



Loughborough Students' Union

## **Discipline Policy v5**

Written June 2018 – Sam Hanys – VP: Finance & Development 2017/18

Updated September 2018 – Rory Pears VP: Finance and Development 2018/19

### **Introduction**

This policy has been written to help ensure that a safe, inclusive and secure environment exists for the members, customers and staff of Loughborough Students' Union (LSU). Disciplinary issues arise when problems of conduct are raised and the Union seeks to address them through the agreed procedures. It is the intention of LSU that this policy is applied equally to all students in a way that is free of prejudice in respect of any protected characteristic or any other irrelevant or unfair consideration, and that actions taken under this policy are fair, ethical and proportionate.

For the purpose of this procedure, members are defined as in the Constitution.

The Policy is applicable to all current members of LSU. Should a non-member be involved in an incident within LSU premises or surrounding areas, a current member who accompanied that person into the premises may be held responsible for their actions, in line with this Discipline Policy.

Non-members involved in an incident within the building who were not accompanied by a current student on entry could be subject to a Licencing ban away from this Policy.

Furthermore, the Duty Manager has the right to refuse entry or remove any individual from the building on any given event, as per the Licencing Act.

This policy shall run in accordance with the Licencing Act, and Standing Orders C, D, E and G.

In line with LSU's Constitution, the VP Finance is responsible for upholding and enforcing the Discipline Policy. They may delegate powers to trained members of the LSU Executive for cases if needed. Whoever is delegated to lead on a case; including the VP Finance, shall be known as the Disciplining Officer.

When carrying out any form of discipline as per this Discipline Policy, it is essential that the Disciplining Officer understands the effect that bias can have on the disciplinary procedures. Furthermore, should a member of the Executive personally know someone who has been involved in an incident, or if any personal/vested interests exist, the conflict of interest should be stated and that Executive member should not be responsible for upholding the Discipline Policy in that instance.

With any form of sanction that has been issued to an individual, that person will remain on the LSU banned list until the sanction has ended and the fine, if any, has been paid.

The investigation of misconduct that constitutes a criminal offence is a difficult issue, particularly where the potential criminal offence is serious. LSU recognises that it will be a matter for the victim to decide whether they wish to report an incident to the police, and that there may be circumstances where a victim wishes to make a complaint to LSU but not to the police. In these circumstances, LSU may undertake an investigation, but the victim will be made aware that any action from LSU will be limited by its powers and investigative capability.

LSU will not normally report an incident to the police contrary to the wishes of a victim, but may do so in exceptional circumstances, for example where there is a belief there may be an ongoing risk to the victim or others.

Where a matter is subject to a police investigation, action under this policy may continue as directed by the licensee, but no action will be taken that may be liable to interfere with a police investigation or obstruct justice.

### University or College Referral

If a sanction has been referred from the University or College, LSU will receive the sanctions requested and the relative recommendations will be issued. If possible, this process will then be led by the delegated member of the Executive in charge of the prior University or College discipline procedure.

It is important to note that LSU will carry out the full-recommended sanction from the University or College if it is fitting.

In the case of serious matters that have or have not been reported to the police, LSU may consider contacting the University or College to take further action.

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## **Part A - Licensed Premises and as an individual member**

### **General Information**

Part A covers events on the Union premises, especially those occurring on an LSU night's event. This Policy has been written to sustain an environment where all members, customers and staff of Loughborough Students' Union are kept safe and secure as best as possible, by reducing crime and disorder within the building, at LSU organised events and eradicating behaviour deemed unacceptable. It outlays the ways in which an individual can be sanctioned, the various types of sanction that can be imposed and other factors associated with student disciplines.

This policy does not exempt any individual from sanctions imposed by LSU's licensee holder, as per the Licensing Act.

### **Within the Union**

Following an incident at Loughborough Students' Union or at a Loughborough Students' Union arranged event, where the VP Finance has been notified via an Incident Report, complaint, etc., disciplinary action may be taken.

