



**Student Disciplinary Policy
September 2019**

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Approved by: Senior Leadership Team

Review date: By September 2021

Interpretation: Chair of the Board of Trustees

1.0 Preamble

- 1.1 This policy clarifies the systems in place to deal with anti-social behaviour and with breaches by members of Kent Union's policies and procedures. Kent Union is committed to providing high quality services to its members and customers and to protecting its staff, members, customers and visitors from anti-social behaviour. To this end, it is essential that anti-social behaviour is not tolerated and is dealt with swiftly and effectively. Our members are also responsible for ensuring that Kent Union activities act within the law and within the guidelines set out in our values, policies and procedures. This policy includes all students that fall within GK at the Medway campus. This procedure outlines how breaches in this regard are dealt with and covers all members of Kent Union as well as associate members (associate members are defined as being members of the University of Kent staff, Kent Union staff and Alumni of the University of Kent).
- 1.2 The policy forms one element of Kent Union's system to uphold its legal responsibilities to provide safe environments for its members, staff, customers and visitors.

2.0 Scope of Policy and Related Policies, Procedures and Documents

- 2.1 Alleged anti-social or inappropriate behaviour and/or neglect of duty by Full Time Kent Union Officers shall be dealt with via the appropriate democratic mechanisms, as outlined in the Union's Constitution and Bye-laws.
- 2.2 The Union recognises that licensed trade premises provide unique and different problems regarding anti-social or inappropriate behaviour. Such behaviour in licensed trade premises must be dealt with quickly, as it may threaten the health and safety of customers and staff and may pose a threat to the licenses for the premises. As such, discipline in the Union's licensed trade premises is dealt with under the Licensed Trade Exclusion Policy (for further information refer to section 3) in order to support Kent Union/GK Unions to run safe and responsible licensed trade premises.
- 2.3 Section 4 deals with discipline in all other areas of the Union, except licensed trade and retail premises which operates within a different framework; section 5 outlines the informal process the Union supports (with particular regard to recognised Union groups) whilst section 6 details the disciplinary panel meeting procedures; section 7 outlines the appeals process.
- 2.4 This policy operates alongside the Union's Equality, Diversity & Inclusion Policy, External Speakers Policy, Student Activities Code of Conduct, Comments and Complaints Procedure, Health and Safety Policy and the Union's Constitution and relevant Union Policy. In the case of any conflict between these policies/procedures, the Union's Constitution is the overriding document. This policy also operates alongside the University's policies and procedures. In particular, a student excluded from the University is also, by default, excluded from using, or having involvement in, Kent Union/GK Union services apart from utilising the Advice Centre as is appropriate.

3.0 Licensed Trade Exclusion Policy

- 3.1 Kent Union and GK Union operates a number of licensed trade premises across the University's main campuses (Canterbury and Medway) and has a legal responsibility to ensure its licensed trade premises are operated in line with all relevant legislation.
- 3.2 In relation to anti-social or inappropriate behaviour within one of Kent Union's/ GK Union's Licensed Trade premises the Licensed Trade Exclusions Policy shall apply in the first instance.

- 3.3 The Licensed Trade Exclusions Policy details the levels of exclusions based on categories of anti-social/inappropriate behaviour, the exclusions code of conduct for staff, and the exclusions procedure.
- 3.4 Exclusions from Kent Union's or GK Union's Licensed Trade premises that fall within categories 2, 3 or 4 as detailed within the Licensed Trade Exclusion Policy may lead to other Kent Union or GK Union membership privileges being withdrawn.
- 3.5 Customers will normally be excluded by name but occasionally a block exclusion, for example of a recognised Kent Union or GK Union group may be imposed if there are persistent problems with a clearly identifiable group. This may only happen in extreme circumstances and some or one of the Union's Full-time Officers will be consulted.

4.0 Discipline in Other Areas of the Union

- 4.1 This section covers all other areas of activity of Kent Union and GK Unions, apart from licensed trade and retail including, but not limited to, representation and democracy, catering outlets, the nursery, advice services, JobShop, reception services and participation in all student activities (specifically including all Kent Union and GK recognised and supported student groups).
- 4.2 The objectives of this section are to ensure that:
 - 4.2.1 The law is adhered to at all times and the Union's property and resources are protected.
 - 4.2.2 There is an effective deterrent to anti-social/unacceptable behaviour and that effective levels of safety and security are in force.
 - 4.2.3 Members, service users and customers of Kent Union's and GK Unions' activities and/or premises feel welcome and able to enjoy the activities and/or facilities in safety and comfort regardless of gender, colour, sexuality, ethnic or national origin or any other distinction, as required by the Union's Equality, Diversity and Inclusion Policy.
 - 4.2.4 Staff in the Union's premises are able to operate in a safe and secure environment and have the authority to exclude members, service users or customers under the circumstances outlined below.
 - 4.2.5 Customers/users/Union members are considerate and respectful towards each other, the local community, including the University, its staff and visitors, whilst engaged in Kent Union/GK Unions activities.
- 4.3 Behaviour that could warrant disciplinary proceedings includes, but is not limited to:
 - 4.3.1 Threats of/or actual physical harm against Union or University staff, students, Officers or members of the public on Union premises and/or at Union related events or activities.
 - 4.3.2 Verbal aggression or bullying against Union or University staff, students, Officers, customers or members of the public on Union premises and/or at Union related events or activities.
 - 4.3.3 Damage to property or equipment, theft or any other illegal activity.
 - 4.3.4 Contravening any Kent Union/GK policies or procedures

