

Victoria University Student Union Inc.

DISCIPLINE REGULATIONS

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2. Authority

These regulations are made by the Student Union Board of the Victoria University Student Union Inc. (“VUSU”) pursuant to clause 15 of the VUSU Constitution.

3. Application

(1) Disciplinary provisions outlined in these Regulations apply to all categories of members described in the VUSU Constitution, other than Life Members. For clarity, the Discipline Regulations may be applied to:

- (a) Members who have been elected to VUSU governing bodies (that is, governing members);
- (b) Members who have been elected to the Committees and Associations of VUSU Associated bodies;
- (c) Members who hold Executive positions on VUSU affiliated College Societies; and
- (d) Members who have applied for and been admitted to membership in accordance with the VUSU Constitution and Membership Regulation.

4. Exclusions

- (1) Disciplinary issues that arise as a result of participation in VUSU elections will be dealt with in accordance with the VUSU Election Regulations.

5. Standards of Conduct

- (1) Standards of conduct required of the members described in rule 2 of these Regulations are described in the VUSU Code of Conduct Regulations
- (2) The requirements of VUSU members described in the Code of Conduct Regulations apply:
 - (a) at VUSU premises, on Victoria University campuses and beyond;
 - (b) at VUSU related activities including on and off campus VUSU events, conferences, work lunches and Christmas parties;

- (c) inside and outside of normal VUSU and Victoria University working hours; and
- (d) to activity on social media and other forms of electronic media.

6. Grounds for Taking Disciplinary Action

- (1) Executive VUSU Office Bearers, or where appropriate the Executive Officer, will discuss with the member/s concerned any alleged or apparent breaches of the Code of Conduct in the first instance, and every effort will be made to resolve issues at that level.
- (2) Where those discussions fail to resolve an issue, or where breaches of the Code of Conduct Regulations are of a very serious nature, VUSU may take disciplinary action against a member/s in accordance with these Discipline Regulations.
- (3) If the Executive is satisfied there are sufficient grounds for taking action against a member/s, it must convene a Disciplinary Committee as described in the next rule to hear the matter and determine what action, if any, to take against the member/s concerned

7. Disciplinary Committee

- (1) The VUSU Disciplinary Committee shall comprise the members of the Executive, as outlined at Clause 32 of the VUSU Constitution.
- (2) Where a member of the Disciplinary Committee is likely to be biased for or against or have a conflict of interest in a disciplinary matter, they must stand down from participating in the disciplinary issue concerned. The Disciplinary Committee may decide to replace any member who stands down

with an alternate member co-opted from the Student Union Board.

- (3) Consideration of a disciplinary matter shall not proceed unless there are at least 3 members of the Disciplinary Committee present.
- (4) The Disciplinary Committee may initiate disciplinary proceedings under these regulations:
 - (a) In response to a complaint received from a VUSU member/s; or
 - (b) If it is otherwise satisfied that there are sufficient grounds for taking disciplinary action against a member.

8. Disciplinary Committee Procedure

- (1) Before disciplinary action is taken against a member, the General Secretary or an alternative member of the Disciplinary Committee must give written notice to the member:
 - (a) Stating that VUSU proposes to take disciplinary action against the member;
 - (b) Stating the grounds for the proposed disciplinary action; and
 - (c) Specifying the date, place and time of the meeting at which the Disciplinary Committee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) Advising the member that they may do one or both of the following—
 - (i) attend the disciplinary meeting and address the Disciplinary Committee at that meeting;
 - (ii) give a written statement to the Disciplinary Committee at any time before the disciplinary meeting; and

- (e) Setting out the member's appeal rights under rule 8 below.
- (2) The notice must be given no earlier than 15 working days, and no later than 7 working days, before the disciplinary meeting is held.
- (3) At the disciplinary meeting, the Disciplinary Committee must:
 - (a) Give the member an opportunity to be heard; and
 - (b) Consider any written statement submitted by the member.
- (4) After complying with rule 7.3, the Disciplinary Committee may:
 - (a) Take no further action against the member; or
 - (b) Subject to rule 7.6, impose an appropriate penalty which may include one or more of the following measures:
 - (i) A reprimand, and/or counselling about VUSU requirements and expectations;
 - (ii) A requirement that an apology be made to those impacted by inappropriate behaviour;
 - (iii) A requirement to attend specified training programs;
 - (iv) Payment of costs involved in making good any loss or damage to property or equipment;
 - (v) Barring individuals from using any or all facilities and resources of VUSU;
 - (vi) Withdrawal of rights to attend and participate in

meetings of VUSU governing bodies;