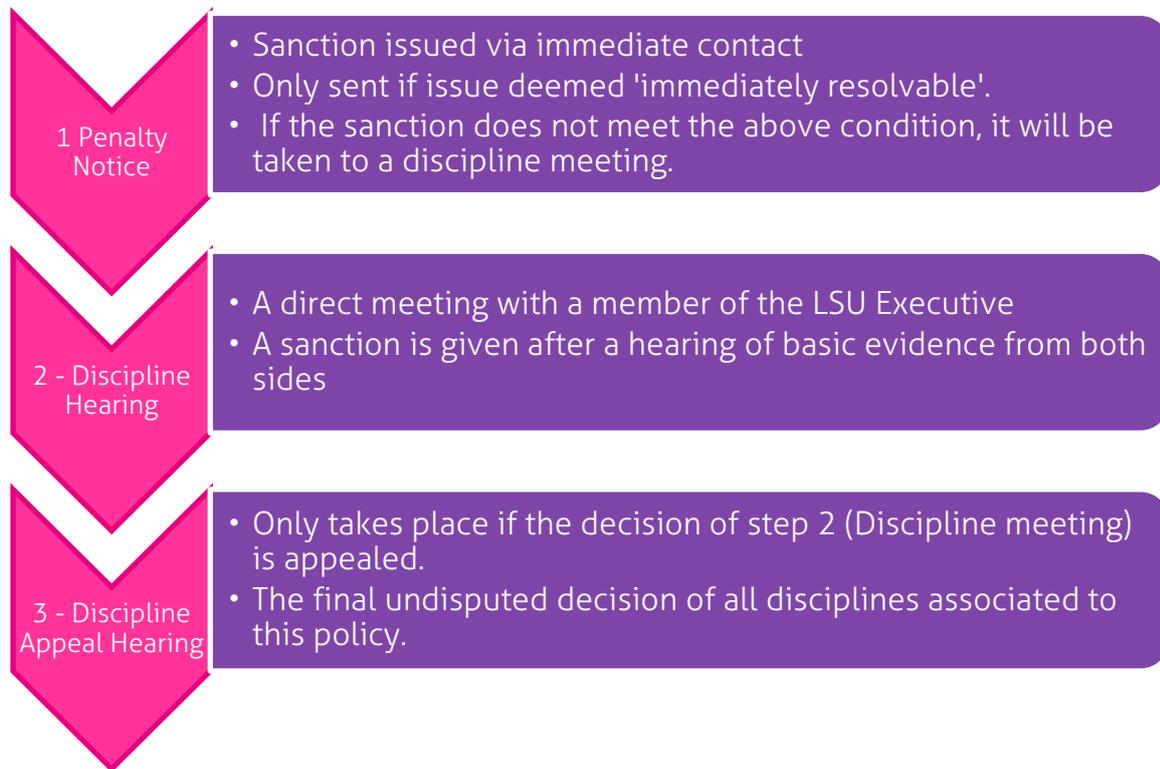
An individual who has been involved in an incident will be contacted via email or telephone to notify them that disciplinary action (or investigation) will be taking place. At this point, the individual will be placed on the LSU Banned List until the matter is resolved.

### **General Procedure**

Prior to any stage of the discipline process, the Disciplining Officer or Discipline Committee members must assess any available evidence such as CCTV footage, witness statements, photographs, etc., to gauge the entire situation and put themselves in the best possible place to deliver an appropriate, just sanction if necessary.

## Stages of the Part A discipline process

The different stages of the discipline process are as follows, and are explained in detail following the flow chart:



At any stage of the discipline process, the Table of Sanctions (Page 11) should be adhered to.

### Penalty Notice (PN):

A PN can be issued via email, telephone or in person following an incident that is deemed to be immediately resolvable and 'clear cut' by the VP Finance.

***An individual can appeal a PN and in which case, a meeting will be arranged with the VP Finance (Stage 2). The individual has a 21-day period in which to appeal the PN. If no appeal has been submitted 21 days after the PN being issued, the sanction issued will stand as the final decision.***

### Discipline Hearing and Discipline Appeal Hearings:

Details of the formal processes of representation and decision making are outlined in Part C of this policy.

## Sanctions

This section will describe each of the different types of sanctions that are available for the VP Finance or delegated member of the LSU Executive to hand to an individual.

