

Imperial College Union

Bye-Law H Discipline

Approved May 2023

H. Discipline

1. This Bye-Law shall apply to all Members and Associate Members except:
 - 1.1. Trustees of the Union, acting in their capacity as a Trustee, shall be dealt with in accordance with Bye-Law B (Trustees). Complaints should be directed to the Chair of the Board of Trustees, or the President in the case of a complaint against the Chair of the Board of Trustees.
 - 1.2. Members of College staff who are also registered students of the College shall be dealt with under the relevant College disciplinary procedure for staff, and not this policy. The Managing Director may exclude such individuals from Union premises and facilities pending College disciplinary action and shall inform their Head of Department if so doing.
 - 1.3. Permanent Union staff shall be disciplined within the provisions of Imperial College HR policy and their contractual agreement. The Managing Director is responsible through the President to the Board of Trustees for staff discipline in the Union. The President and the Chair of the Board of Trustees are responsible to the Board of Trustees for the discipline of the Managing Director.
2. Outside of the electoral process, the Union may only discipline individual Members and Associate Members within the provisions of this Bye-Law.
3. The Disciplinary Procedure does not provide for disciplinary action against Clubs, Societies & Projects. Disciplinary procedures related to Clubs, Societies & Projects are detailed in the Clubs, Societies and Projects Strike Policy.
4. For matters related to the Union's licensed premises:
 - 4.1. The Designated Premises Supervisor (DPS) for the Union's licensed premises, or their appointed nominee, has the right to take whatever reasonable action necessary to uphold the Union's license within the premises. This includes the right to warn or ban – temporarily or permanently – anyone from the Union's licensed premises.
 - 4.2. The process laid out in the ICU Licensing Disciplinary Investigation Process should be followed.
 - 4.3. Any warning or ban from the DPS, or their appointed nominee, is separate from summary punishment and, therefore, cannot be appealed within the provisions of these Bye-Laws.
 - 4.4. Members receiving summary punishment from the DPS may also be subject to disciplinary action within this Bye-Law if there is a suspected breach of the College's Student Code of Conduct. This may be instigated through or complaint against the Member or the DPS may choose to refer a Member for disciplinary action if they deem it necessary.
5. For disciplinary matters regarding severe misconduct, for example assault or sexual misconduct, or other matters that may be investigated by the police, the Union may instead refer the matter directly to the College Registry.
6. The Union shall provide a mechanism for Members, Associate Members, or non-Members to raise allegations of misconduct against Members or Associate Members. Anyone who uses this form to raise a complaint shall be referred to as the 'reporting party', and those they have raised a complaint against shall be referred to as the 'responding party'.
7. A case for disciplinary action shall exist if there is an allegation, or the Union has reasonable suspicion, that a Member or Associate Member is alleged to have breached the College's

Code of Conduct.

8. Cases will be dealt with by a Union nominee, hereby referred to as the 'Investigating Officer', who shall normally be a member of the Union's Governance and Membership Committee.
9. The Investigating Officer shall make an initial judgement, referring to guidance in the Union Disciplinary Procedure, to proceed as either:
 - 9.1. No action needed
 - 9.2. Level 1 – Summary Procedure
 - 9.3. Level 2 – Union Disciplinary Panel
 - 9.4. Level 3 – Referral to the College
10. Where the Union is made aware that the disciplinary matter is being investigated by the College and/or the Police, the Union shall suspend the disciplinary proceedings until the conclusion of a College and/or Police investigation.
11. In cases where a disciplinary matter is being investigated by the Police, the Union shall defer to the College's disciplinary procedures and inform them of such an investigation.
12. In cases of serious misconduct where there is a safeguarding concern, cases with police involvement, or at the request of the College, the Union President or the Union Governance and Membership Committee can suspend Member(s) concerned from all Union activities and spaces pending the conclusion of investigations. In the case that the Union President issued the suspension, the Chair of the Governance and Membership Committee must be made aware of the suspension and has the power to overturn the decision.
13. The Investigating Officer shall inform the reporting party of any safeguarding measures that are directly necessary for them to know, within the bounds of confidentiality. This should be done as soon as possible after a decision to take a safeguarding measure is made, usually before the responding party is informed where possible and appropriate.
14. The President shall submit a termly report to the Chair of the Governance and Membership Committee, summarising the disciplinary cases since the last report and any resulting actions.

