

# KCLSU Member Disciplinary Procedure.

Name: KCLSU Member Disciplinary Procedure	
Brief description: This procedure ensures that KCLSU spaces and activities are safe and that our members are treated fairly when incidents of alleged misconduct occur. The procedure is applicable to all KCLSU members, including associate members.	
Approved by: Governance and Policy Committee	
Date of approval: Jan 2018	Date of next approval: 2 years

## 1. The KCLSU Member Disciplinary Procedure

### 1.1 Purpose

KCLSU is committed to safe and positive experiences for all KCLSU members, and as a charity has a responsibility to safeguard spaces, resources and assets for current and future members. This procedure is designed to deal with any alleged misconduct in a fair and considerate way.

The procedure is used to investigate actions taken by KCLSU members, KCLSU student groups, KCLSU student media or KCLSU associate members undertaking KCLSU activity or using KCLSU spaces, including licensed areas. Where references in this procedure is made to '*members*' this includes associate members. If an allegation of misconduct is upheld a warning or a penalty can be given to individuals and to student groups. In cases where this disciplinary procedure is being applied to a student group, the group President or lead officer will represent the group and any penalty will be applied directly to the group and not against individual students.

### 1.2 When should a different procedure be used?

This procedure should not be used if the actions being investigated relate to:

- [KCLSU Elections or Referenda](#)
- KCLSU salaried or student staff
- KCLSU Trustees
- KCLSU Student Officers political performance

To find out more and read associated policies and procedures visit our website [kclsu.org/policyzone](https://kclsu.org/policyzone).

### 1.3 Support and Adjustments

Being involved in a disciplinary investigation can be difficult. Any investigation under this procedure will be undertaken with appropriate discretion, care and consideration. All steps in the process will remain fair and in line with KCLSU's [equal opportunities policy](#).

Reasonable adjustments to the procedure can be made to accommodate members defined as disabled under the Equality Act 2010. Contact [complaints@kclsu.org](mailto:complaints@kclsu.org) or KCLSU's Adviser to the Complaints Procedure via to discuss any

adjustments required. Contact information for KCLSU can be found [on our website](#) or via 020 7848 6231. Access information for KCL can be found on the [DisabledGo website](#)

## 1.4 Protection of Confidentiality

KCLSU is committed to dealing with disciplinary issues discretely, protecting the confidentiality of those involved. No KCLSU Student Officer, Staff or Trustee should comment publicly on any incident that is being dealt with under this procedure, and no formal reports will be published. In cases, where an incident has the potential for reputational damage on KCLSU, the PR lead for KCLSU in consultation with the Trustee Board may make a public statement. Where a penalty applies that will impact on the wider student community, the method of announcement will be explained to the person/people being disciplined.

## 1.5 Recording Discipline

Accurate records will be kept detailing:

- Any breach of the disciplinary grounds.
- The member's defence or mitigation.
- The disciplinary penalty imposed and the reasons for it.
- Whether an appeal was lodged and its outcome.

These records are to be kept confidential and retained in line with the above Disciplinary Procedures and the [General Data Protection Regulations](#). Copies of any meeting records will normally be given to the member subject to disciplinary proceedings.

## 1.6 What does KCLSU mean by misconduct?

Misconduct usually refers to

- behaviour that has a negative impact on other people,
- misuse of funds or property that deprives other members of their benefits,
- actions that are in contravention of KCLSU's values and likely to damage the reputation of KCLSU

that relate to KCLSU activities and spaces.

Safe, respectful and positive online experiences and spaces are as important as physical ones, and misconduct online will be investigated under this procedure. At any time during disciplinary procedures, KCLSU may refer the case to University authorities, the police or any other appropriate body e.g. National Sporting Governing Bodies. If a case is referred to another organisation KCLSU disciplinary proceedings will be suspended until the external procedures are completed and KCLSU are informed of the outcome.

## 1.7 Conflict of Interests

In the event of disciplinary matters involving one or more Officer or Student Trustees (who are members subject to this policy), or any incidents being investigated involving any members of KCLSU staff, KCLSU will ensure that the incidents are dealt with fairly. To avoid any real, or perceived bias in the investigation and decision making of any disciplinary incidents, the KCLSU Trustee Board will have the authority to delegate decision making to any other trustees, and may involve independent, external investigators. All efforts will be made, where possible, to ensure that no person involved with, or closely connected to disciplinary incidents has a decision making role in this procedure.