The type of sanction given to an individual must be clearly stated on the sanction form at any stage of the discipline process.

### Sanction types:

One of the following three sanctions will always be issued alongside all discipline cases, and the type issued will be decided on a case-by-case basis. Ban type B & C can be put together under one sanction.

**a. Full LSU ban\***

This is a full revocation of a member's privileges. A Full LSU ban comprises of a ban from LSU both at day and at night, a ban from LSU-run events on or off campus, and a ban from representing Loughborough at any LSU recognised activity including, but not restricted to, all societies and sports. A full LSU ban can be issued with other sanctions – although factors need to be taken into consideration by the Disciplining Officer, namely the reputation of Loughborough University, Loughborough College, LSU, and the welfare of the student(s) involved.

**b. Ban from Bars & Entertainments\***

This ban revokes the privilege of being allowed into the LSU building during night-time entertainment activities, as well as any LSU-run event on campus, day or night, where a bar and/or entertainment is provided. on appeal to the LSU licensee and in exceptional circumstances temporary waivers may be permitted.

**c. Activities ban\***

An activities ban is a ban from partaking in any activities organised by one of the activities sections of LSU, including, but not restricted to; Rag, Action, AU, Welfare & Diversity, Societies, LSU Enterprise and Media.

**d. A life ban\***

A life ban can be issued for offences considered to be of a very serious nature where there could be a risk of crime and disorder on LSU premises as listed in the sanctions table or if a total of 3 strikes are issued as detailed on page 7. Information regarding life bans will be kept on record for the duration of studies and for no longer than 6 years.

***\*In addition to any ban handed out above, an individual will be subject to a ruling which prevents them from standing in a 'Union-wide' election, as per Standing Order C and Standing Order G. If the penalty is deemed severe enough, this can be extended to Standing Orders D.***

Sanction additions:

**a. Fine**

A fine can be issued either on its own, or along with any of the above bans, as per the Table of Sanctions (Page 11)

**b. Strikes**

Strikes are put in place to eradicate consistent unacceptable behaviour within the LSU building and its associated activities. 1, 2 or 3 Strikes can be issued along with any of the bans outlined above, and are proportional to the severity of the offence. Strikes sit on a student's record for the length of time they are a student at Loughborough. Once an individual reaches 3 strikes – this equals an automatic life ban from LSU. The life ban will be consistent with the type of incidents that the individual has been involved in (e.g. 3 Strikes for incidents on nights out at LSU would result in a life ban from LSU bars & entertainments).

**c. Community Service**

Community Service can be handed to an individual should they notify LSU that financial difficulties could prevent them from paying a fine or if it is felt that Community Service would be a more appropriate sanction for the specific offence (E.g. Vandalism of LSU property). A general rule (although this would be at the discretion of whoever is carrying out the discipline procedures in any case) is that 1 hour of Community Service should act as the equivalent of a £5 fine. All Community Service must be completed to a satisfaction level that the supervisor is happy with before any hours will be classed as completed and signed off. Any student with outstanding Community Service hours will remain on the banned list until they have completed their hours. Any Community Service hours issued by the Union can be paid off in the form of a fine.

## Table of Sanctions

The following table of sanctions is to be adhered to by the Disciplining Officer

To note:

- All sanctions issued will cover 'term time' specifically and bans will be held in stasis but still in effect over holidays. However, if the student is a postgraduate and will still be working outside of 'typical' term times, their ban time can continue over the duration of their study.
- 'Minimum sanction' is the expected amount of time to be given for each respective offence, but it is left to the discretion of the Disciplining Officer
- Any costs incurred due to the behaviour of an individual (i.e. maintenance work on damaged property, replacement of stolen goods, cleaning costs, etc.), should be added to the relative fine. I.e. The fine should cover any additional costs. However, this is at the discretion of the Disciplining Officer.

