

# **St Cuthbert's Society Junior Common Room (1168134)**

## **Discipline Policy (JCR Members)**

### **POL004**

#### **Review Table**

<b>Approved/issue</b>	March 2021	<b>Locations</b>	Website Trustee Share Drive
<b>Review Cycle</b>	Annual		

<b>Next review due</b>	March 2022	<b>Circulation details</b>	Executive Committee Trustees
<b>Review by</b>	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. Suspension from a JCR activity (up to a length of 2 terms)
  - 5.2.5. Barring from JCR social events (up to a length of 2 terms)
  - 5.2.6. 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:

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. In cases where willful damage has been caused to JCR property, fines up to a maximum of the equivalent value of any damage caused and any costs associated with the recovery of that sum
    - 6.2.2.2. Permanent suspension from JCR events
    - 6.2.2.3. Permanent suspension from JCR activities
    - 6.2.2.4. Removal of person from a position of responsibility within a sports club or society
    - 6.2.2.5. Suspension / removal of a person from an elected JCR position
    - 6.2.2.6. Suspension / removal from a committee
    - 6.2.2.7. Barring a person to stand for election to a JCR position
    - 6.2.2.8. The suspension of a JCR run club / team / society
    - 6.2.2.9. The abolition of a JCR run club / team / society
    - 6.2.2.10. Suspension of JCR membership
    - 6.2.2.11. Removal of JCR membership without reimbursement
    - 6.2.2.12. 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. Notes must be taken by an independent third party who will not form part of the panel, but must be either a member of the JCR Executive, a member of the Board of Trustees, or a member of Society staff.
  - 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 stored in a secure cloud storage location, only accessible to authorised parties, in accordance with the JCR Data Protection policy
    - 6.4.1.3.** All evidence submitted to the panel and all notes from the proceedings are to be retained for five years, after which date they will be permanently deleted. It is the responsibility of the Finance and Compliance Officer to regularly review all such documentation and ensure deletion dates are adhered to. This may be subject to audit by the Chair of the Board of Trustees, or another member of the Board nominated by the Chair, at any time.
  - 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 stored in a secure cloud storage location, only accessible to members of the panel, in accordance with the JCR Data Protection policy

**6.4.2.4.** The judgement shall be retained for five years, after which date it will be permanently deleted. It is the responsibility of the Finance and Compliance Officer to regularly review all such documentation and ensure deletion dates are adhered to. This may be subject to audit by the Chair of the Board of Trustees, or another member of the Board nominated by the Chair, at any time.

**6.4.2.5.** 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](mailto: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](mailto: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](mailto: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 from the Society President or the Board of Trustees

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.