Level 1 - Summary Procedure

15. Cases dealt with under the Summary Procedures shall normally be investigated by the Investigating Officer, or appropriate appointed nominee, who shall consider the original complaint and supporting evidence provided to them by the Complaints Officer. This shall be done in accordance with the relevant process laid out in the Union Disciplinary Procedure.
16. Where a Member or Associate Member has been disciplined under the Summary Procedures on a previous occasion, the Investigating Officer may decide that any further allegations of misconduct will be considered by a Union Disciplinary Panel.

Level 2 - Union Disciplinary Panel

17. In the circumstance that the Investigating Officer decides a Union Disciplinary Panel is appropriate, they will convene a disciplinary panel and the relevant process laid out in the Union Disciplinary Procedure shall be followed.

18. Level 3 - Referral to the University

19. The Investigating Officer shall refer the case to the College at any point if it is deemed that the

nature of the action is relevant to the College or a serious enough allegation that requires College intervention.

20. In such cases, the Investigating Officer shall inform the reporting party of this decision, explain the reasoning behind the referral, and signpost them to relevant support.

Appeals

21. A Member or Associate Member penalised under the Union Disciplinary Procedure may lodge an appeal only on the grounds of:

21.1. Procedural irregularity in any part of the disciplinary process, or

21.2. The availability of new evidence which could not reasonably have been expected to be presented prior to the consideration of the allegation and the application of the penalty.

22. An appeal, including a statement of the grounds on which the appeal is being made, must normally be submitted by the individual concerned to the Union in writing within 10 College days of the date on which the written notification of the decision is sent to the responding party. A request for an appeal received after this time will be considered only where there is a demonstrable valid reason.

23. An initial evaluation of the appeal will be made by the Union President, or nominee, normally within 5 College days to determine if there are valid grounds for the appeal to be considered. If there are no valid grounds, the responding party will be written to and advised that this is the case.

24. Appeals against a Summary Procedure will be considered by one of the Union's designated panel members who has had no previous involvement in the case.

25. Appeals against Union Disciplinary Panel decisions shall be considered by an Appeals Panel in accordance with the Union Disciplinary Procedure.

26. The Appeals Panel will not consider the case afresh but shall consider whether the initial hearing and outcome were fair against the stated grounds of the appeal.

27. The Appeals Panel considering an appeal shall have the authority to confirm, set aside, reduce, or increase the penalty previously applied, or, if new evidence that is material and substantial has been established through the appeal process, to refer the case back for consideration by a newly constituted Union Disciplinary Panel. The decision of the panel hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the Union.

Penalties

28. If the breach of discipline is admitted by the responding party or is found to be proved, on the balance of probabilities, one or more of the following penalties may be imposed.

29. In respect of Summary Procedure:

29.1. The Investigating Officer may impose the following penalties:

29.1.1. A written reprimand and a warning about future behaviour;

29.1.2. A requirement to give an undertaking as to their future good conduct within the Union;

- 29.1.3. A requirement to provide a written apology;
 - 29.1.4. A requirement to pay for any damage to property they may have caused or to recompense the Union for any loss it may have suffered arising from the Member's misconduct, up to £500;
 - 29.1.5. A revocation of or reduction in financial responsibility.
- 29.2. The Investigating Officer may impose the following penalties with agreement from the Governance and Membership Committee:
- 29.2.1. Attendance at appropriate training (whether Union or external);
 - 29.2.2. Dismissal from some or all elected posts in the Union;
 - 29.2.3. Suspension from any part of the Union or its facilities, including any online activities, for up to three months;
 - 29.2.4. Suspension from membership of a Club, Society, or Project for up to three months;
 - 29.2.5. Expulsion or suspension of the eligibility to be considered for any Union Awards;
 - 29.2.6. Any restorative sanctions appropriate to the case.
30. In respect of a Union Disciplinary Panel, any of the above and the following:
- 30.1. A charge to meet the cost in whole or in part of any funds lost through damage or mismanagement;
 - 30.2. Expulsion or suspension from any part of the Union or its facilities, including any online activities;
 - 30.3. Expulsion from or suspension of membership of a Club, Society, or Project;
 - 30.4. Permanent exclusion from holding elected roles;
 - 30.5. Revocation of membership of the Union.
31. In cases of interpersonal violence, abuse, or sexual misconduct, the following sanctions must be imposed and may be overturned only in the case of a successful appeal:
- 31.1. Dismissal from all elected posts in the Union;
 - 31.2. Permanent exclusion from holding elected roles;
 - 31.3. Permanent exclusion from participating in all elections as a candidate;
 - 31.4. Permanent exclusion from positions that involve direct interaction with children (e.g. tutoring).