- The 'Other Sanctions' column is non-negotiable due to the incident in question. LSU cannot guarantee that action will be taken by external bodies after information of the incident has been passed on, nor can we promise that action will not be taken. Further action is completely up to the external body.
- Possession of Class A, B or C drugs, banned performance drugs or psychoactive substances (often referred to as 'legal highs'), falls under the "Possession of Drugs" offence.
- All students under the age of 18 must have a breath test upon entry to LSU and every hour from that point onwards until they leave the premises to ensure no alcohol has been consumed. If a breath test is failed or the student fails to return for a breath test, that student will be banned from entering LSU for any Bars/Entertainment event until the date that they turn 18. Full details of the ban will be emailed to the student and if they attempt to enter the building whilst banned, they will meet with a Disciplining Officer and follow standard discipline procedures.

### Sanction Table

Offence	Minimum sanction			Notification to University/College /Pubwatch
	Ban	Fine	Strikes	
Underage Drinking	Until 18	£50	0	
Bringing the Union into disrepute	1 week	£25	0	
Unacceptable Behaviour	1 week	£25	0	
Attempted re-entry or breach of ban terms	20% of previous ban	£25	1	
Aggressive Behaviour	2 weeks	£25	1	
Misuse / Damage of LSU Property	3 weeks	£25	1	
Assault without causing significant injury	3 weeks	£30	1	
Discrimination (of any kind)	4 weeks	£30	1	
Tampering with Fire Safety Equipment	4 weeks	£30	1	
Assault causing injury (marks and bruising)	5 weeks	£30	1	
Aggressive Behaviour Towards Staff	6 weeks	£30	1	
Fraud	6 weeks	£30	1	
Theft	6 weeks	£30	1	
Harassment of any kind	6 weeks	£50	1	

Action likely to cause injury or impairment of safety on LSU premises*	10 weeks	£50	2	Yes
Sexual Harassment*	15 weeks	£50	2	Yes
Intent to cause harm to a staff member*	20 weeks	£50	2	Yes
Possession of drugs (first offence)	15 weeks	£50	2	
Assault causing serious injury (broken bones, permanent marks/scarring)	20 weeks	£50	2	Yes
Assault Using a weapon*	Life	£100	3	Yes
Sexual Assault*	life	£200	3	Yes
Intent to cause serious harm to a staff member*	Life	£100	3	Yes
Possession of drugs (second offence) *	Life	£100	3	Yes
Dealing drugs on Union premises*	Life	£200	3	Yes
Evacuation of an event due to vandalism of safety equipment*	Life	£200	3	Yes

***\* Information on these offences will be shared with Loughborough University or Loughborough College in line with the data sharing agreement, this also includes information on any individual or incident if required by the University or College and approved by Disciplining Officer.***

## Part B - Participation in Student Activities and representation

### General Information

This Policy has been written to help ensure that a safe, inclusive and secure environment exists for the members, stakeholders and staff of Loughborough Students' Union; through eradicating behaviour deemed unacceptable.

This section encompasses:

1. Activity on the Union premises
2. While a member is using the Union facilities or at a Union event
3. While a member is representing or acting on behalf of the **Union, including but not limited to playing/supporting an Athletic Union Club or society.**
4. Where a complaint is made about a group activity
5. In relation to actions or incidents between two or more representatives of the Union in any or none of the settings above, or in relation to actions or incidents between the Union's representatives and other members, staff or stakeholders
6. If any of the above interactions are virtual i.e. on social media and instant messaging.

### General Procedure

When carrying out any form of discipline as per this Discipline Policy, it is essential that the Disciplining Officer understands the effect that bias can have on the disciplinary procedures. Furthermore, should a member of the Executive personally know someone who has been involved in an incident, or if any personal/vested interests exist, the conflict of interest should be stated and that Executive member should not be responsible for upholding the Discipline Policy in that instance.

If there is an ongoing police investigation regarding any incident prosecutable under this policy, LSU reserves the right to issue any suitable temporary restrictions upon any involved individuals or groups, including a suspension.