# 2. Immediate Action on Misconduct

Immediate action may be taken at the time of an alleged incident, in order to prevent further risk of harm to any person or property. This action will be recorded, and an incident report will be logged as a [Stage One Report](#).

## 2.1 Immediate Action: incidents in KCLSU licenced spaces

A member may be immediately removed and suspended from KCLSU venues pending a disciplinary investigation. This will be in incidents where it is necessary to uphold licensing terms, and ensure the safety of people and property. This will not prejudice the outcome of any further disciplinary procedures. The decision to suspend will be made by the

relevant KCLSU Senior Manager or by a KCLSU licensee if it relates to an incident in one of our licensed premises. A member may receive a short term ban from a licensed premises for up to 1 week as part of this immediate action. Any further sanctions will be reported in to these disciplinary procedure at [Stage One](#).

## 2.2 Immediate Action: incidents in other KCLSU spaces

A member may be asked to leave, or removed from other KCLSU spaces pending a disciplinary investigation in incidents where there is an immediate risk to people or property. This will not prejudice the outcome of any further disciplinary procedures. The decision to take this action can be made by any KCLSU member of staff. Immediate action to close an event or activity can be taken in accordance with [KCLSU Safe Space Policy](#), or any other applicable procedure.

## 2.3 Immediate Action: alleged criminal behaviour and police involvement

Where there is reason to believe a member has committed a criminal offence the police may be called, and the member will be suspended from all KCLSU spaces and activities until such time as police involvement has been completed, when disciplinary procedures may be resumed. This will not prejudice the outcome of any further disciplinary procedures. In most cases of criminal behaviour a report will be made from KCLSU to KCL.

# FORMAL PROCEEDINGS

## 3. Stage 1: Report stage

- 3.1. An incident report is sent to [complaints@kclsu.org](mailto:complaints@kclsu.org) and reviewed by the Adviser to Disciplinary Procedure
- 3.2. An incident report can be made by
  - A KCLSU member of staff
  - The outcome of KCLSU Complaints Procedure
  - A referral from KCL Student Conduct and Appeals Office
- 3.3 An incident report indicates a matter which might be subject to disciplinary action as defined in section one of this procedure
- 3.4 The incident report is recorded in Disciplinary Log
- 3.5 The KCLSU President (or delegated nominee officer trustee) is notified of and reviews the report with any relevant initial evidence, and decides:
  - There is no case to answer, no further action will be taken [outcome A]
  - A formal warning will be given, which may include actions to remedy the misconduct [outcome B]
  - Further investigation is needed [stage 2]
  - The incident is serious and should be referred directly to a Disciplinary Panel [stage 3]
- 3.6 The member who is subject disciplinary procedures will be informed of the decision, in writing, within 10 working days of the receipt of the incident report. This communication must include:
  - Details of the allegation
  - A copy of the Members Disciplinary Procedure
  - Information about what will happen next

## 4. Stage 2: Investigation Stage

- 4.1. A disciplinary investigator will be appointed by the President (or delegated nominee officer trustee). The investigator will be a KCLSU manager not previously involved in the case.
- 4.2. The member will be informed in writing of the investigation, confirming:
  - The details of the allegation
  - The name and contact details of the disciplinary investigator
  - The opportunity to respond to the allegation, and whether this will be in writing, face to face, by telephone
- 4.3. A minimum of 2 working days' notice will be given for any meetings.
- 4.4. A friend or representative may attend meetings with the member, not acting in a legal capacity

- 4.5. The disciplinary investigator will review all evidence, and may request additional evidence as required to determine the details of the incident
- 4.6. If no response from the member is received, or the member declines to engage with the process, the investigation will be concluded based on the evidence provided and the member deemed to have nothing to add to the investigation.
- 4.7. The investigator will present the statements, evidence, findings and recommendation to the President.
- 4.8. The President will review the findings and documents and decide one of the following:
  - There is no case to answer and no further action will be taken [outcome A]
  - A formal warning will be given, which may include actions to remedy the misconduct [outcome B]
  - Incident is serious and should be referred directly to a Disciplinary Panel [stage 3]
- 4.9. The investigation will normally be completed within 15 working days. If there are any delays (for good reason), the member will be informed of the reasons and an adjusted deadline communicated in a timely manner.
- 4.10. The member will be informed of the decision, in writing within 5 working days of the President receiving the report and recommendations.