- 4.3.5 This also covers the use of social media in relation to Kent Union/GK activities as detailed in 4.4. This includes all events carried out within an elected or volunteer role.
- 4.3.6 Any other conduct that may be deemed detrimental to the operation, reputation and/or organisation of the Union or where Kent Union/GK has a duty of care to its members.
- 4.4 Social Media guidelines for the purposes of this policy, social media is defined as: *Any website or medium (including video) that allows for communication in the open, or in the public domain.*
- 4.4.1 Many students and volunteer members utilise social media within the context of their role, to engage directly with current and prospective students, University staff, alumni, current and prospective advertisers/ sponsors and the local community. We recognise that social media is an important communication channel that must be maintained. Kent Union's and GK Union's social media sites are designed to serve as a forum for discussion and interaction.
- 4.4.2 When using social media within the context of their role, students are reminded to be respectful of their actions and comment and consider how they conduct themselves whilst using social media.
- 4.4.3 Volunteers from across the organisation may have access to Kent Union/GK Unions' social media channels. They may be able to upload content, message contacts and respond to feedback and will be required to agree to the Union's Social Media User Agreement.
- 4.4.4 When using any of the pages or feeds related to Kent Union or GK Unions (including any student group page, group or private chat) the following is prohibited by volunteers and may constitute disciplinary action:
- Using profanity, abusive language or personal/ character attacks.
 - Uploading material that is unlawful, offensive, defamatory, threatening, harassing, abusive, discriminatory slanderous, hateful or embarrassing to another individual or entity.
 - Uploading or forwarding chain letters or "spam".
 - Posting content that could cause reputational damage to Kent Union, GK Union, its staff or its stakeholders.
- 4.4.5 Inappropriate use of personal social media may also lead to disciplinary action in cases where it is considered to contradict the values expected of Kent Union/GK Union volunteers.
- 4.4.6 Kent Union's Head of Marketing reserves the right to remove or demand the removal of any posts deemed to be inappropriate or offensive which meet the previously mentioned content exclusions. Volunteers can be disciplined via this student disciplinary policy for any of the above.
- 4.5 Allegations of rape or sexual assault will be reported to the University's Wellbeing Advisor (Sexual Assault-Harrassment) but only with permission from the student. The University will then inform Kent Union's Deputy Chief Executive on any further action that is required, for example removing a student from interacting in Kent Union or GK Union student groups.
- 4.6 Any member of staff on duty has the right to ask a student or customer to leave Kent Union/GK premises or activities, if the person concerned is abusing or threatening members of staff, Union members or customers. The manager of any Union department has the right to ban a student

or customer from these premises or activities as outlined in 4.7 below. This decision should be referred to the disciplinary panel for ratification.

- 4.7 A member of managerial staff, or in their absence the most senior member of staff present, or a Full-time Officer may exclude/suspend a member for up to 14 days (or for an appropriate amount of time if in relation to a University investigation) from the premises/activities where the original incident arose; or in extreme circumstances from other/all Kent Union/GK premises/activities as appropriate. Details of the ban should be communicated via email to the person in question, and forwarded to the chair of the disciplinary panel, who shall convene a meeting of the disciplinary panel to investigate the incident.

4.8 Disciplinary Panel structure:

- 4.8.1 The chair of the disciplinary panel shall be chosen from the Full Time Officers. The other members of the panel will usually be drawn from the Union's Senior Management/Leadership team. The panel shall consist of two to four people (including the Chair).

4.8.1.1 When the disciplinary matter involves a Greenwich student, either a Greenwich Full-Time Officer or Greenwich Part-Time Officer will be included on the panel.

4.8.1.2 Within the retail department the Chair of the panel will be the Head of Retail and the panel will consist of two to four people (including the Chair). The panel will also include another member of the management team and may include a Full Time Officer if required.

- 4.8.2 In exceptional circumstances, if it is felt that the outcome may be biased by an internal panel meeting, an independent panel or independent members from outside Kent Union or GK Union may be utilised. In such cases, the help of an appropriate NUS staff member, or a member of University staff, or a senior manager of another Students' Union will be sought in recruiting such a panel and this policy shall otherwise be followed as usual.