## Offences falling into the scope of this Policy

1. Aggressive behaviour
2. Sexual harassment and sexual assault
3. Financial offences. Including but not limited to (8 and 9)
4. Failure to pay a fine personally incurred which LSU could be liable for
5. Theft of property
6. Acting with dishonesty or with intent to defraud
7. Match Fixing
8. Generating financial or personal gain from a leadership / membership of a student group position
9. Incurring unauthorised expenditure on behalf of the Union and/or misappropriation of Union funds or property
10. Intoxication during non-social student group activity
11. Acting in contravention of the Union's Equal Opportunities Policies
12. Discriminatory behaviour
13. Failure to manage spectators or non-members at a student group organised activity
14. Abuse of student leadership position
15. Coercing others, bullying, harassment, mistreatment of members
16. Failure of Duty of Care - acting without due regard for the safety of others
17. Wilful Damage
18. Failure to abide by Union Policies
19. Breaching the Code of Conduct
20. Bringing the Students' Union into disrepute
21. Democratic Misconduct
22. Breaching Data.

## Stages of the part B discipline process

The different stages of the discipline process are as follows, and are explained in detail below:

### 1. Investigation:

Following an incident or complaint, where the Disciplining Officer has been notified, a member or group of members who are alleged to have been involved in an incident will be contacted via email or telephone to notify them that a disciplinary action (or investigation) will be taking place.

At this point, the individual(s) may be suspended from any relevant or related activity and, where circumstances appear applicable, be placed on LSU

Banned List until the matter is resolved. They should also be advised not to contact any involved parties.

An investigation will then be undertaken either by the Disciplining Officer or a member of LSU/University/College staff who may be approached to assist.

The investigation should establish the facts and where appropriate obtain statements from any available witnesses. The investigation will seek to establish whether in the view of the investigator there is a case to answer and if so gather evidence to that end.

The Disciplining Officer will assess the situation and determine whether there is a case to answer, they may decide whether to drop the matter, arrange informal coaching, advice or counselling, or to arrange for the matter to be dealt with by a Disciplinary Hearing.

At the start of the investigation, the complainant and respondent will receive a letter of formal notification outlining the nature of the complaint being investigated and the name and contact details of the person dealing with the investigation.

Respondents are encouraged to submit a written statement in response to the allegations. The deadline for doing so is seven working days after the date of formal notification of the investigation but may be extended if the investigator is not able to supply full details of the allegations until the investigation interview. The statement should attach copies of any other documents on which the respondent wishes to rely.

The investigator may opt to conduct interviews with complainants/victims, witnesses or respondents as appropriate. Interviews may include robust exploration of the allegations involved in the case. Anyone taking part will be informed of the right to bring a friend to support (but not take part in) the interview. Statements summarised or transcribed from an interview will be sent to participants for approval.

Should the respondent not respond to communications or refuse to engage with the investigation process, they will be deemed to have obstructed the investigation.

The investigator will consider statements and any other documents received from the complainant and respondent as soon as practicable. LSU aims to confirm the outcome of its investigation to the complainant, the respondent, and other interested parties within 14 working days of the date of the formal

notification of the investigation, subject to having been able to contact all relevant parties within this time. If it is not practicable to comply with these deadlines, for example due to relevant parties being on holiday, they may be extended by discretion.

It should be recognised that being the subject of a complaint can be a difficult time for an individual, and so LSU will undertake the investigation with appropriate discretion, care and consideration. LSU will endeavour to ensure all steps in the process remain fair and in line with equal opportunities policy and procedures.

No member involved in a matter covered by the provision of this policy should comment publicly on the incident while the process is ongoing. Failure to observe this requirement will result in disciplinary action being taken under this policy.

## **2. Discipline Hearing and Discipline Appeal Hearings:**

Details of the formal processes of representation and decision making are outlined in Part C of this policy.

### **Sanctions**

This section will describe each of the different types of sanctions that are available for the Disciplining Officer to hand to a member or members.

There are different types of action that can be taken that vary in their severity. The disciplinary hearing will decide the severity of the misconduct and the appropriate action.

The type of sanction given to a member or members must be clearly stated on the sanction form at any stage of the discipline process.

### **Sanction types:**

#### **a. Formal Written Warning**

This will occur when the infringement is serious or is a failure to improve behaviour after a previous warning.

A copy of the written warning will be kept on file for twelve months but then disregarded for disciplinary purposes.

#### **b. Suspension of membership and/or office**

Suspension from either an activity, club society etc. and any leadership post therein, for a period specified by the panel.