## 5. Stage 3: Disciplinary Panel Stage

- 5.1 A Disciplinary Panel will be formed to consider the matter if the incident is deemed serious enough, or if the member subject to disciplinary proceedings requests this.
- 5.2 The Disciplinary Panel will be 3 people drawn from the following groups of people, and will include at least one KCL student:
  - KCLSU Directors, Heads or Managers
  - KCLSU Officer or Student Trustees
  - Elected KCLSU representatives (for example Union Development Committee Member)
- 5.3 The member will be given a minimum of 5 working days' notice in advance of the Disciplinary Panel meeting. This notification will include copies of any statements and documents provided for the Panel's consideration
- 5.4 Proceedings of the Disciplinary Panel meeting
  - 5.4.1 A friend or representative may attend meetings with the member, not acting in a legal capacity
  - 5.4.2 The Disciplinary Investigator will present the case, with their findings (in person, or in writing)
  - 5.4.3 The member will be given an opportunity to present a statement, any additional evidence including witness statements, and to draw to the Panel's attention any mitigating factors
  - 5.4.4 The Disciplinary Panel will deliberate in private
- 5.5 The Disciplinary Panel can decide:
  - The allegation is not upheld, and no further action will be taken [outcome A]
  - The allegation is upheld and,
    - The misconduct will be classified as minor, moderate or severe
    - The penalty applied – precedent penalties will be used to ensure consistency and fairness
- 5.6 The decision of the Disciplinary Panel will be confirmed in writing to the member within 3 working days of the conclusion of the hearing (which will be considered as the point at which the Panel has completed their deliberations). This notification will include
  - Details of the misconduct that resulted in the Disciplinary Panel hearing
  - Any disciplinary penalties applied
  - If this is a warning this will include the length of time the warning will last
  - If this involves suspension of membership, membership rights, BUCS membership, the timescale of the suspension
  - Any recommendations, or actions required to prevent further misconduct
  - Confirmation whether the issue has been referred to KCL or any other body
  - Brief reasons for the decision
  - If the penalty is likely to impact on the wider student community, confirmation of how the penalty will be communicated.
  - Details of the appeal process (Stage 4)

## 6. Stage 4: Appeals stage

6.1 An appeal against the decision of the Disciplinary Panel can be considered on one or more of the following grounds:

- A wholly unreasonable decision (i.e.: one which falls outside the range of possible reasonable decisions that could have been taken).
- There is evidence of a significant procedural error in the investigation of the misconduct, which significantly contributed to the outcome.
- Significant new evidence has come to light which could not have been made available during the initial investigation.

6.2 Appeals should be made in writing to the Chief Executive within 10 working days of notification of the panel's decision.

6.3 The Chief Executive, or their nominee will determine the most appropriate method of conducting the review, and communicate in writing of the result of the appeal and the reasons for the decisions taken within 28 working days.

6.4 Possible outcomes of an appeal are:

- The appeal is rejected and the original decision is upheld.
- The appeal is upheld and the disciplinary penalty is removed or modified.

## 7. Outcomes

The following outcomes are possible at the relevant stages of the Disciplinary Procedure. Table and chart below illustrate the appropriate routes through the procedure, when outcomes and referrals are required.

OUTCOME	ACTIONS
Outcome A	<ul style="list-style-type: none"><li>• No further action will be taken</li><li>• The process is complete, and</li><li>• A completion of procedures letter will be issued</li></ul>
Outcome B Formal Warning	<ul style="list-style-type: none"><li>• A formal warning will be issued in writing by the President</li><li>• The member has the right to contest this warning, in writing sent to <a href="mailto:complaints@kclsu.org.uk">complaints@kclsu.org.uk</a> within 10 working days of receipt of the warning. If the warning is contested the matter will be referred to stage 3) Disciplinary Panel Stage.</li><li>• If the warning is not contested the procedure will come to an end. The warning will remain on the record for 1 calendar year, and refer to outcome A</li></ul>
Outcome C Referral to the next stage	<ul style="list-style-type: none"><li>• Disciplinary Investigation is warranted. Refer to Stage 2) Investigation Stage</li><li>• Disciplinary Panel is warranted. Refer to Stage 3) Disciplinary Panel Stage</li></ul>
Outcome D Allegation Upheld	<ul style="list-style-type: none"><li>• Disciplinary Panel upholds the allegation and applies a penalty [<a href="#">appendix 1</a>]</li></ul>

# Appendix One: Precedent Penalties

These penalties are not exhaustive, the Disciplinary Panel may choose a different penalty. If this is the case the Panel should record their reasons as to why they chose a different penalty. This would usually happen where the incident had particular mitigating or aggravating factors, or the situation was unusual and the Panel felt it needed to set a new precedent.

