

## Disciplinary Policy & Procedure (Members)

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### Table of Contents

1. Purpose.....	2
2. Scope.....	2
3. Principles .....	2
4. Licensed Premises.....	3
5. Breaches of Discipline.....	3
6. Informal resolution.....	3
7. Investigation .....	3
8. Suspension from the Guild (Interim Bans) .....	4
9. Disciplinary Procedure .....	4
10. Gross Misconduct.....	5
11. Appeals.....	6
12. Confidentiality.....	6
13. Further information.....	7
Appendix A: Licensed Premises.....	8
Appendix C: Formal Disciplinary Meeting.....	10
Appendix D: Disciplinary Outcomes and Sanctions.....	11
Appendix E: Appeal Procedure .....	12
Appendix F: Risk Assessment Procedure .....	13

## 1. Purpose

- 1.1. Liverpool Guild of Students (the Guild) is committed to promoting an environment that is fun and friendly, welcoming and inclusive, and where individuals are treated fairly and with consistency. It is therefore important that all of our members understand the standards of conduct that are expected of them in maintaining that environment.
- 1.2. This procedure outlines Liverpool Guild of Students (the 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 Liverpool Guild of Students Memorandum and Articles of Association for the Guild being students of the University of Liverpool.
- 2.2. This procedure does not apply to members of Guild staff or Guild Elected Officers.
- 2.3. Where a member who is also a staff member is alleged to have committed an act of misconduct, the process followed will depend on whether or not 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 the member 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.
- 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, as long as 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 F, 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. Licensed Premises

- 4.1. This policy and its procedures do not affect the rights of the Designated Premises Supervisor or other Guild licensed premises staff to exercise the powers available in the Licensing Act (2003). The Designated Premises Supervisor may delegate their authority under the Act to another member of staff. The process for dealing with misconduct on licensed premises is outlined in [Appendix A: Licensed Premises.](#)

#### 5. Breaches of Discipline

- 5.1. Disciplinary action may be taken as a result 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.
- 5.2. Please refer to the **Members Code of Conduct** for examples of the types of misconduct and gross misconduct which may constitute breaches of discipline.

#### 6. Informal resolution

- 6.1. 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 the member to make appropriate improvements to their conduct. At this stage the member 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. Additional coaching or training may also be recommended.
- 6.2. An informal resolution will not be taken if:
- The member 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.
- 6.3. 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.

#### 7. Investigation

- 7.1. Before formal action is considered, the Guild will appoint an appropriate person to act as the 'investigating officer' and carry out a full and fair investigation to establish the facts, the investigator may want to meet with the various parties involved. The investigating officer must not be involved in the matter in question, for example as a witness.

- 7.2. The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses.
- 7.3. As part of the investigation, the member may, if appropriate, be asked to submit a written statement in response to the allegations, which will form part of the investigating officer's report.
- 7.4. Following the investigation, the investigating officer will share their findings and recommendations with the Chief Executive, who will determine whether to start a formal procedure to deal with any identified issues related to the alleged misconduct.

## 8. Suspension from the Guild (Interim Bans)

- 8.1. In certain circumstances, for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property, the Guild's reputation or responsibilities to other parties, a risk assessment will be conducted (see [Appendix F: Risk Assessment Procedure](#)) to consider whether a period of suspension of some or all membership rights is necessary whilst an investigation takes place.
- 8.2. Excluding a member from participation in Guild activities does not indicate a disciplinary decision or suggest that the member is believed to be guilty.
- 8.3. We will keep any periods of suspension as brief as possible. The Chief Executive and/or Investigating Officer can lift the suspension at any time, and they will review it regularly throughout the process.

## 9. Disciplinary Procedure

- 9.1. 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.
- 9.2. 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.
- 9.3. The disciplinary panel will be appointed by the Supervising Trustee and will normally consist of a Sabbatical Officer (or their representative) and one or more of the following:
  - A student trustee
  - A Guild staff member
- 9.4. Members of the panel must not have been involved in the matter in question, for example during the investigation or as a witness.
- 9.5. 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.
- 9.6. The member will receive an invitation letter to the formal meeting, at least 2 days in advance, which will:

- Advise the member of the purpose of the hearing, the date, time and venue;
- Include a copy of this procedure;
- Explain that member may be accompanied at the hearing by a fellow member of the Guild;
- Provide information about the alleged misconduct;
- Advise who will be in attendance at the hearing including any witnesses;
- Provide all relevant information that is to be used at the hearing including the Investigating Officer's report, any written evidence, witness statements taken as part of the investigation and a copy of the disciplinary procedure.

