original decision;
 - change the outcome but will not usually choose a more serious sanction than what has already been decided; or
 - overturn the original decision.
- 10.7. All decisions will be confirmed in writing within 10 working days, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

11. Confidentiality

- 11.1. All matters relating to the disciplinary and appeals process must be kept confidential.
- 11.2. We will investigate any breach of confidentiality by an individual involved in the process and take appropriate action. This could include disciplinary action against the individual(s) responsible for the breach.

12. Further information

Appendixes / Procedures

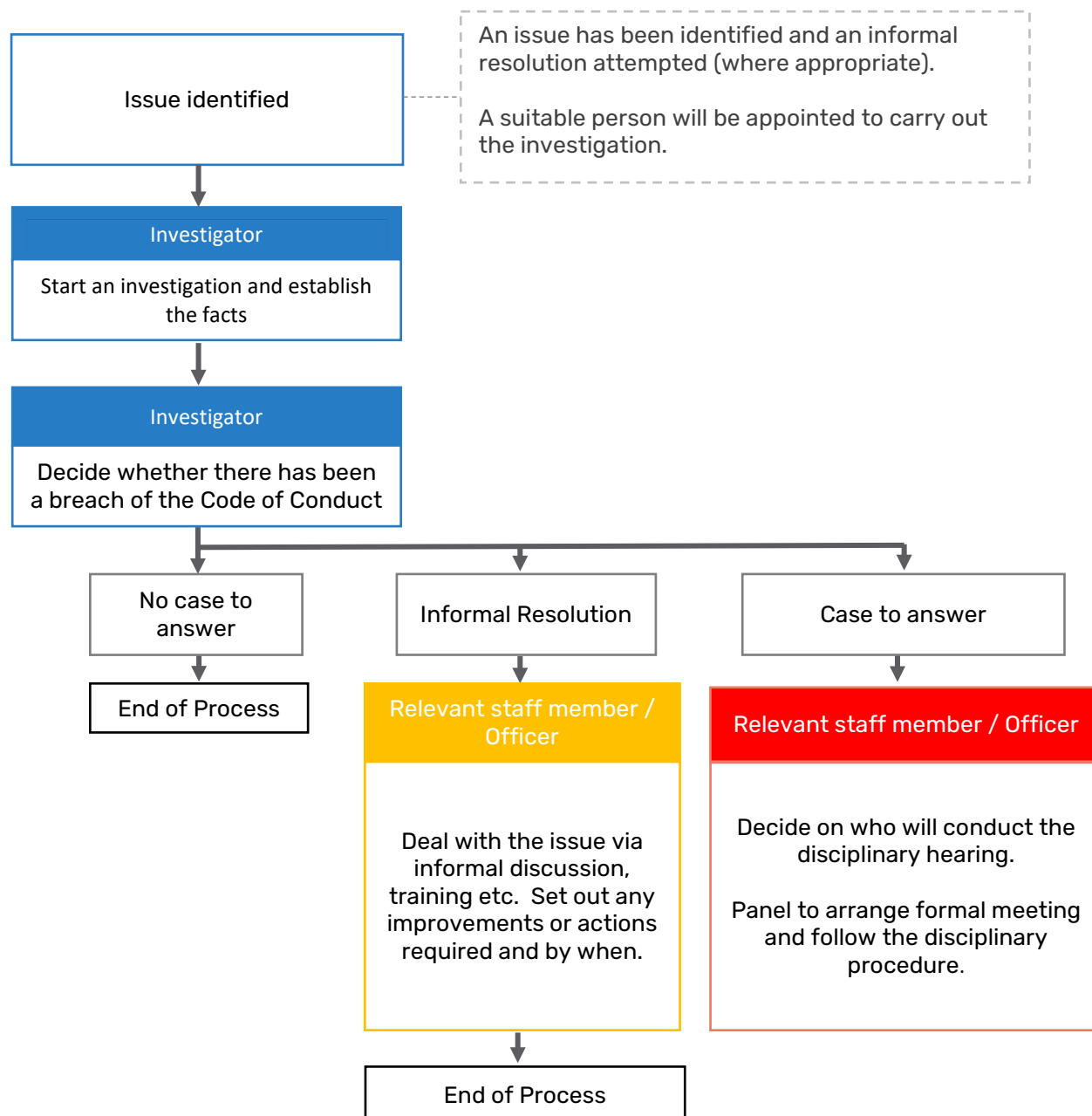
- [Appendix A: Investigation](#)
- [Appendix B: Formal Disciplinary Procedure](#)
- [Appendix C: Disciplinary Outcomes and Sanctions](#)
- [Appendix D: Appeal Procedure](#)
- [Appendix E: Risk Assessment Procedure](#)

