



Name: Discipline Policy (Student Groups)

Written by: Department of Student Programs

Last reviewed: 2021

PURPOSE

The purpose of this Policy is to:

- a. Govern the management of misconduct matters as they relate to Affiliated Student Groups

SCOPE

1. This Policy applies to all USU (University of Sydney Union) members, workers and guests that relate to activities run by the USU and its affiliated student groups, including:
 - a. Misconduct by other USU members, affiliated student groups and workers
 - b. Misconduct that occurred at a program, space, event, or function
2. This Policy applies to all USU members, affiliated student groups and workers
3. Nothing in this policy precludes the USU from initiating civil or criminal proceedings against an individual as defined in above.

DEFINITIONS

Word/Term	Definition
affiliated student group	includes but is not limited to a USU registered club or society, a USU volunteer group, a USU revue or a USU debates team.
guest	means a member of the public who is visiting a USU space, or attending an activity, event, or function, or participating in a program, run by USU or an affiliated student group.
Governing body	A USU Committee or the USU Board of Directors.
Head of Department	means: <ul style="list-style-type: none"> • the Head of Department of Programs • the Head of Department of People and Culture; or any other Head of Department nominated by the CEO to perform functions in accordance with this policy.
member	means a person who is a registered member of the USU.
program	includes but is not limited to programs, activities and events run by affiliated student groups, and activities and events run by the USU.

outcome	Means the outcome of an investigation of misconduct
Respondent	means a person whose conduct is the subject of a report or complaint.
Rule infraction	A breach of USU program rules or regulations.
USU worker	means USU employees, contractors, outworkers, apprentices, work experience students and volunteers.
student	has the meaning given by the University's (Student Discipline) Rule 2016 .
University	means the University of Sydney.
USU	means the University of Sydney Union.

SECTION 1 - POLICY

PRINCIPLES

The USU is committed to celebrating and harnessing the diversity of ideas and backgrounds in our communities and to creating an environment of involvement, respect, and inclusion for everyone.

Accordingly, the USU requires all students who engage with its programs, events, spaces, and services to conduct themselves in accordance with this Policy and with the University of Sydney's [Student Charter 2020](#) and the following USU policies: Bullying, Harassment and Discrimination Policy (Student Groups) 2021, Sexual Harassment and Sexual Misconduct Policy (Student Groups) 2021, USU Complaints Procedure (Student Groups) 2021, USU Affiliated Student Groups Code of Conduct 2021

		Responsibility
1. Misconduct Definition		
1.1	Misconduct may include but is not limited to: (i) conduct that prejudices the good order and government of the USU (ii) conduct that prejudices the good name or position of the USU (iii) conduct that impairs the reasonable freedom of other persons to pursue their co-curricular interests or participate in USU programs or activities.	All
1.2	Misconduct includes breaches of the following: a) USU Constitution b) USU Regulations c) Code of Conduct for Affiliated Student Groups 2021 d) Sexual Misconduct and Sexual Harassment Policy 2021 e) Bullying, Harassment and Discrimination Policy 2021 f) Clubs and Societies Alcohol Policy 2020 g) Any other relevant policies of the USU; or h) Any other governance documents relevant to USU Programs;	All

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	including but not limited to the Clubs Handbook, Revues Handbook, Debates Committee Guidelines and Procedures.	
	<p>Misconduct also includes:</p> <ul style="list-style-type: none"> a) Knowingly proving false or misleading information to the University or USU b) Damaging property of the USU c) Engaging in unlawful or criminal activity within a USU group or activity d) Failing to comply with directions given by USU employees or affiliates e) Refusing to leave an event activity or program when instructed by the USU or University; and f) Failing to comply with any conditions set by the USU CEO, Board or Head of Department 	All
2. Penalties		
2.1	<p>One or more penalties may be imposed on student groups or individuals found guilty of misconduct, including but not limited to:</p> <ul style="list-style-type: none"> a) expulsion of USU membership as per 9.2 of the Constitution. b) expulsion of an individual from leadership position/s. c) expulsion of a group from USU affiliation. d) exclusion of an individual or group from USU or group events, for a period up to one year. e) exclusion or suspension of any USU membership or program privileges for individuals or groups for a period up to one year, including but not limited to: <ul style="list-style-type: none"> i. participation in festivals. ii. access to room bookings. iii. access to storage facilities. f) suspension of an individual from a leadership position or student group, for a period up to one year. g) suspension of group’s USU affiliation or funding for a period, up to one year. h) deeming a group ineligible to apply for specific grants. i) repayment of monies. j) a written warning. 	HOD/CEO
2.2	<p>Considerations when imposing a penalty:</p> <ul style="list-style-type: none"> a) the nature, frequency, and seriousness of the misconduct. b) any previous misconduct by the individual or group. c) whether the penalty will be relevant to the nature of the misconduct. d) previous penalties imposed on individuals or groups. e) the timing of any admission of misconduct. f) any relevant mitigating circumstances. g) any other relevant matters considered appropriate. 	HOD/CEO

