

Imperial College Union

**Disciplinary Policy**

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**A. JURISDICTION**

1. The policy has jurisdiction over the following areas:
  - i. Union premises as defined as being under the management responsibility of Imperial College Union as laid out in the Memorandum of Understanding,
  - ii. Any Union activities defined as anything funded by the Union or organised by an official Union club or society.
  - iii. Misconduct arising outside of Union premises but which are connected with Union activities and are likely to affect the good name and standing of the Union.

**B. THE DISCIPLINARY STRUCTURE**

**Summary punishment**

2. The power and responsibility for curtailing or containing the immediate effects of misconduct and imposing summary punishment where appropriate rests with the President of Imperial College Union or his or her nominee.
3. Where summary punishment is appropriate, it shall be imposed on the spot (or with the least possible delay) and shall be limited to one, two or three of the following:
  - i. a reprimand,
  - ii. suspension, not exceeding seven days, from the use of a particular Union facility,
  - iii. expulsion, not exceeding seven days, from the use of the area where the misconduct occurred,
  - iv. a charge, up to the maximum allowed by the College's Disciplinary Policy guidelines (agreed between the College Tutors & the Union President regularly), to meet the cost in whole or part of replacing or repairing damaged property or equipment,
  - v. a fine, up to the maximum allowed by the College's Disciplinary Policy guidelines (agreed between the College Tutors & the Union President regularly).
4. The authority imposing summary punishment must inform the person/people being disciplined of their right of appeal.

### **Cases where summary punishment is inappropriate**

5. The Union Disciplinary Committee shall deal with misconduct, which in the opinion of the President or his or her nominee cannot be dealt with adequately by means of summary punishment.
6. The President of the Union or his or her nominee will inform the complainant(s) and the accused of the date of the Union Disciplinary Committee meeting.
7. In cases involving misuse of Union equipment/facilities or behaviour likely to cause potential danger to students, staff or other persons and where the President or his or her nominee has referred the matter to the Union Disciplinary Committee, suspension or expulsion from the area or from the use of facilities may be imposed until such time as the Committee has reached a decision.
8. The Union Disciplinary Committee shall consist of four members of the Union Executive Committee or Council, with the exception of the President and Deputy Presidents, and a Chairman who shall normally be the Union Council Chairman. The Deputy President (Finance and Services) will act as the Clerk to the Committee. Selection of an alternative Chairman, if necessary, and the members by the President of the Union, shall in each case be random, after exclusion of members concerned with the case to be heard (as defined in clause 22). If the Deputy President (Finance and Services) is unable to act as Clerk to the Committee, then the President will nominate an alternative from the Executive Committee. The President and the Deputy Presidents may exercise their ex-officio status on the committee provided they are not already performing a role on the Committee or are concerned with the case to be heard.
9. The Union Disciplinary Committee may, if it so decides, may refer any disciplinary matter to the College Disciplinary Committee.
10. The Union Disciplinary Committee may impose one or more of the following penalties on an individual student:
  - i. a reprimand,
  - ii. a fine, up to the maximum allowed by the College's Disciplinary Policy guidelines (agreed between the College Tutors & the Union President regularly),
  - iii. a charge, up to the maximum allowed by the College's Disciplinary Policy guidelines (agreed between the College Tutors & the Union President regularly), to meet the cost in whole or part of replacing or repairing damaged property or equipment,
  - iv. expulsion or suspension from some or all Union facilities, for such a period as the Committee may determine,
  - v. suspension or expulsion from some or all Union clubs or societies, including anything they are involved in or affiliated to, for such a period as the Committee may determine,
  - vi. 'Union service', i.e. work on Union facilities or activities of benefit to the College community.

- vii. The Union may also seek to cover the cost of reparations via internal and external mechanisms (without limit) for funds lost through mismanagement.
- 11. Where a group of individuals are deemed to have been acting as a team or recognised subsection of a club or society they may be subject to the penalties and classifications of an individual or a Union club or society.
- 12. The Union Discipline Committee may impose one or more of the following penalties on a Union club or society:
  - i. any penalty that may be imposed on an individual student,
  - ii. a freeze in their budget for such a time as the Committee may determine.
- 13. Where a group as classified in clause 11, or a club and society are found guilty and penalised with 10.iv or 10.vi, the penalty will apply to each individual in the group throughout the period decided whether they are still a member of the group or not.
- 14. In the case of a club or a society being summoned to a Union Disciplinary, the chair/president/captain or his or her nominee shall act as their representative.
- 15. Following a decision of any of the above, failure to pay, excepting extenuating circumstances such as financial hardship, within ten College working days, any fine or to pay compensation for damage or to abide by any other penalty shall itself constitute a disciplinary offence for which the Union Disciplinary Committee may without any further hearing impose a further penalty.
- 16. A student, club or society on whom punishment is imposed consisting of expulsion or suspension from Union areas or facilities for a period of twelve months or more shall have the right to have the punishment reviewed after six months and again at successive six monthly intervals.

