

M.1718-4 Motion to amend Standing Order 8012 Governing the Discipline of HUU Members

HUU Notes:

1. The current SO 80012 has not been reviewed since 2012 since which time the University has reviewed its own discipline and misconduct processes.
2. The current process includes several ambiguities including the lack of a clear statement regarding the process of investigation and the ability of a Disciplinary Panel to remove some or all rights and privileges.
3. The current process does not include a mechanism to permanently suspend some or all rights and privileges.

HUU Believes:

1. The SO should apply only to incidents at HUU events or on HUU premises. The University's Disciplinary Procedures apply to students on or off campus (section 1).
2. Both Student and External Trustees can be contacted about matters of concern (section 3).
3. The process of investigation be made clear (section 3 and 6).
4. That clarity be added regarding the panel's ability to suspend all or some rights and privileges (section 5b).
5. That in extreme cases the panel be granted the right to permanently suspend all or some rights and privileges (section 5c).
6. That penalties involving fines are unfair and should be removed as they disproportionately impact low income students.
7. That the normal ground for appeal be highlighted (section 6).
8. That the composition of the appeals panel be amended to provide greater flexibility (section 9a).

HUU Resolves:

1. That SO 8012 (Discipline of HUU Members) is amended as appended with immediate effect.

Proposer: Osaro Otobo (HUU President)

Seconded: Caitlin O'Neill (Sports Officer)

STANDING ORDERS GOVERNING THE DISCIPLINE OF MEMBERS OF HUU

POLICY

1. Written Complaints against a Member(s)

Upon receipt of a written complaint from any person against a member(s), the President will decide whether the complaint could lead to disciplinary measures being taken. The complaint should refer to an incident which has happened ~~on campus in HUU premises or on~~ or at an HUU official function or activity off campus. Otherwise, incidents occurring ~~off campus~~ will not be the responsibility of the Disciplinary Panel.

Incidents taking place on the licensed premises and witnessed by staff and/or CCTV will be dealt with by the Designated Premises Supervisor and Premises Licence Holder and will not fall under the remit of the Disciplinary Panel. [The Designated Premises Supervisor and Premises Licence Holder may refer individual cases to a UEC disciplinary panel.](#)

If the President decides that the matter is of a disciplinary nature he/she shall convene a Disciplinary Panel who will deal with the matter as detailed below

If the complaint will not lead to disciplinary measures then the complaint should be referred to the Complaints Panel (SO 8007).

2. Complaints against Members of the Union Executive Committee (UEC)

Any complaint against a member of UEC shall be in writing and forwarded to the President. Complaints will be dealt with under the Sabbatical Trustee Terms and Conditions and Code of Conduct.

Where a student or an employee has a concern about the manner in which the above processes have been discharged, they can speak to one of the [HUU four independent](#) Trustees, who will look into the matter and respond in writing. [Trustees can be contact via the HUU Executive Support Coordinator.](#)

DISCIPLINARY PANEL

3. The President, in accordance with the HUU Constitution, has a responsibility upon

— receipt of a written complaint from any person against a member or members to [investigate and review evidence regarding the issues and concerns raised and](#)

— form a Disciplinary Panel consisting of:

a) Voting members:

(i) President

(ii) Two other randomly drawn members of the Union Executive Committee hereinafter referred to as the UEC.

- b) Non voting members:
 - (i) The Director of ~~Membership Services Commercial Services~~, or in his/her absence a member of staff nominated by the UEC, who is to advise the Committee on procedural and constitutional aspects.

The Disciplinary Panel will decide whether the issue should be dealt with by it directly or alternatively referred to:

- a) the police, if the matter may constitute a criminal offence
- b) the Registrar & Secretary of the University, if the matter cannot reasonably be dealt with internally

4. **Interpretation**

In interpreting these Standing Orders the following matters are to be taken into account:

- a) The provisions of the Standing Order Governing Standing Committees do not apply to the Complaints Panel.
- b) A 'clear day' does not include a Saturday, Sunday, Bank Holiday or University Holiday.
- c) The person against whom the complaint is made is hereinafter referred to as the accused.
- d) Within the text 'complainant' and 'accused' are used in the singular form; where applicable these are to be read as being in the plural.