Normally precedent penalties should be used in order to ensure consistency and fairness.

- behaviour that has a negative impact on other people,
- misuse of funds or property that deprives other members of their benefits,
- actions that are in contravention of KCLSU's values and likely to damage the reputation of KCLSU

	Examples	Typical minimum penalty (time limits apply to suspension from access to a specified KCLSU Space, Service or Activity)
<b>Behaviour that has a negative impact on other people</b>		
Minor	<ul style="list-style-type: none"> <li>• One off or minor examples of disorderly, or offensive behaviour or language in person, or in writing (including electronically).</li> </ul>	A formal written warning
Moderate	<ul style="list-style-type: none"> <li>• Repeated or moderate examples of disorderly, or offensive behaviour, including minor violent (pushing, shoving) and abuse of health and safety rules or equipment that endangers KCLSU people, property or reputation</li> </ul>	Six weeks suspension of membership, exclusion from KCLSU venues and activities
Severe or repeat offences	<ul style="list-style-type: none"> <li>• Aggravated examples of disorderly, offensive, or threatening behaviour.</li> <li>• Physical violence (punching, kicking, biting)</li> <li>• Sexual Harassment (touching or kissing without consent, showing sexual organs or sharing sexual pictures without consent, following someone without good reason, making unwanted remarks of a sexual nature)</li> </ul>	One term suspension of membership, exclusion from KCLSU venues and activities, + referral to institution and authorities as necessary +
<b>Misuse of funds or property that deprives other members of their benefits</b>		
Minor	Misapplication or misuse of funds or property with a value of up to £50	One term suspension of membership + referral to institution and authorities as necessary + cost of repair and or replacement to property
Moderate to severe	Misapplication or misuse of funds or property with a value of over £50, or repeated offences	One year suspension of membership + referral to institution and authorities as necessary + cost of repair and or replacement to property
<b>Actions that are in contravention of KCLSU's policies and procedures and likely to damage the reputation of KCLSU</b>		
Minor	E.g. Failure to follow KCLSU Policy or Procedure	A formal written warning

Moderate	E.g. Failure to follow KCLSU policy or procedure that creates a risk of harm to KCLSU people, or reputation including failure to follow external speakers policy	One term suspension of membership, exclusion from KCLSU venues and activities
Severe or repeat offences	E.g. Failure to follow KCLSU policy or procedure that results in damage to KCLSU people, or reputation, including repeated failure to follow external speakers policy	One years' suspension of membership, exclusion from KCLSU venues and activities, de-ratification of society or club, removal from BUCS
<b>Use of illegal or controlled substances</b>		
		One year exclusion + referral to institution and authorities as necessary
<b>Distribution of illegal or controlled substances</b>		
		Lifetime + referral to institution and authorities as necessary

## Appendix Two: Tables & Charts

STAGE	WHO & WHAT	OUTCOME	
1) REPORT STAGE	Case reviewed by President	A] No further action. Process Complete. Completion of Procedures Issued.	
		B] Formal warning issued	Contested. Refer to 3) Disciplinary Panel Stage
			Not contested. Refer to outcome A]
		C] Investigation warranted. Refer to 2) Investigation Stage	
2) INVESTIGATION STAGE	Incident investigated by Disciplinary Investigator	A] No further action. Process Complete. Completion of Procedures Issued.	
		B] Formal warning issued	Contested. Refer to 3) Disciplinary Panel Stage
			Not contested. Refer to outcome A]
		C] Disciplinary Panel warranted. Refer to 3) Disciplinary Panel Stage	
3) DISCIPLINARY PANEL STAGE	Disciplinary Panel considers case	Allegation not upheld. Refer to outcome A]	
		D] Allegation upheld. Penalty applied. (refer to precedent penalties)	Contested. Refer to 4) Appeal Stage.
			Not contested. Refer to outcome A]
4) APPEAL STAGE	Case reviewed by Chief Executive	Appeal upheld. Penalty removed or modified. Refer to outcome A]	
		Appeal rejected. Refer to outcome A]	