### **C. PROCEDURES**

- 17. Students, clubs or societies whose cases are referred to the Union Disciplinary Committee shall be informed in writing of the charges against them, and of their right to be represented at the hearing by a person of their choice who is a member of the College, and to bring witnesses. If they wish to be represented, call witnesses or present documents either bearing on the charge or in mitigation of any penalty which might be imposed, they shall notify the Clerk to the Committee accordingly with reasonable notice in advance of the hearing.
- 18. The Clerk to the Union Disciplinary Committee will notify the student, club or society, with reasonable notice in advance of the hearing, of any documents to be submitted or any witnesses to be called.
- 19. The Union Disciplinary Committee shall base its decision on evidence presented and examined in the presence of the person bringing the charge and the student, club or society charged. The proceedings of the Committee shall not be invalidated by the failure to appear of the student, club or society charged following notification of the proceedings in accordance with clauses 17 and 18. Evidence of earlier

- misconduct by the student, club or society shall not be presented until after the decision has been reached on the facts of the case, but may then be admitted and considered in deciding on any punishment.
20. The Union Disciplinary and Appeals Committees shall reach their decision by simple majority voting, save that on the question of guilt, no person shall be found guilty if more than one member of the Committee dissents. The Chairman shall exercise a casting but not an original vote. The Clerk in each case shall not be entitled to vote.
  21. All hearings shall be in private and confidentially observed, but a written account of the proceedings may be released at the Chairman's discretion. A full record shall be made and retained for possible use in connection with an appeal.
  22. No person shall sit on the Union Disciplinary or Appeals Committees if they are:
    - i. the subject of a charge,
    - ii. the complainant,
    - iii. a witness or potential witness (i.e. has personal knowledge of the facts surrounding the case),
    - iv. connected with the student being charged or any other person involved with the case
    - v. successfully challenged for any good cause. The Chairman of the Committee shall decide whether to uphold the challenge or not, prior to the hearing.
  23. Where misconduct leads to a prosecution in an outside court, the Committee shall take note of the fact in imposing any punishment.
  24. Where a person is excluded from licensed Union premises, they will be informed that it is College policy that the exclusion will cover all College licensed premises, and the appropriate people will be informed.
  25. All monies collected from fines will be given to the Student Hardship Fund.

#### **D. APPEALS**

26. Any student, club or society on whom summary punishment is imposed may appeal within five College working days, in writing, to the Union Disciplinary Committee. Any student, club or society wishing to appeal against a non-summary punishment may appeal within five College days, in writing, to the Union Appeals Committee. All appellants must submit a written notice of appeal, within five college working days of the Union Disciplinary Committee or summary punishment, stating the full grounds of appeal to a Deputy President. Appeals may be on the grounds of procedural irregularity, unreasonable conclusions or an excessive or inappropriate penalty.
27. The Union Appeals Committee will be composed of the Deputy President (Clubs and Societies) who will act as the Chairman and four members who will be selected at random by the President of the Union from Council after exclusion of those who were members of the Union Disciplinary Committee that handed down the original punishment, and members concerned with the case to be heard (as defined in clause 22). If the Deputy President (Finance and Services) is unable to act as

Clerk to the Union Appeals Committee the President of the Union will nominate an alternative from Council.

28. The President and the Deputy Presidents may exercise their ex-officio status on the Union Appeals Committee provided they are not already performing a role on this Committee or are concerned with the case to be heard.
29. Prior to the appeal, the Clerk of the Union Disciplinary Committee will provide a report which shall contain a statement of the matters investigated, a summary of the evidence given by each witness and the reasons the decision was reached. The Clerk of the Union Disciplinary Committee will also provide the appellant with a copy of the report in advance.
30. After hearing an appeal, the Union Appeals Committee may confirm, reverse or modify the original decision.
31. The verdict and punishment handed down by the Union Appeals Committee shall be final. There is no recourse to additional appeals or hearings.