- (vii) In the case of governing members, members who have been elected to the Committees of VUSU Associated bodies and members who hold Executive positions on VUSU affiliated College Societies, imposition of key performance indicators (“KPIs”) and ongoing monitoring of performance against those KPIs;
- (viii) Suspension of membership of VUSU for a defined period;
- (ix) a permanent expulsion from membership of VUSU;
- (5) Where a penalty involves suspension of, or expulsion from membership, the person/s concerned will also automatically be removed from any offices that are conditional upon membership - for example positions on VUSU Student Union Board, and College Society and Association Executive positions.
- (6) The Disciplinary Committee may not fine the member.
- (7) The suspension of membership rights or the expulsion of a member by the Disciplinary Committee under this rule takes effect immediately after the vote is passed.

9. Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled as a member of VUSU under rule 7.4 may give

notice to the effect that they wish to appeal against their suspension or expulsion.

- (2) The notice must be in writing and given:
 - (a) to the Disciplinary Committee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the General Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under rule 8.2, a disciplinary appeal meeting must be convened by the Executive as soon as practicable, but in any event not later than 15 working days, after the notice is received.

10. Disciplinary Appeal Committee

- (1) The Executive must convene a Disciplinary Appeal Committee to hear the appeal.
- (2) Subject to rule 9.3, the Disciplinary Appeal Committee shall comprise the VUSU President who shall chair the Committee, and two other members of Student Union Board co-opted by the Executive, who were not members of the Disciplinary Committee that considered the matter originally.
- (3) Where a member of the Disciplinary Appeal Committee, including the VUSU President, is likely to be biased for or against, or have a conflict of interest in the disciplinary matter, they must stand down from the Disciplinary Appeal Committee. The remaining members of the Disciplinary Appeal Committee must replace any member who stands down with an alternate member co-opted from Student Union Board who is unbiased in relation to the matter and was not a member of the original Disciplinary Committee.
- (4) Notice of the disciplinary appeal meeting must be given to the person who initiated the appeal

and each member of the Disciplinary Appeal Committee as soon as practicable and must:

- (a) Specify the date, time and place of the meeting; and
- (b) State:
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members of the Disciplinary Appeal Committee present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

11. Disciplinary Appeal Committee Procedure

- (1) At a disciplinary appeal meeting:
 - (a) No business other than the question of the appeal may be conducted; and
 - (b) The Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with rule 10.1, the Disciplinary Appeal Committee must determine the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) All 3 members of the Disciplinary Appeal Committee must be personally present at a Disciplinary Appeal meeting. A committee member may not vote by proxy at the meeting.

12. Other Procedural Matters

- (1) In any proceedings conducted by either the Disciplinary Committee or the Disciplinary Appeal Committee:
 - (a) Person/s against whom the allegations are made will have the opportunity to be accompanied by a support person, other than a legal practitioner, at the meeting/s and must be notified of this in the notice of meeting;
 - (b) Person/s against whom the allegations are made must receive notification of the outcome of the meeting/s and the key reasoning behind that decision.
 - (c) During any hearing, the body hearing the matter may call on the advice and support of other VUSU, Victoria University or external personnel, provided that those personnel are not legal practitioners.
 - (d) All parties involved in the hearing of a disciplinary issue shall be required to keep the matter in strict confidence, until a resolution of the matter is determined
 - (e) Decisions are to be made on a simple majority of those committee members present and voting.
 - (f) While disciplinary proceedings under these Regulations are being pursued, none of the parties involved in the matter may initiate the grievance procedures outlined in the VUSU Grievance Procedure Regulation.

13. Other Action

- (1) Nothing in these regulations prevents VUSU pursuing disciplinary action through external

authorities where appropriate, including but not limited to criminal action, the University's Student Misconduct Procedure, Student Misconduct Regulations 2014, the University's Sexual Harassment Response Policy, Sexual Assault Response Policy, Discrimination and Harassment Prevention and Management Policy, Discrimination, Sexual Harassment and Bullying Prevention and Management Procedure

These measures may be taken independently, or in conjunction with the disciplinary procedures outlined in these regulations.

14. Interpretation

- (1) Where relevant, words and phrases used in these regulations take their meaning from their definition or use in the VUSU Constitution.
- (2) The word:
 - (a) "clause" refers to a provision in the LTSU Constitution; and
 - (b) "rule" refers to a provision in these LTSU Discipline Regulations.
 - (c) "VUSU body" refers to: all Committees, Associations, College Societies and other bodies established under Parts 6, 7, 8, 9 of the VUSU Constitution.

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Responsible Person: Executive Officer

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