9.7. During the meeting, the member will have the opportunity to:

- Set out their case and answer any allegations
- Ask questions
- Put forward their own evidence
- Put questions to witnesses
- Call their own witnesses (advance notice must be given)

9.8. The investigating officer may also attend the hearing to present their findings and answer any questions regarding their investigation.

9.9. The member will have an opportunity to state their case before any disciplinary sanctions (if any) are decided on. All decisions will be reached based on a full and fair review of the balance of probabilities.

9.10. If, with good reason, the member is unable to attend the hearing, it will be rescheduled (usually to within 5 days of the original date). Except in exceptional circumstances, if the member is unable to attend the rearranged hearing, the hearing may take place in the members' absence.

9.11. The hearing may be adjourned if necessary, for example to gather further information. The member will be informed of the period of any adjournment. If further information is gathered, the member will be allowed a reasonable period of time (usually not less than 2 days), to consider the new information prior to reconvening the disciplinary hearing.

9.12. Following the conclusion of the meeting, the member 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.

## 10. Gross Misconduct

10.1. The University of Liverpool's Student Administration Support Division will be informed by the Guild of any serious misconduct or potential serious misconduct. Where the University considers that its Regulations have been breached, it may follow its own

separate disciplinary process. In this situation, the Guild's disciplinary process may be temporarily paused until the University has completed its own investigations.

10.2. In certain circumstances, behaviour may be considered so serious that membership may be revoked with immediate effect.

## 11. Appeals

11.1. You can appeal against any disciplinary action taken against you if you feel that:

- the disciplinary sanction 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.

11.2. You can submit an appeal within one week 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.

11.3. 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 2 weeks of your appeal being received.

11.4. 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 co-opted trustee
- A student trustee
- A member of the Guild senior management team

11.5. You may be accompanied to an appeal hearing by a fellow Guild member.

11.6. The appeal panel may:

- uphold the original decision;
- vary or modify the original decision but should not usually impose a penalty greater than that decided during the disciplinary process; or
- overturn the original decision.

11.7. All decisions will be confirmed in writing within one week, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

## 12. Confidentiality

12.1. All matters relating to the disciplinary and appeals process must be kept confidential.

12.2. 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.