**c. Termination of individual membership and/or office**

Removal from elected office in a given student group or role with immediate effect which may or may not, at the discretion of the hearing be, be for a specific time or in perpetuity.

**d. Partial Activities ban**

A partial activities ban prohibits an individual or group from engaging in any specific area of LSU activities, to reflect the offence.

**e. Full Activities ban\***

An activities ban is a ban from partaking in any activities organised by one of the activities sections of LSU, including, but not restricted to; Rag, Action, AU, Welfare & Diversity, Societies, LSU Enterprise and Media.

**f. Ban from Bars & Entertainments\***

This ban revokes the privilege of being allowed into the LSU building during night-time entertainment activities, as well as any LSU-run event on campus, day or night, where a bar and/or entertainment is provided. on appeal to the LSU licensee and in exceptional circumstances temporary waivers may be permitted.

**g. Full LSU ban\***

This is a full revocation of a member's privileges. A Full LSU ban comprises of a ban from LSU both at day and at night, a ban from LSU-run events on or off campus, and a ban from representing Loughborough at any LSU recognised activity including, but not restricted to, all societies and sports. A full LSU ban can be issued with other sanctions – although factors need to be taken into consideration by the VP Finance or delegated member of the LSU Executive, namely the reputation of Loughborough University, Loughborough College, LSU, and the welfare of the student(s) involved.

Any member with a starred sanction is ineligible to represent any Union club, society or association within a leadership role or any member acting in a volunteer or fundraising capacity for the duration of the sanction and where applicable, additional limitation will be applied in line with this policy.

Any member who receives a starred sanction during their tenure/involvement will be suspended pending appeal and if the sanction is upheld by the Discipline Committee they will be required to resign and remove themselves.

***\*In addition to any ban handed out above, an individual will be subject to a ruling which prevents them from standing in a 'Union-wide' election, as per Standing Order C and Standing Order G. If the penalty is deemed severe enough, this can be extended to Standing Orders D.***

## Part C Discipline Hearing and Appeals

### 1. Discipline Hearing:

For a discipline hearing, the individual involved in an incident will meet with the Disciplining Officer to discuss the incident and provide a statement of the events. The Disciplining Officer must take an honest, fair view of the situation and if deemed necessary, issue an appropriate sanction as per the sanction table on page (10) of this policy, or if it is a part B incident, a suitable sanction in line with Part B.

Any sanctions given by the Disciplining Officer must be from the date of the first Discipline Meeting (not the date of the incident).

In a situation where all members of the LSU Executive are familiar with an individual in question, the Disciplining Officer can complete the discipline proceedings as usual, but the following people must be present as witnesses:

- a. At least one further LSU Executive member
- b. Chair of Representation and Democracy Committee (as a representative from the Student Discipline Committee)
- c. A representative from LSU knowledgeable in licencing (i.e. Union Director and/or Director of Venue Services)
- d. Any further witnesses

In such cases as above, the individual in question should have the proceedings explained to them prior to the discipline meeting, and will be told that they may take along another individual to act as a witness.

***An individual has a 21-day period in which to appeal a sanction. If no appeal has been submitted 21 days after the sanction being issued, the sanction issued will stand as the final decision.***

## 2. Discipline Appeal:

A student found guilty of a disciplinary offence has the right to appeal to the Student Discipline Committee in respect of both the finding of guilty and/or the sanction imposed.

Possible grounds for appeal include:

- i) That there were procedural irregularities in the conduct of the process sufficient to make the finding on guilt and/or sanction unfair
- ii) There is evidence of prejudice or bias by any person involved in the process sufficient to make the finding on guilt or sanction unfair.
- iii) The student is in possession of significant new evidence that was not available when the initial decision was reached and the student had good cause for not including the evidence in the case for their defence.
- iv) The sanction imposed was unreasonably

A Discipline Appeal can only take place if an individual appeals the decision made by the Disciplining Officer in a Discipline Hearing.

