

St Cuthbert's Society Junior Common Room (1168134)

Discipline Policy (JCR Members)

POL004

Approved/issue	June 2019	Locations	Website Trustee Share Drive
Review Cycle	Annual		

Next review due	June 2020	Circulation details	Executive Committee Trustees
Review by	Trustee Legal Committee		

1. Introduction and Context

- 1.1. This policy outlines the approach St Cuthbert’s Society Junior Common Room (“the JCR”) shall take in regard to disciplining its members and volunteers.
- 1.2. The JCR is a charity established for the public good. As such, the JCR strives to uphold its reputation and will hold all employees, volunteers and members accountable for their actions.
- 1.3. The policy is not applicable to employees of the charity as they are subject to employment law. Please see ‘Discipline Policy (Employees)’.
- 1.4. The charity’s Safeguarding Policies take precedence over this policy and should be referred to in all matters relating to safeguarding.
- 1.5. Incidents of criminal behaviour will be escalated to the police.
- 1.6. Disciplinary action taken against a person or persons by the JCR does not preclude other actions taken by the university.
- 1.7. The JCR does not take responsibility for its member’s behaviour outside of JCR activities.
- 1.8. The JCR takes primary responsibility for taking disciplinary action against its members / volunteers for actions committed in a JCR capacity and reserves the right to liaise with St Cuthbert’s Society, Durham University on disciplinary matters as appropriate.
- 1.9. If JCR members believe that a volunteer elected by the JCR has not fulfilled their role adequately they should refer to provisions within the ‘Standing Orders’ regarding motions of no confidence.

2. Code of Behaviour

- 2.1. The Code of Behaviour sets out standards of fairness and reasonable behaviour that volunteers and employees are expected to follow.
- 2.2. If any JCR member, volunteer or employee is found to be breaking the code, they may be subject to disciplinary action.

3. Sports and Societies

- 3.1. Members of Sports and Societies must follow the Code of Behaviour and are held responsible for their actions during but not limited to:
 - Sports fixtures
 - Socials
 - JCR events

- 3.2. If a sport or society has engaged in an event that contradicts the Code of Behaviour and/or the Inclusivity and Diversity Charter, then they may be subject to disciplinary action. Social Secretaries and any other parties hosting or organising a social or other event will be held accountable for the inclusivity, appropriateness and running of socials and other events. Participants in such socials or events may be subject to financial penalties where physical damage has been incurred.
- 3.3. Team and club captains will be held accountable for the inclusivity and appropriateness of sporting matches.

4. Disciplinary Bodies

- 4.1. There are three bodies in the JCR with the authority to decide on and enact disciplinary action: The President, the JCR Disciplinary Panel, and the Board of Trustees.

5. The President

- 5.1. The President is expected to deal with routine, non-major discipline matters.
- 5.2. The President may unilaterally take any of the following disciplinary actions against a JCR member:
- 5.2.1. Demand for a written apology
 - 5.2.2. Community service
 - 5.2.3. Appropriate remedial training courses
 - 5.2.4. Barring from College bar (up to a length of 2 terms)
 - 5.2.5. Suspension from a JCR activity (up to a length of 2 terms)
 - 5.2.6. Barring from JCR social events (up to a length of 2 terms)
 - 5.2.7. Fines (up to the value of damage done)
 - 5.2.8. Any other disciplinary action which could reasonably be considered commensurate in magnitude with the actions listed above
- 5.3. The President may not unilaterally enforce sanctions more severe than the disciplinary actions listed above. Major disciplinary measures as defined by 6.2.2 may only be taken by the decision of a JCR Disciplinary Panel or, where appropriate, the Board of Trustees (see section 7).
- 5.4. Where a conflict of interest or loyalty exists, or may reasonably be perceived to exist, in a disciplinary matter, the President should recuse themselves from the disciplinary process and refer the matter to the JCR Disciplinary Panel.
- 5.5. The President may refer any case directly to the JCR Disciplinary Panel if they believe it is appropriate, even if the matter in question is routine or non-major.
- 5.6. The President will inform those affected by their disciplinary action of their right of appeal and the appeals process (see 9).
- 5.7. The President is intended to provide speedy recourse to discipline in routine and non-serious matters and as such the process is relatively informal. However:

5.7.1. Any member subject to potential disciplinary action must attend a meeting with the President of the Society before receiving any disciplinary action. Members are permitted to bring an additional person of their choice to this meeting for support.