### 13. Further information

#### Appendixes / Procedures

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

#### Related Policies

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

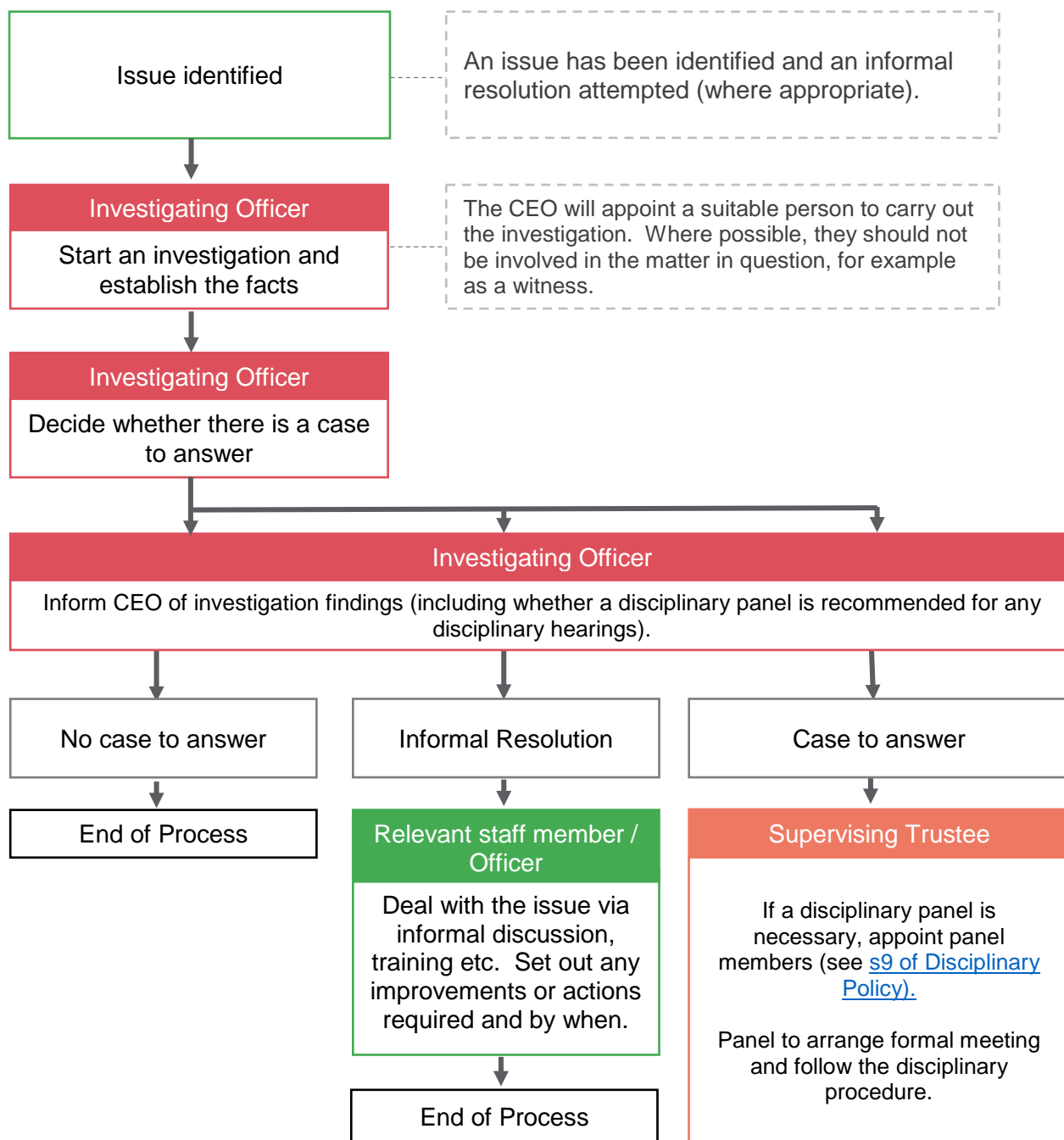
## Appendix A: Licensed Premises

1. This appendix is to be read in conjunction with the Guild's Member Disciplinary Policy and Procedure, and refers to alleged breaches of conduct that take place on Guild licensed premises.
2. Responsibility of dealing with crime, disorder and anti-social behaviour within Guild licensed premises will be addressed by the Guild's Designated Premises Supervisor as defined by the Licensing Act (2003).
3. The Director of Operations or their representative will be responsible for investigating any allegations against members related to conduct on licensed premises. They will also decide if and when it is appropriate to involve the police to investigate allegations.
4. The Director of Operations and their representative(s) have the authority to suspend members or their guests from Guild licensed premises on a temporary or permanent basis if they decide that an offence has been committed. They may also request that the member makes reasonable repayment of any damages.
5. Following a breach of conduct on Guild licensed premises and/or suspension from Guild licensed premises, the Director of Operations or their representative will arrange a meeting with the member(s) as soon as possible, usually within 5 working days. At that meeting the member(s) will have an opportunity to explain their actions. They may be accompanied by a fellow Guild member.
6. Entering onto Guild premises for the purpose of attending the meeting will not be treated as a breach of a suspension, as long as the member(s) leave the premises immediately after the meeting ends.
7. During the meeting, the member(s) will have the opportunity to state their case before any disciplinary sanctions are decided on by the Director of Operations or their representative.
8. Following the conclusion of the meeting, the member 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. Within one week of notification of the decision, the member(s) may appeal against the decision by following the appeals process outlined in [section 11](#) of the Disciplinary Policy.
10. This procedure does not affect the rights of the Designated Premises Supervisor or other Guild licensed premises staff to refuse admission to the Guild's licensed premises without giving a reason, or to exercise the powers available in the Licensing Act (2003). The Designated Premises Supervisor may delegate their authority under the Act to another member of staff.

