



Student Disciplinary Policy

1. INTRODUCTION

- 1.1 York St John Students' Union is a body legally constituted under the auspices of York St John University.
- 1.2 The Students' Union holds a premises licence and occupies property under the auspices of an agreement with the York St John University Governing Body.
- 1.3 In pursuance of the above 1.2, the Students' Union has a policy on student behaviour and discipline.
- 1.4 This policy operates separately from, but in conjunction with, York St John University.
- 1.5 The scope of the procedure relates to:
 - Behaviour within the Students' Union Building.
 - Union sponsored or organised activity, individual or ratified/recognised group.
 - Any matter referred to the Students' Union by the University.
 - Any matter considered appropriate by the Students' Union Executive Team.
- 1.6 If a student ratified/recognised group breaches the Constitution, Union Policy, their own constitution, or reasonable requirements set down by Executive Team, this will be dealt with under this policy if appropriate.
- 1.7 The Students' Union will publish a set of House Rules, a general statement of expectation on customer behaviour and discipline. This will be reviewed annually by the Executive Team and available on our website.
- 1.8 In pursuance of this policy, the Students' Union will maintain a record of students who offend and the outcomes of proceedings to ensure future similar incidents are dealt with in a like fashion.
- 1.9 The lead officer administering the policy and procedure on behalf of the Students' Union will be one of the Students' Union Sabbatical Trustees.
- 1.10 In order to maintain the good order and running of the Students' Union, the Chief Executive and nominated staff will have the right to execute temporary powers. These powers will include but are not limited to exclusion and suspension of membership. Any temporary disciplinary measures executed by the Chief Executive or nominated staff remain in place until a Sabbatical Trustee has contacted those involved in the incident.

2. INCIDENT REPORTING PROCESS

- 2.1 When an incident has occurred, an incident report or statement will be completed and forwarded to a Sabbatical Trustee.
- 2.2 Once an incident report has been received, the Sabbatical Trustee will make an assessment based on the evidence in the report how to proceed – with regard as to whether it shall be dealt by the Students' Union, whether it should be referred to the University, or whether the Police should be engaged.
- 2.2.1 If the Sabbatical Trustee feels there is a conflict of interest in handling the disciplinary case, or where s/he feels it necessary, the case can be referred to one of the other Sabbatical Trustees.
- 2.2 Once an incident report or statement has been filed the lead Sabbatical Trustee will, within 10 working days, contact the student or group involved to inform them that they are under investigation. In certain circumstances this may be accompanied by a temporary suspension of membership privileges - this may include, but not be limited to, access to the Union Building.
- 2.31 Once an initial investigation has been completed the lead Sabbatical Trustee will then invite those involved in the incident to an investigatory hearing, either individually or collectively. On the balance of the collected evidence, the lead Sabbatical Trustee will then make a decision regarding the outcome of the investigatory hearing. The lead Sabbatical Trustee may:
- Dismiss the allegation
 - Issue a penalty appropriate to the case
 - Refer the case to the Discipline Committee, University or Police for further investigation
- The student or group will also be presented with written notice of the outcome of the hearing.
- 2.4 A confidential record shall be kept of all such hearings and for these purposes the lead Sabbatical Trustee may require the attendance of the Chief Executive or another delegated staff member.
- 2.5 If the student or group is found to be guilty, the student or group may appeal to the another Sabbatical Trustee uninvolved in the matter. This appeal must be submitted in writing to the Chief Executive within five working days of receipt of notification of punishment from the lead Sabbatical Trustee. However, appeals can only be lodged if:
- the student can show that either the process of investigation and/or the disciplinary hearing did not follow this procedure or natural justice
 - new and significant information has come to light that could not reasonably have been provided previously
 - the decision that has been made is perverse or unfair
- 2.6 If an appeal meets the criteria set out within point 2.5 then the matter will be passed to the Discipline Committee as set out in section 5 of Byelaw 6.

3. REFERRAL TO THE UNIVERSITY or POLICE

- 3.1 When an incident potentially constitutes a criminal offence (e.g. including but not limited to physical violence, discrimination, substance abuse, possession of weapons) but is not under investigation by the Police, this will be immediately referred to the University for investigation.
- 3.2 All other cases will usually progress through the Students' Union procedure first, unless regarded by the Students' Union Sabbatical Trustee as exceptionally serious with wider repercussions for the University community.

4 GUIDELINES ON DISCIPLINARY PENALTIES

- 4.1 In all other cases, it is at the discretion of the lead Sabbatical Trustee and/or Discipline Committee as to what penalties are handed down.
- 4.2 Bans can apply to either the Union Building, Union Activities or both.
- 4.3 The Union retains the right to strip members of their membership privileges.
- 4.4 Should any student or ratified/recognised group be subject to any other disciplinary action within a year of a previous disciplinary incident, bans or fines can be levied as appropriate.
- 4.5 Community service will always be considered first when issuing a disciplinary penalty.
- 4.6 If a student or ratified/recognised group should fail to comply with discipline procedures and penalties, it is at the discretion of the lead Sabbatical Officer or Discipline Committee as to what further punishments are delivered. This may include the matter being referred to the University for further action.
- 4.7 In cases of fines being issued as punishment these will only be to the value of the cost of replacing or repairing damage or property, and will not be greater than £250, or the value of the damage, in any single case.