6. JCR Disciplinary Panel

6.1. Constitution:

6.1.1. The Panel will usually consist of 3 people. 6.1.2 These will usually be the President, the Vice-President and the JCR Chair. 6.1.3 Replacement panel members shall first be the FCO, followed by the Sports and Societies Chair, Social Chair, Outreach Chair, Communications Officer, Student Trustees. 6.1.4 The President will normally chair the Panel. 6.1.5 A representative of the College may be invited to sit on the panel as an additional, non-voting member.

6.1.2. All members of the Panel shall declare any interests affected by the disciplinary matter and their relationships to all parties involved in the disciplinary matter. Where a conflict of interest or loyalty exists, or could reasonably be perceived to exist, thereby bringing the process into disrepute that person shall not sit on the panel.

6.1.3. Where the panel is hearing an appeal against the disciplinary decision of the President, the President shall not sit on the panel.

6.1.4. The JCR Chair will normally chair the Panel in the instance the Panel is sitting in appeal.

6.2. Terms of reference:

6.2.1. The JCR Disciplinary Panel is intended to provide a robust, formal process to deal with serious/contentious/complex disciplinary matters.

6.2.2. The Panel is vested with the authority to take major disciplinary measures up to and including:

6.2.2.1. Fines

6.2.2.2. Permanent barring from College Bar

6.2.2.3. Permanent suspension from JCR events

6.2.2.4. Permanent suspension from JCR activities

6.2.2.5. Removal of person from a position of responsibility within a sport or society

6.2.2.6. Suspension / removal of a person from an elected JCR position

6.2.2.7. Suspension / removal from a committee

6.2.2.8. Barring a person to stand for election to a JCR position

6.2.2.9. The suspension of a JCR run club / team / society

6.2.2.10. The abolition of a JCR run club / team / society

6.2.2.11. Suspension of JCR membership

6.2.2.12. Removal of JCR membership without reimbursement

6.2.2.13. Any other form of disciplinary action reasonably interpreted as being of the same magnitude.

6.3. Process:

6.3.1. All those involved must be given at least 48 hours' notice of the time and place of any JCR Disciplinary Panel hearing.

6.3.2. The Panel will request written statements from those involved in the matter prior to the hearing.

6.3.3. The Panel must inform all those they request written statements from and all those who participate in the hearing how their evidence will be used, retained and destroyed as per 7.4.

6.3.4. Reasonable time must be given for the preparation of written statements to the panel.

6.3.5. The Panel may choose to ask all participants in a hearing to sign a document promising that they will keep the confidentiality of the hearing.

6.3.6. Notes should be taken of the proceedings of JCR Disciplinary Panel hearings including evidence presented and answers to questions.

6.3.7. The Panel may choose to take evidence from those involved in a matter in separate sittings.

6.3.8. Participants in a hearing are permitted to bring an additional person for support.

6.3.9. Those involved in the matter shall be given all reasonable rights to reply to evidence presented.

6.3.10. The panel will give a written judgement. All those involved in the hearing should be shown the judgement.

6.3.11. The ruling of the panel must be unanimous.

6.3.12. From the passing of the judgement, there is a 14-day period to lodge an appeal. After this period requests for an appeal will not under normal circumstances be permitted.

6.4. Data protection, evidence and confidentiality

6.4.1. Evidence

6.4.1.1. All evidence submitted to the panel is confidential to the proceedings of the hearing.

6.4.1.2. All evidence submitted to the panel and all notes from the proceedings are to be held in a sealed envelope and locked cabinet which can be accessed by one or more members of the Panel only.