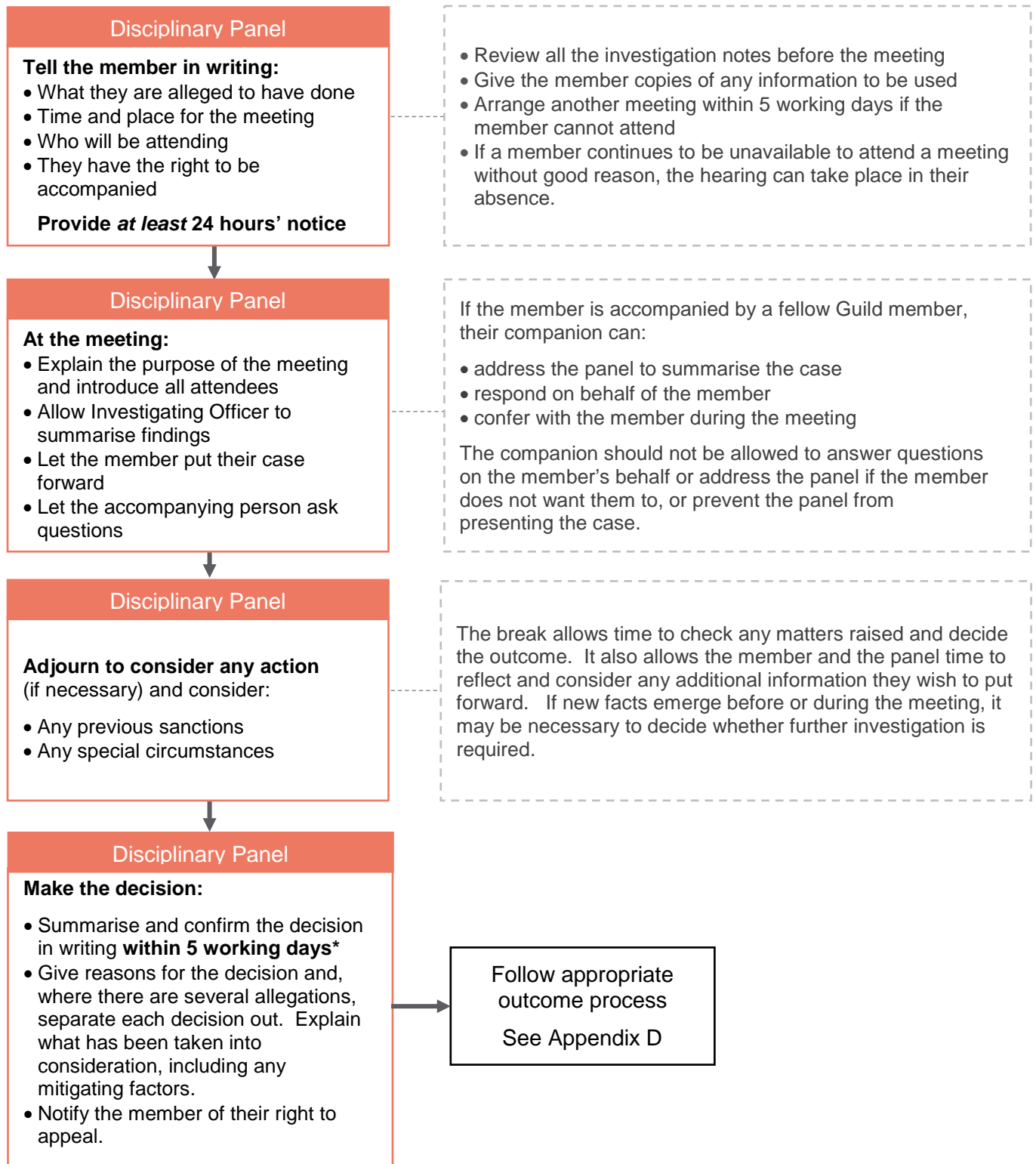


## Appendix B: Investigation

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).