Related Policies

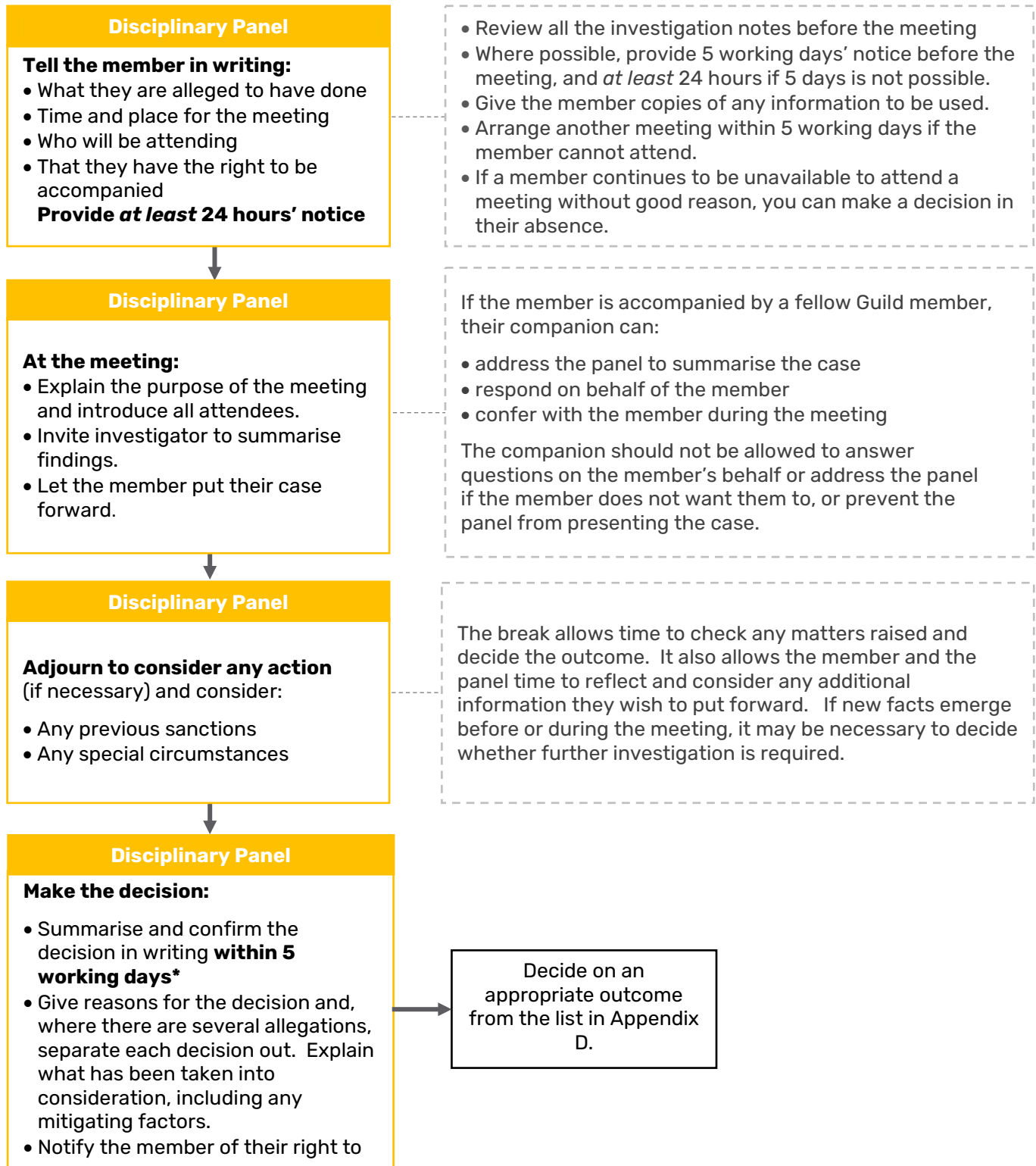
- Code of Conduct (Members)
- Complaints Procedure (Members)

Appendix A: Investigation

The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses and/or the member(s) concerned, as well as other forms of information gathering (e.g., CCTV, screenshots etc.).