6.4.1.3. All evidence and notes shall be destroyed after 14 days following the conclusion of the hearing unless an appeal is lodged.

6.4.2. Judgement

- 6.4.2.1. The written judgement of the panel should include a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved (the hearing), and details of any action taken and decisions reached.
- 6.4.2.2. The judgement should normally be made available to view to all those involved in the hearing.
- 6.4.2.3. The judgement shall be held in a sealed envelope and locked cabinet which can be accessed by one or more of the members of the Panel only. The date the document is due to be destroyed shall be displayed on the envelope.
- 6.4.2.4. The judgement shall be held until the principal persons involved in the case are no longer students at St Cuthbert's Society, Durham University after which it shall be destroyed.
- 6.4.2.5. In the case where the judgement relates to a team, club or society, the judgement shall be held for a period of no more than 5 years.
- 6.4.2.6. In cases where the disciplinary matter relates to a team, club or society, it may be appropriate for the Panel to release a statement regarding the judgement. In such cases common sense should be applied. Any public statement may be based on the judgement but should not compromise the confidentiality of evidence given to the hearing or the confidentiality of those who have submitted evidence.

7. The Board of Trustees

7.1. The Board of Trustees has ultimate responsibility for the JCR and may, in accordance with the charity's Constitution and Byelaws, exercise any disciplinary action it deems in the best interests of the charity.

7.2. The Board's role in JCR discipline for volunteers and members shall in normal circumstances be limited to its role as the body of final appeal for those appealing a decision of the JCR Disciplinary Panel.

7.3. In exceptional circumstances, such as in matters of Safeguarding, the Board of Trustees may take direct responsibility for serious disciplinary matters instead of the JCR Disciplinary Panel.

7.3.1. Furthermore, in any matter where the President or JCR Disciplinary Board believes there to be an underlying Safeguarding issue related to any disciplinary matter, they are obliged to inform the Chair of the Board of Trustees immediately and take no further action until the Chair has responded.

7.4. The Board shall deliver its judgement on disciplinary matters in the form of a written resolution.

7.5. The Chair of Trustees is the first point of contact on the Board for disciplinary matters.

7.6. The Chair of Trustees may choose to convene a sub-committee to rule on the matter provided it meets the Board's quorum.

8. Appeals process

8.1. If the subject of disciplinary action by the President wishes to invoke their right of appeal they may do so within 14 days of the President's ruling by writing to the JCR Chair (chair@cuths.com) who will then convene the JCR Disciplinary Panel to consider the matter from scratch.

8.2. If the Chair is unavailable, the Vice-President (Vice-President@cuths.com) should be contacted.

8.3. If the subject of disciplinary action by the JCR Disciplinary Panel wishes to invoke their right of appeal they may do so within 14 days of the panel's judgement by writing to the Chair of the Board of Trustees (sean.barnett@cuths.com).

8.4. If the Chair of Trustees is unavailable, the Vice-Chair of Trustees should be contacted. Please enquire to the Student Trustees in this scenario.

8.5. The Board of Trustees is the final body of appeal.

9. Disciplinary action incomplete

9.1. Failure of a member to abide by disciplinary action taken against them will result in a written warning.

9.2. Failure to abide by disciplinary action following the receipt of a written warning is a serious disciplinary offence and will result in a JCR Disciplinary Panel hearing to revoke the person in question's membership without reimbursement.

10. Approval and Review

10.1. This policy was prepared by the JCR President on behalf of the Board of Trustees.

10.2. The policy will be reviewed every three years by the Trustee Board in conjunction with the JCR President.

This Discipline Policy has been approved by the JCR President and Trustee Board.

Signed Tim Chapman

Signed Amy Kuner

Dated June 29th 2019

Dated June 29th 2019

Chair, JCR Trust 2018-2019

JCR President 2018-19