## Appendix C: Formal Disciplinary Meeting



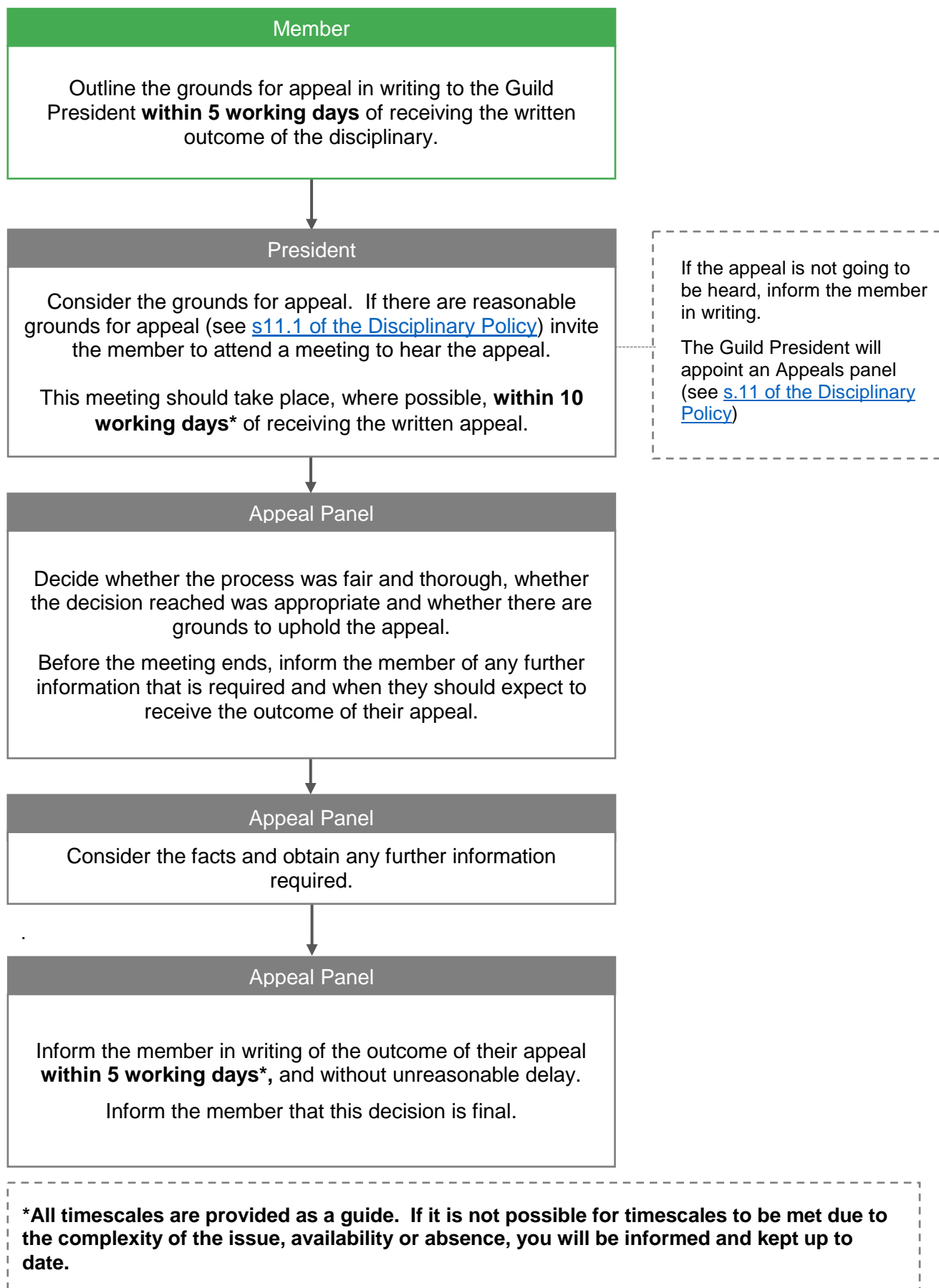
**\*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, members will be informed and kept up to date.**