5. In dealing with the complaint, the Disciplinary Panel may:

- a) Issue a letter of warning which will normally include the punishment if a similar incident occurs again.
- b) Suspend all or some the rights and privileges of a member including the right to hold any position of financial responsibility, excluding the right to vote, for a period not exceeding 24 weeks six months of semester time. This may entail a prohibition on entering the Union building and on using all HUU commercial and non-commercial services and partaking in Union activities (including Society /Sports Clubs events). The only exception to this shall be the Advice Centre ~~and Nightline~~, which can provide services to suspended members at the complete discretion of the Advice Centre Manager.Co-ordinator and Nightline Director respectively.
- c) In extreme cases the panel may decide to permanently suspend all or some rights and privileges as outlined above.
- de) Instruct that the member pays for the cost of any damage which he or she has occasioned to HUU property.
- d) ~~Instruct that where a member gains or attempts to gain entry to an HUU function without making the due payment, that he or she is fined an equivalent amount.~~
- e) ~~Instruct that a member pays a fine not exceeding £50.00.~~

Any appeal against a decision of the Disciplinary Panel will be heard by the Disciplinary Appeals Panel as outlined below.

DISCIPLINARY PROCESS

6. On receiving a complaint, the President will appoint complaint investigation lead. This will be a member of staff or Student Officer, who will investigate the matter and collate evidence, normally within 15 clear days of the receipt of the complaint.

During the investigation stage the complainant and others involved may be asked to provide verbal or written evidence for clarification and additional information.

If the complaint is against a club/society/committee, their Chair/President or relevant nominee will normally represent them in the investigation stage.

~~will write to the accused asking for his/her version in writing of the events leading to the complaint.~~

Written statements of the complaint will be included but names of the complainant(s) may be withheld at the discretion of the President. Staff names will be withheld. A maximum of 5 clear days will be allowed for ~~this responses request in writing from the date of the letter asking for a response. The Panel will consider the written evidence at the next meeting following the expiry of the response time.~~ Having considered the evidence, the Panel shall decide whether the complaint is justified or not. If it is, they shall impose a penalty as laid out above (see para 5 above). Exceptionally, if the President and the ~~Membership Services Director of Commercial Services~~ both agree, evidence may be given in person. In the event of disagreement the Chief Executive shall arbitrate.

The President shall confirm in writing to the accused the penalty within 2 clear days of the meeting's decision. The letter will state that there is a right of appeal. ~~(other than against an exclusion from licensed premises by the licensees).~~ Any appeal must be in writing to the President stating the grounds for appeal (these will normally include new evidence, evidence of mitigation or evidence that the correct process has not been followed) –and this must be received within 7 clear days of the date of the disciplinary letter.

DISCIPLINARY APPEALS PANEL

7. Interpretation

Should a member (the appellant) of Hull University Union who has received disciplinary action (excluding matters relating to discipline for misbehaviour in licensed premises), from the Disciplinary Panel wish to appeal against the decision, the procedure detailed below must be followed.

8. Duties

The Disciplinary Appeals Panel, hereinafter called the Panel, shall be responsible for hearing written and formal appeals against the decision of the Disciplinary Panel, referred to them by the President in writing.

9. Membership

The membership of the committee shall be as detailed below:

- a) Voting Members:

No fewer than three Student and / or Student Officer Trustees, of which no more than two members shall be Student Officer Trustees and two members of the UEC not selected on the original panel.

- b) Non voting members:
The Chief Executive Director of Commercial Services, or in his/her absence a member of the Senior Management Team staff nominated by the UEC, who is to advise the Panel on procedural and constitutional aspects.

110. Procedure

A letter outlining the request for an appeal should be sent to the President, who will then convene a meeting of the Panel. ~~The Panel will meet week 4, 8 and 12 of each semester.~~

The Appeals Panel shall hear the written grounds for appeal and assess the evidence that has been provided. ~~The Appeals Panel shall ensure that both parties are given the right to provide written submissions regarding the incident before the meeting commences.~~

~~When the Appeals Panel has reached a decision the meeting will be deemed to have finished.~~ The Chair of the meeting shall confirm the decision in writing, no later than three clear days after the meeting. The permitted penalties imposed must be within those outlined in paragraph 5 above.

124. Appeal

If the appellant is dissatisfied with the decision of the Disciplinary Appeals Panel, he/she may refer the matter to the University in accordance with the Code of Practice. The University will only consider the matter if it is a complaint about the procedure above not being followed correctly.

132. Incidents occurring on the Licensed Premises of Student Central University House

All incidents occurring on the Licensed Premises **and** witnessed by staff and/or CCTV will be dealt with in the first instance by the Designated Premises Supervisor. Any disciplinary penalty imposed will be confirmed in writing by the Designated Premises Supervisor.

Members wishing to appeal against the penalty may do so in writing to the Premises Licence Holder whose decision shall be final. ~~Members cannot appeal against a permanent licensee ban. Associate or non members shall have no right of appeal against a penalty imposed by the Designated Premises Supervisor.~~

PT/SR September 2012

Passed at UEC: September 2012

Ratified at Union Council: 15th October

Passed UC: 4 December 2017