- 4.8.3 Any conflict of interest, such as a panel member who knows a student facing disciplinary action, must be declared and the panel shall decide if any action is necessary to mitigate the conflict.

5.0 Informal Procedures

- 5.1 Where possible the Union will support and encourage resolution of complaints via informal means prior to the formal procedures being invoked. This may include, for example, mediation facilitated by a staff member or Full-Time Officer or attendance at recognised Union group's committee meetings by a staff member or Full-Time Officer.
- 5.2 Where appropriate, complaints may be referred to relevant University departments, such as the Student Conduct and Complaints Office.
- 5.3 Individuals or Union supported groups are encouraged to endeavour to deal with potential issues swiftly to help prevent escalation. Advice and support can be sought from relevant Union staff or Full-Time Officers in the first instance.
- 5.4 Union supported groups (such as sports clubs, societies, community action groups, student reps and Networks) are led by elected individuals of the Union who hold varied and different

opinions and ideas. It is recognised that differences of opinion can occur among the membership of such groups, or across different groups. Members of these groups are reminded of their individual and collective responsibilities in relation to ensuring all members are treated with respect and consideration, and that all members have the right to enjoy Union activities in a safe and welcoming manner and in line with all relevant Union policies and procedures.

- 5.5 Union supported groups will be offered appropriate training and guidance in relation to the effective running of their groups, including for example, effective team work, communication, motivation of volunteers, effective and appropriate use of social media and briefings to cover relevant Union policies and procedures.

6.0 Disciplinary Panel Meeting Procedures

6.1 Procedure prior to a panel meeting

- 6.1.1 Any person with a complaint must report breaches of discipline in writing. The complainant has the right to remain anonymous should they request it. It should be made clear to the complainant that statements that are submitted to the disciplinary panel as evidence will also be shared with the person that they are complaining against. Where appropriate and as part of the investigation a statement may be taken from the complainant in person.
 - 6.1.1.1 If the matter involves a breach of the University's regulations on student discipline, in relation to non-academic matters then it will be referred to the University.
 - 6.1.1.2 If the matter involves an allegation of rape or sexual assault then it will be referred to the University's Wellbeing Advisor (Sexual Assault- Harassment), providing consent is obtained from the student involved.
- 6.1.2 The relevant manager within Kent Union or GK Union will review the evidence and may where necessary meet with the subject of the complaint, the person making the complaint and any other persons involved to decide whether to refer on to a formal disciplinary panel or not.
- 6.1.3 If appropriate the chair of the disciplinary panel should ask an appropriate member of staff or a Full-time Officer to discuss the complaint with the complainant, and ascertain whether the complaint can be resolved through informal means, such as mediation. Refer to section 5 for more details on Informal Procedures.
- 6.1.4 If informal channels of resolution are unsuccessful, the Chair of the disciplinary panel will decide if there has been a possible breach of conduct and if the evidence warrants a disciplinary panel being convened. Similarly, incidents arising from points 4.3 or 4.4 above will be considered by the Chair, who will decide if a panel meeting is required.
- 6.1.5 The panel has the right to temporarily suspend any Kent Union/GK member(s) from any Kent Union/GK Union group or Kent Union/GK Union activity/premises until the outcome has been decided, especially where there is a duty of care to members. The matter will be kept confidential.

- 6.1.6 If a disciplinary panel is convened, the chair of the panel will write to the person accused of breaching discipline (the defendant) as soon as possible, informing them of the complaint against them. The member will be:
- provided with a copy of the Student Discipline Policy
 - provided with the Union's Comments and Complaints Procedure
 - provided with copies of statements that relate to the breach of discipline.
 - informed of impartial contacts within the Union who are available for advice (e.g. Advice Centre staff), who may advise and attend the panel meeting in a support capacity
 - invited to submit a personal statement and statements from other witnesses.
- 6.1.7 The defendant will be given at least ten working days' notice of the panel meeting and will be informed of their right to be accompanied at the meeting by another member of Kent Union/GK Union and/or Advice Centre staff.
- 6.1.8 The complainant will also be asked to submit witness statements before the panel meeting. The disciplinary panel may wish to speak to witnesses in person to discuss their statement or call them to speak to panel.
- 6.1.9 The complainant or defendant cannot intimidate or approach any of the opposing witnesses during this time or further action will be taken.
- 6.1.10 Where relevant Kent Union/ GK Union can refer any student disciplinary on to the University of Kent or University of Greenwich, identified in 4.8.1 in line with the university policy which can be found at www.kent.ac.uk/regulations and www.gre.ac.uk/student-services/regulations-and-policies.