3. Preliminary Misconduct Assessment		
3.1	Assessment of an alleged instance of misconduct may involve discussions with relevant parties or respondents, collating documents, or information relevant to the matter.	HOD
3.2	Where discussions are held, all relevant parties are welcome to bring a support person.	HOD
3.3	<p>The USU may deem that no further action will be taken in instances where:</p> <ul style="list-style-type: none"> a) Insufficient information or evidence is provided b) The complaint is frivolous, malicious, or vexatious c) The matter is deemed resolved <p>Where the complaint is found to be frivolous, malicious, or vexatious, a further investigation will take place and the complainant may be subject to disciplinary action.</p>	HOD
3.4	Should the Grievance fall outside the remit of the USU, the Complainant may be directed to the relevant department of the University of Sydney	HOD
4. Investigation		
4.1	Respondents will be given a right of response in relation to any alleged misconduct within a reasonable timeframe to respond to any allegations.	All
4.2	Investigators must make findings of fact and may make recommendations for complaint resolutions in accordance with USU policies and procedures. Recommendations may include referrals to other governing bodies of the USU or University, or the USU CEO.	All
4.3	When matters are referred as outlined in 5.2, Investigators must provide all information gathered including any written statements or reports written	All
4.4	Investigators must give any relevant HODs and the USU CEO detailed, written reasons for their findings and recommendations.	All
4.5	At the conclusion of the investigation, the USU must determine the outcome, and provide the respondent and where relevant, the complainant, with a written statement including the reasons for the outcome and any rights to an appeal	HODs/CEO
4.6	<p>Outcomes should be determined by:</p> <ul style="list-style-type: none"> a) Relevant HOD/s in consultation with People & Culture HOD and CEO b) Where the matter is a minor rule infraction, it may be referred to the governing body of the relevant USU program at the discretion of the USU <p>Rule infractions include but are not limited to allegations of:</p> <ul style="list-style-type: none"> a) branch stacking and electoral fraud b) breach of tournament rules c) providing inaccurate or misleading records to the USU; and 	HODs/CEO

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	d) financial mismanagement	
4.7	Complaints are to be handled in accordance with the USU Complaints Procedure 2021. Where the outcome of the Complaints investigation demonstrates that an individual or group is guilty of misconduct, punitive action may be taken in line with Section 2 of this policy.	HODs

5. Appeals		
5.1	Appellants may appeal based on alleged failure of due process or on the outcome of the complaint.	All
5.2	Appeals must be lodged in writing, within 30 days of the date on which the appellant was notified of the outcome of the misconduct investigation, unless a time extension is granted at the discretion of the USU	All
5.3	Appellants must set out in their written appeal their reasons for believing that due process has not been observed, or their reasons for appealing the outcome of the initial complaint, in the preliminary assessment or investigation.	All
5.4	Appeals are to be considered by a panel of 3 HODs of the USU who have not previously been involved in the investigation or outcome. Where they have been previously involved, appropriate managers may undertake this role on the panel. Where the matter has been referred to a governing body as per 6.1, the appeal will be considered by at least 3 members of the USU Board of Directors who have not previously been involved in the outcome of the complaint. Where possible, this should include the USU President and relevant portfolio holder.	CEO
5.5	Appeals will be considered based on the written materials unless an exception is deemed appropriate.	All
5.6	The USU will provide the appellant with a written statement of the outcome of the appeal, including: a) reasons for the outcome b) if the appeal is upheld, what steps will be taken to address the failure of due process, where relevant The outcome of the appeal is final.	HODs/CEO
6. Referral to a USU Governing Body		
6.1	Outcomes should be determined by: a. Relevant HOD/s in consultation with People & Culture HOD and CEO b. Where the matter is a minor rule infraction, it may be referred to the governing body of the relevant USU program at the discretion of the USU Rule infractions include but are not limited to allegations of: a) branch stacking and electoral fraud b) breach of tournament rules c) providing inaccurate or misleading records to the USU; and d) financial mismanagement.	HODs/CEO
7. Confidentiality		
7.1	Except as provided in clause 7.2, the USU will keep confidential all information relating to a report of bullying, harassment, or discrimination, unless the complainant consents to disclosure of part or all the information for a specified purpose.	All

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7.2	If a complainant decides not to report an incident to the Police, the USU will use its best efforts to protect the confidentiality of information relating to the report, while meeting its obligations under the <i>Crimes Act 1900</i> (NSW). Note: The USU is required to report information about the commission of a 'serious indictable offence' to the Police in accordance with sections 316 and 316A of the <i>Crimes Act 1900</i> (NSW).	All
7.3	In some limited circumstances, the USU may need to report an incident of bullying, harassment, or discrimination to the Police against a person's wishes, to ensure their safety or the safety of other USU members, workers, or guests, or to meet its legal obligations.	All

SECTION 2- GOVERNANCE

RESPONSIBILITY

Policy Owner	People & Culture/Programs
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APPROVALS PROCESS

A new USU Policy and amendments to an existing USU policy must be submitted to Board as a Motion on Notice after being subjected to the following procedure:

Draft Policy > P&C/Programs HOD > Governance Committee > Board

All amendments suggested after the submission of the motion shall be noted and submitted to the above procedure before being approved.

RECORD OF APPROVALS

Entity	Approval Date	Name	Notes
P&C HOD			
Programs HOD			
Governance Committee			
Board			

Version Number	Amendment Date	Approved by	Amendment
1			

RESCISSIONS AND REPLACEMENTS

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This document, in conjunction with the USU Affiliated Student Groups Code of Conduct 2021, USU Bullying, Harassment and Discrimination Policy 2021, USU Complaints Procedure 2021 and Sexual Misconduct and Sexual Harassment Policy 2021 replaces the following, which are rescinded as from the date of commencement of this document:

1. Grievance Response Guidelines for Student Groups 2018
2. USU Debating Society - Equity Policy
3. Internal Grievance Guidelines (Student Groups) 2018