Discipline Appeal will be formed by the following people:

- a. Chair of Representation and Democracy (DRC) Committee, or nominated member of the Discipline Committee if there exists a conflict of interest (who will lead the Hearing).
- b. Disciplining Officer as the 'prosecutor'. Unless there are exceptional circumstances, the prosecutor must be the person who carried out the Discipline Meeting.
- c. The individual involved in the incident – the 'defendant'.
- d. The 'panel', formed from Student Discipline Committee; a sub-committee of (DRC). There must be between three and five members of Student Discipline Committee present, including at least one member of each gender.
- e. The VP Finance, to ensure that the LSU Constitution and Discipline Policy are upheld along with the Chair of DRC (non-compulsory).
- f. A member of LSU staff responsible for upholding LSU's licence and knowledgeable on the Licencing Act to offer general professional advice.
- g. A member of LSU staff to take minutes of the discipline appeal Hearing.
- h. Any further witnesses from either side (the prosecutor and defendant). Names of such people must be sent to LSU administration staff responsible for arrange the Hearing, before it takes place.

In the days prior to the discipline appeal, the defendant will be offered the opportunity to view any evidential materials of the incident in question that are due to be used as part of the Hearing. This includes CCTV footage of the incident, should there be any. Should the defendant not be offered this opportunity, the appeal shall be withheld until such a time that this offer is either accepted or declined.

***Individuals should give at least 3 days notice if they need to cancel or change an appeal hearing. In extenuating circumstances, individuals must contact the discipline administrator or delegated member of exec dealing with their case as soon as they are able to. If an individual does not attend an appeal hearing without giving notice of their absence, the appeal may take place without them present. The decision taken by the Student Discipline Committee will be final.***

In a discipline appeal hearings, the following procedure will be followed by the Chair of DRC, The panel will assess all available reports, statements, images, etc., which have been gathered by the VP Finance or delegated member of the LSU Executive and provided prior to the Hearing.

- a. The prosecutor and defendant will be invited into the room.
- b. The Chair of (DRC) will introduce all present and explain the process of the appeal hearing to all parties.
- c. The Disciplining Officer will present his/her case, on behalf of LSU, as well as explaining the sanction that was imposed and the reasoning for that sanction.
- d. The defendant will present his/her case, explaining the incident, as well as outlaying the grounds on which they have appealed the sanction imposed.
- e. Any witnesses will be asked to present their version of events. It may be so that a witness wishes to remain anonymous, and this should be dealt with prior to the hearing with the Union on a case-by-case basis. Any decisions made with regards to anonymity should be explained clearly to everyone present at the appeal hearing.
- f. Any CCTV footage will be viewed by all present individuals in the discipline appeal hearing, but it must be ensured that the LSU CCTV Policy is upheld.
- g. The panel will be given the chance to ask any number of questions to the prosecutor, defendant and/or witnesses, to gauge the best possible outlook on the entire incident.

- h. The panel may wish to ask a member of LSU staff about the licencing stance on the incident and the associated implications for LSU from a licencing point of view.
- i. The prosecutor, defendant, witnesses and all others not specified in the appeal formation 'F', 'D' or 'A' will leave the room.
- j. The panel will confer and discuss the incident.
- k. The panel will decide whether to keep the sanction, lower the sanction or increase the sanction originally given in the discipline meeting. If the severity of the sanction changes at all, this must be agreed on by the panel and noted by Chair of DRC. Should such decisions require a vote, only panel members are eligible to vote. In the case of a tie, the Chair of the appeal will have the casting vote on the matter.
- l. The panel and all others present (apart from the Chair of DRC and member of staff taking minutes) will leave the room and the prosecutor and defendant will be asked to return.
- m. The Chair of DRC will deliver the verdict on behalf of the panel. If there are any changes to the original sanction, a sanction form must be filled out and signed by the prosecutor and defendant.

This concludes the Discipline Appeal Hearing.