6.2 Procedure during Panel Meeting

- 6.2.1 Although the panel meeting is confidential, where the matter is of public interest (e.g. potential for reputational damage to either the Union or University) and breaches University Policy (as identified in 4.8.1) the University will be informed.
- 6.2.2 Statements will be invited from the complainant and the defendant which will be reviewed independently by the disciplinary panel to see if they are relevant. The Chair should make every effort to ensure that there are a balanced number of witnesses/witness statements for the defendant and the complainant to help ensure that a balanced judgement is made.
- 6.2.3 For repeat offenders, the results of previous disciplinary panel meetings will be taken into consideration when applying sanctions. For an offence where an outcome has been reached by the Police, the panel will take this into consideration. In some instances, there may be a delay pending Police investigations.
- 6.2.4 Minutes of the panel meeting shall be kept on file in accordance with GDPR regulations.
- 6.2.5 The defendant should, if possible, be informed in person of the disciplinary panel's decision. They should always be informed in writing.
- 6.2.6 At the end of the panel meeting, the disciplinary panel should meet privately and either:

6.2.6.1 Come to a judgement and issue a sanction as outlined in 6.3 if necessary

6.2.6.2 Decide that further investigation or evidence is necessary and agree to reconvene the panel meeting within one week. The disciplinary panel should only do this if absolutely necessary and no more than once.

6.3 Following the disciplinary panel, the following sanctions may be taken by the disciplinary panel (whether as an individual or as a group):

6.3.1 Payment for damage caused, including labour charges for repair of damage.

6.3.2 A ban from any/all Kent Union/GK Unions premises in conjunction with the Licence Trade Exclusion Policy for a specified time relative to the offence committed.

6.3.3 To undertake mandatory training e.g. EDI/liberation training

6.3.4 To undertake formal mediation

6.3.5 Referral to the Wellbeing Team or other relevant University services.

6.3.6 Removal of membership from student group or activity for a period of time e.g. 3 weeks/term/academic year.

6.3.7 Match bans or training bans from Kent Sport facilities.

6.3.8 Ban from participating in varsity

6.3.9 Removal from attending student group award ceremonies or events (including tour)

6.3.10 A warning letter from Kent Union/GK Union

6.3.11 Writing of an apology letter

6.3.12 Referral to the University, as identified in 4.8.1, following an investigation this could result in a number of additional sanctions such as a fine or removal from the University.

6.3.13 If the nature of the discipline is serious enough to warrant it, the panel has the power to remove someone from their elected position, this includes student reps and committee positions. Or to recommend to the Union Executive Committee the removal of any other elected person as laid out in the Constitution. In this case the member will be given 14 clear days' notice and will be afforded the opportunity to be heard or make written representation to the Union Executive Committee.

6.3.14 If the nature of the discipline is serious enough to warrant it, the panel can make a recommendation on any member to the Executive Panel for their Kent Union/ GK Union membership to be removed. This would mean that someone could no longer have a part in any of Kent Union/GK Union activities or student groups.

6.3.15 Any combination of the above, the time period being at the discretion of the disciplinary panel.

6.3.16 In cases where a serious breach of the law has occurred, or is suspected, the Legal Enforcement Authorities should be informed immediately.

- 6.3.17 In serious cases, as identified in 4.8.1 the University should also be informed of the details of the case or the case may be referred directly on to the university in the first instance.

7.0 Appeals Procedure

- 7.1 The defendant may appeal against the disciplinary panel's decision by appealing in writing to the Union President (union-president@kent.ac.uk).
- 7.2 An appeal can be based on alleged procedural fault, bias, irregularity or other inadequacy. The Union will treat in good faith any appeal that is brought forward.
- 7.3 If there is no new evidence to consider and/or no reason to suggest that the original decision was formed incorrectly, then request for an appeal will be denied. If there is a case for an appeal, the President will convene an Appeals Panel in line with the following procedure:
- 7.3.1 The appeals panel is made up of three members of Kent Union's Board of Trustees (usually two student trustees and one external trustee), who must not have been involved in the original disciplinary Panel. The Chief Executive/ Senior Manager will attend in an advisory capacity.
- 7.3.2 The appeal must be lodged within ten working days of the original decision of the disciplinary panel. The appeals panel should meet within ten working days of an appeal being lodged. If there is any new evidence, this may be submitted to the appeals panel.
- 7.3.3 The defendant may attend the panel meeting initially to present their case, but must then leave for the panel to discuss the issues and make a decision.
- 7.3.4 The appeals panel has the right to uphold the original verdict, reduce the sanctions set, or overrule the original verdict. The appeals panel has the final say on any disciplinary issue and will communicate in writing this outcome to the defendant.

8.0 Equality, Diversity and Inclusivity

- 8.1 In line with other areas within the union all student disciplinary action will be anonymously monitored by the EDI Panel to ensure that equality, diversity and inclusivity are adhered to.