Appendix B: Formal Disciplinary Procedure



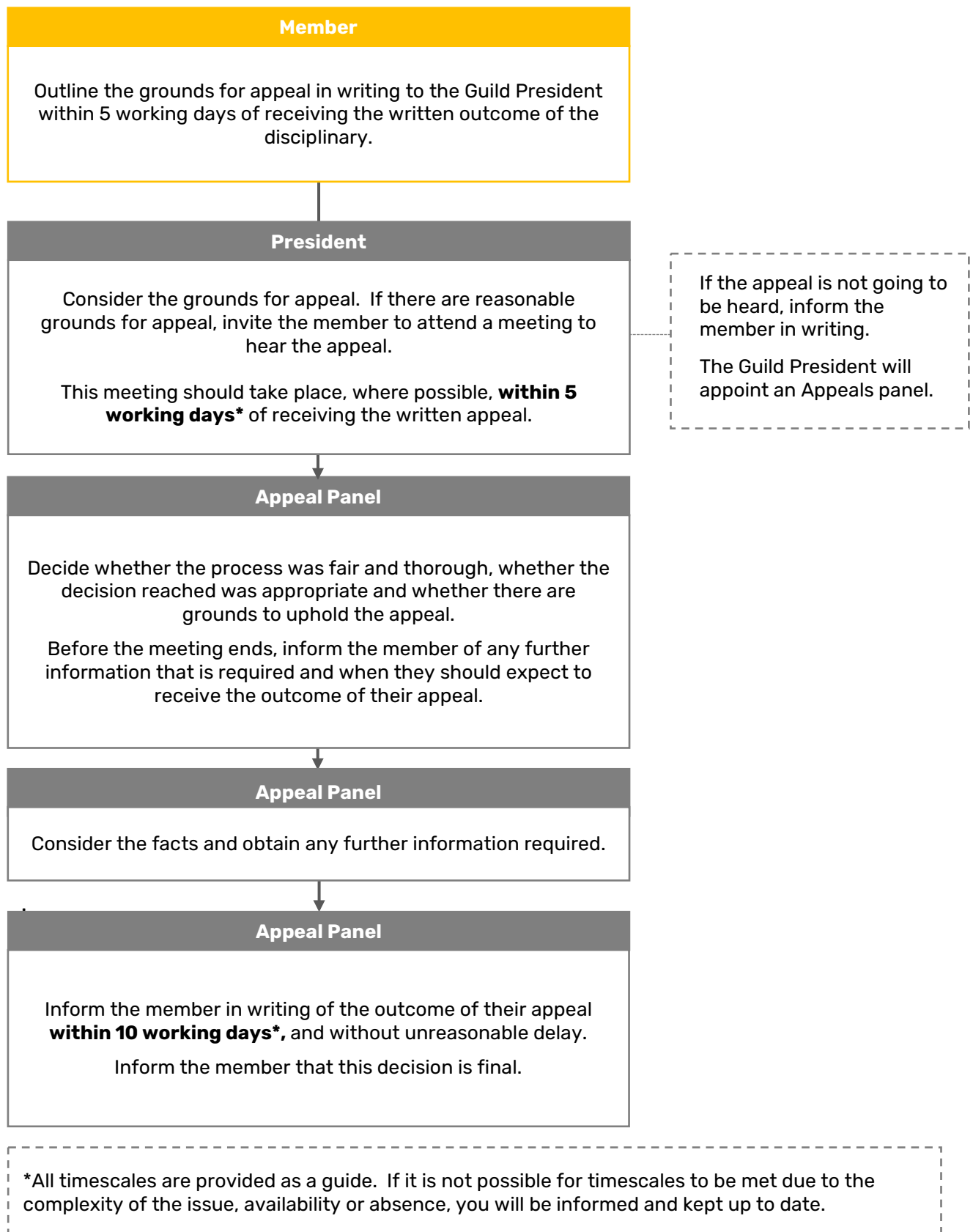
*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, members will be informed and kept up to date.

Appendix C: Disciplinary Outcomes and Sanctions

Some sanctions may be imposed in conjunction with other forms of disciplinary sanction (for example a formal written warning, plus a written apology).