***The decision of the Student Discipline Committee at a discipline appeal hearing is final. It cannot be appealed and is non-negotiable, unless in exceptional cases where new (relevant) evidence comes to light.***

## Part D – Mitigating and Aggravating Factors

### Potential Mitigating Factors

- early admission
- ready co-operation, including giving details of others involved
- genuine remorse
- significant provocation
- the fact that the individual played only a minor role in the incident(s)
- mental illness or disability

### Potential Aggravating Factors

- failure to respond to previous warnings
- a record of previous disciplinary offences
- the incident was motivated by, or demonstrated, hostility in respect of a protected characteristic (or presumed characteristic)
- deliberate targeting of vulnerable victims
- repeated targeting of victims
- the incident was planned
- the incident involved operating in a group
- any attempt to alter, conceal or dispose of evidence
- failure to respond to warnings or concern expressed by others
- failure to abide with restrictions put in place as part of a disciplinary investigation (note, serious breaches may be dealt with as a separate disciplinary offence)
- acts undertaken under the influence of drink or drugs
- use of weapon to frighten or injure victim
- deliberate and gratuitous violence or damage to property
- multiple victims
- an especially serious physical or psychological effect on the victim, even if unintended
- a sustained or repeated assault on the same victim
- the presence of children or vulnerable people as witnesses
- additional degradation of the victim (for example, taking or publishing photographs of a victim)

## Part E – Discipline Sub-committee

- a. Membership:
  - i. 7 voting members of the DRC, of whom no less than three and no more than five will hear any individual case.
  - ii. The Chair of DRC who will act as Chair and have a casting vote only.
  - iii. A delegated member of the Executive Committee in a non-voting capacity.
  - iv. The Union Director or their nominated representative may be invited to meetings in an advisory capacity.
  - v. In the event of a non-quorate discipline hearing, any elected member of DRC may sit on the Sub-committee as a temporary member for that meeting only, as selected by the Chair
  - vi. A member of the Executive Committee or their nominee will attend to report and put cases on behalf of the Executive Committee.
- b. Responsibilities
  - i. The Discipline Sub-committee shall meet to consider any complaint of misconduct against a member or opted-out Loughborough student.
  - ii. The Discipline Sub-committee shall receive a summary report on the penalties imposed and consider if, in accordance with the Discipline Policy those penalties are justified.
  - iii. The Discipline Sub-committee may choose to hear any case where it is not satisfied that the decision and/or penalties imposed were in accordance with the Discipline Policy.
  - iv. The Discipline Sub-committee shall meet to consider any case where they consider the Discipline Policy and procedure were not adhered to.
  - v. The Discipline Sub-committee will be unable to hear any complaint where legal or court action is pending.
  - vi. The Discipline Sub-committee may inform the relevant Constituent College of outcome of the hearing.
  - vii. The privileges of membership can be suspended or withdrawn following a ruling of the Discipline Sub-committee.
  - viii. In circumstance where privileges are restored, either immediately or after a designated period, the Discipline Sub-committee may impose fines and/or penalties as a condition of the restoration.

- ix. Where the Discipline Sub-committee decides that a club, society or section is collectively responsible for the behaviour leading to the disciplinary action taken against an individual member(s) of that group, it may sanction the entire group.
- x. The Discipline Sub-committee shall recommend policy on disciplinary measures to DRC
- c. Quorum
  - i. The quorum shall be three voting members, with at least one member of either gender.
- d. Voting
  - i. Only the select panel are entitled to vote, with the Chair of DRC having the casting vote.
- e. Procedures:
  - i. A Union member wishing to file a complaint can do so through the VP Finance unless the complaint is about the VP Finance when the Chair of DRC is the point of contact
  - ii. The VP Finance shall be responsible for gathering all of the relevant information for the Sub-committee and the accused.
  - iii. When the accused is notified of the date the hearing will take place, they should also be supplied with a copy of this Discipline Policy, which outlines the process.
  - iv. No details aside from the name of the accused should be released to the Discipline Sub-committee prior to a hearing.
  - v. The accused and the complainant may each bring a friend to the meeting, who may act as an advocate as necessary.
  - vi. The Discipline Sub-committee, accused and complainant may call on anyone or use any electronic recordings or evidence that may help them in their deliberation.
  - vii. The Discipline Sub-committee shall meet in closed session to decide on the appropriate action to be taken.
  - viii. The VP Finance may suspend privileges or memberships of any member or opt-out Loughborough student by email notification if deemed necessary prior to an investigation.
  - ix. Members of the Discipline Sub-committee should refer to this policy for guidelines and sanctions.