## Appendix D: Disciplinary Outcomes and Sanctions

Applies to:	Outcome
Members Societies & Clubs	<p><b>No disciplinary action</b></p> <p>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.</p>
Members Societies & Clubs	<p><b>Informal action</b></p> <p>This means that an informal 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. (See <a href="#">Section 6</a> of the Disciplinary Policy).</p>
Members Societies & Clubs	<p><b>Formal written warning</b></p> <p>For minor breaches of discipline 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.</p> <p>A warning will remain 'active' for 6 months, and will not be taken into consideration for future disciplinary purposes after this time.</p>
Members Societies & Clubs	<p><b>Written apology required</b></p> <p>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.</p>
Members Societies & Clubs	<p><b>Suspension from Guild premises</b></p> <p>For sufficiently serious issues of misconduct, where conduct has failed to improve or where further breaches have taken place while written warning is active, a member, society or club may be restricted from entering the Guild premises for a specified period of time.</p>
Members Societies & Clubs	<p><b>Suspension from using Guild facilities</b></p> <p>The member or group will be restricted, either fully or partially, from using Guild facilities for a specified period of time. This will also mean that the member is suspended from holding any elected positions.</p>
Members	<p><b>Removal from position</b></p> <p>The member is removed from their position on a committee.</p>
Members	<p><b>Membership terminated</b></p> <p>In the case of serious misconduct or repeated instances of misconduct, membership may be revoked and a member's entitlements terminated.</p>
Societies & Clubs	<p><b>A fine or restorative sum</b></p>

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

## Appendix E: Appeal Procedure



## Appendix F: 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 risk assessment panel will act in the best interests of the member(s), the Guild and the University using the information available at the time.
5. Member(s) would not normally be required to meet with a risk assessment panel, however this may be requested in certain circumstances. If the panel believes that termination of membership is a likely outcome, the member may be invited to attend a meeting.
6. 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.
7. Possible outcomes of a risk assessment could include:
  - Recommendation to the Chief Executive / Guild President for a temporary suspension of a member from the Guild premises and/or activities
  - Recommendations to the Head of Membership Services for specific measures to be put in place, which might include adjustments to societies, events or activities or access to specific spaces.
  - Specific in relation to action to be taken or restrictions to access to specific premises;
  - A specific requirement that the member is not permitted to represent the Guild in a society or club until the investigation has concluded.
  - Referral to the University of Liverpool's Student Administration Support Division for investigation under their own disciplinary procedures.
8. When assessing the extent of any interim bans, the Risk Assessment Panel will consider all Guild activities that the member is active in by checking against the following list:

Activities	Information Held
Employed by the Guild	HR records
Registered on Volunteering Liverpool	Volunteering section of website
Participating in a volunteering activity with Volunteering Liverpool	Held by Volunteering Liverpool / Charity
Participating in a Guild volunteering activity	Guild website
Course Representative	Course rep database
Senate Representative	List held by Representation Manager
Member of a Guild Society	Guild website
Committee member in a society	Guild website/society re-registration forms
Standing in a Guild election	Guild website
Use of the advice centre	Advice Pro records

9. 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.
10. Consideration should be given by the Risk Assessment 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.
11. Full suspension from the Guild premises and activities will only be recommended in high risk circumstances where there are no alternative measures that can be put in place.
12. 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 of time and subject to regular review.
13. In cases where there has been a complaint from a fellow member, the Risk Assessment Panel 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.
14. Any refusal by a member to meet the requirements put in place following recommendations made by the Risk Assessment Panel may be investigated under the Disciplinary Policy & procedure for members
15. The Risk Assessment Panel may need to meet on regular basis if the circumstances mean that the member's situation changes.
16. A Risk Assessment Panel would normally include the following people (or their appointed representatives):
  - Guild President;
  - Chief Executive;
  - Director of Membership Services and/or Director of Operations;
  - Any other person whose presence is relevant and necessary, such as University colleagues.
17. Following the meeting of the Risk Assessment Panel, the Head of Membership Services and will write to the member to provide information about the outcome of the meeting with details of any measures to be put in place.
18. Where there is a complainant, the Director will provide the same information to them.
19. The Risk Assessment Panel will be mindful of the requirements placed on the University under data protection legislation to ensure that appropriate confidentiality is maintained for the student and any other person involved.
20. A written record will be kept of all Risk Assessment Panel meetings which should be retained in line with the Guild's [Data Protection and Information Security Policy](#).