Applies to:	Outcome
Members Societies & Clubs	No disciplinary action This course of action would be followed if, based on the evidence and/or explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
Members Societies & Clubs	Informal action This means that a record is made of the discussion, and the required actions or changes are noted and clearly explained. This may be used when the issue is not serious enough to justify a formal warning, but still needs addressing. This could include a recommendation to attend training, mediation or a conversation setting out expectations.
Members Societies & Clubs	Written apology required The member, group or group representative will be required to write a formal apology to any other parties that have been affected by their misconduct.
Members Societies & Clubs	Mandatory Training The member or group will be asked to attend mandatory training to address the conduct or behaviours of concern. This may be sourced/delivered by the Guild, or we may ask the individuals to attend training delivered by the University or other partners.
Members Societies & Clubs	Formal written warning For minor breaches of the code of conduct where an informal approach is inappropriate or has failed, a formal written warning may be issued setting out the nature of the misconduct and the change in behaviour required. A warning will remain 'active' for up to 12 months, and will not be taken into consideration for future disciplinary purposes after this time.
Members Societies & Clubs	Suspension from Guild activities The member or group will be restricted, either fully or partially, from participating in Guild activities for a specified period of time. This will also mean that the member is suspended from holding any elected positions.
Members	Removal from position The member is removed from their position on a committee. This may also include restrictions (either permanently or temporarily) on running for future committee positions.
Members	Membership terminated In the case of serious misconduct or repeated instances of misconduct, membership may be revoked and a member's entitlements terminated.
Societies & Clubs	A fine or restorative sum

Appendix D: Appeal Procedure



Appendix E: Risk Assessment Procedure

- 1.** A risk assessment may be conducted where we have reason to believe that a member, society or club may pose a risk to themselves, the Guild / University community, the Guild / University's reputation or to public safety.
- 2.** Situations which may require a formal risk assessment include:
 - Where a report has been received of serious misconduct of a member, society or club which suggests that they pose a risk to others;
 - Where concern is raised by an investigating officer that the circumstances being investigated suggest that a member, society or club poses a risk to others or to the disciplinary process.
- 3.** The purpose of the risk assessment is to evaluate the specific circumstances, identify the current and potential risks and consider what action, if any, should be taken to reduce those risks.
- 4.** A person or panel conducting a risk assessment will act in the best interests of the Guild and our members, using the information available at the time.
- 5.** A risk assessment will panel will normally include a member of Guild staff plus *at least one* of the following:
 - A Sabbatical Officer;
 - A member of the Guild Senior Management Team.
- 6.** It may also include a representative from the University, where necessary and appropriate.
- 7.** Member(s) would not normally be required to meet with a risk assessment panel, however this may be requested in certain circumstances.
- 8.** The risk assessment panel will not be able to take disciplinary action against any member, but they can recommend measures to be put in place to reduce actual or perceived risk to others and/or to the Guild's reputation, while an investigation is carried out.
- 9.** Possible outcomes of a risk assessment could include:
 - Recommendation for a temporary suspension of a member from the Guild premises and/or activities;
 - Recommendations for specific measures to be put in place, which might include adjustments to societies, events or activities or access to specific spaces;
 - Specific restrictions to be put in place preventing the member from participating in certain activities or events;
 - A specific requirement that the member is not permitted to represent the Guild in a society, club or as part of a committee until the investigation has concluded;
 - Referral to the University's Wellbeing Service for support; and/or
 - Referral to the University's Student Cases Team for investigation under their own procedures.

- 10.** When assessing the extent of any recommended suspension, the risk assessment panel will consider all Guild activities that the member is currently participating in by checking against the following list:

Activities	Information Held
Employed by the Guild as a member of student staff	HR records in People HR
Course Representative	Course rep database
Member of a Guild Society	Society member database
Committee member in a society	Guild website
Standing in a Guild election	Guild website
Use of the advice centre	Advice case management system

- 11.** This may require the panel to liaise with other Guild staff and/or external organisations, such as volunteering organisations that the Guild works with. Information relating to the case, beyond the name of the member, will only be shared where appropriate and necessary.
- 12.** Consideration should be given by the panel to the impact or potential impact on the member of any measures taken, particularly in relation to recommendations involving temporary suspension of access to services or premises.
- 13.** Full suspension from Guild premises and activities will only be recommended in high-risk circumstances where there are no alternative measures that can be put in place.
- 14.** Any suspensions will usually only be put in place pending the outcome of a disciplinary investigation and hearing. Any suspension will be for a fixed period and subject to regular review.
- 15.** In cases where there has been a complaint from a fellow member, the risk assessment will take the interests and welfare of both members into consideration when deciding on the appropriate precautionary measures. The panel will consider any support arrangements that need to be put in place for either party.
- 16.** Where complaints have been made that relate to serious allegations of bullying, harassment, discrimination or sexual misconduct or violence, the panel will take into consideration the potential risk to the safety and wellbeing of all students and the general public.
- 17.** Any refusal by a member to meet the requirements put in place following recommendations made following a risk assessment may be investigated under the disciplinary procedure.
- 18.** The risk assessment panel will ensure that appropriate confidentiality is maintained for the student and any other people involved.
- 19.** All decisions will be recorded and retained in line with the Guild's Data Protection Policy.