

Licensed Operations Code of Conduct Policy & Procedure

Approved: SLT

Review: Annually in September

1. Purpose

The Students' Union operates a range of services for the benefit of its members, and this policy concerns the disciplinary procedures that operate within our licensed venues. The policy applies to the areas and services operated and managed under the terms of the Licensing Act 2003, and the key components of this policy are informed and at times dictated by this legislation.

The Students' Union believes that these rules and procedures are necessary for promoting responsible and safe behaviour and ensures fairness and consistency in the treatment of individuals. It is important that members know what standards of conduct and behaviour is expected of them and, as a result, full details of this policy and its rules and procedures will always be accessible to members.

The purpose of this policy is to promote a safe, inclusive and enjoyable environment for all users of Students' Union licensed operations. Disciplinary sanctions are intended to be proportionate, educational where appropriate, and focused on reducing future misconduct.

For clarity the licensed operations which are contained within the scope of the Licensed Operations Code of Conduct are listed below;

Students' Union Venue (SU Venue),

The Packhorse

Union Shop

Events operated by the Students' Union, on and off campus including sports and society activity and events

2. Context

This policy should be read in conjunction with the Students' Union's constitution, where Bylaw F clearly sets out the Members' Code of Conduct and Disciplinary Procedure in relation to student behaviour when engaging in Union activities. This is done via a set of principles. It states that members are expected to:

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- Always conduct themselves in a reasonable and responsible manner, in a way that characterises mutual respect and understanding for all members of the community.
- Conduct themselves in a way that represents the aims of the union and its communities, considering public perception and the external reputation of the organisation and the university.
- Treat all Union (and University) property with respect and not interfere with other peoples' enjoyment of Union facilities or events.
- Adhere to relevant policies, procedures, rules and regulations of the Union, including (but not limited to): equality and diversity, health and safety and financial regulations.

- Comply with the reasonable requests from Union and University staff where appropriate and respect responsibilities set out by the Freedom of Speech Code of Practice.

Byelaw F - Members' Code of Conduct and Disciplinary Procedure - details the disciplinary process that enforces this. With respect to Union 'services' such as the bars and nightclub, Section 11 of this Byelaw empowers the staff team (through the Chief Executive) to put in place other procedures for dealing with misconduct where appropriate. This is done to ensure the Union complies with relevant legislation, such as the Licensing Act 2003.

The Chief Executive has managerial authority to enforce good conduct in the use of services, in line with standard operating procedures, using appropriate disciplinary action against offences. The exercise of this authority, therefore, may not limit membership of the Union, and only refers to the use of services.

In addition to this, as a licensed operator the Students' Union has a legal responsibility to work with the University, Police and other authorities in the discharge of its duties, which includes sharing data and referring incidents for criminal investigation where appropriate. Where a criminal investigation is ongoing, the Students' Union will seek appropriate guidance and take action that may include temporary suspension from the venues whilst the matter is concluded.

3. Types of Misconduct

For clarity, appendix one of this policy sets out the most common types of misconduct that are likely to arise within the venues. It provides definitions to help both members and staff understand what is not acceptable. The list is non-exhaustive, and the Students' Union can refer any incidents that fall outside of these examples under Byelaw J.

4. Disciplinary Procedure

a. Incident Occurs

When an incident occurs in a venue or event, the student will be dealt with appropriately at the time to ensure the safety and security of individuals in attendance. A formal report will be generated that details the incident and any further evidence collected and filed with it. The document used for this purpose is the Incident Report.

Some incidents are minor and generally can be resolved immediately. These will be recorded as an incident report with the agreed resolution included and will not progress any further along the disciplinary process. Any student involved in an incident that may result in a significant disciplinary sanction may be temporarily excluded pending review where this is deemed necessary to protect the safety of staff, students or the operation of the venue.

b. Incident Reporting

When an Incident Report is generated, it will contain detailed information with reference to the incident, which will include the names of the individuals involved, the student ID card numbers of those involved, the location, and detailed observations from the incident. The report will also reference any witness statement and state whether other security data was captured at the time of the incident. Incident reports, CCTV and associated witness statements will be used as the key evidence for the disciplinary process.

c. Stage One

At stage one, all incidents will be reviewed by a member of the Students' Union Senior Management Team who have not been involved with any of the reported incidents. Reviews will normally take place twice weekly but may be expedited where circumstances require. Where this impacts on the ability of an individual to access a late-night event a full refund will be offered if appropriate when a ticket has been bought in advance of notice of exclusion.

They will look at the nature and context of the incident, and consider the evidence collected at the time. A decision will then be made as to the nature of the misconduct, and a disciplinary sanction imposed. This will be communicated directly to the student via electronic means to their University email account. Any sanction will be taken from the date of the incident not the date of the review.

Any decision requiring a disciplinary sanction of 26 weeks or more will be referred automatically to a member of the Students' Union's Senior Leadership Team for confirmation. Any appeal involving a disciplinary sanction of 52 weeks or more will automatically be referred to the Students' Union Chief Executive and a Trustee.

d. Stage Two

Individuals who have received a disciplinary outcome are permitted to appeal the decision provided this is done within 5 working days of the stage one decision being communicated to the student. There is normally no right of appeal for Minor Misconduct sanctions. However, where a student believes there has been a procedural error or mistaken identity, the Students' Union reserves the right to review the decision

The appeal must include all further evidence, and clearly state which of the three grounds the appeal should be considered under:

- I. The Students' Union has conducted the investigation process in a way that is inconsistent with this policy.
- II. The Students' Union could not consider evidence that has now become available.
- III. The Students' Union has imposed a disciplinary sanction that is inconsistent with this policy.

Appeals will be considered by a member of the Students' Union's Senior Management/Leadership Team who has no prior knowledge of the incident. An investigation and hearing may be called if required. Once the Stage 2 process is complete a formal response will be issued to the individual. There is no further appeal beyond this.

e. 52 week / lifetime exclusions

Any Stage Two appeal where there has been a disciplinary sanction of 52 weeks or more applied will be referred automatically to the Students' Union's Chief Executive and a Trustee.

5. Exclusions

Exclusions will normally apply across all Students' Union licensed operations. However, the Students' Union reserves the right to apply sanctions to specific venues, events or activities where this is considered more proportionate.

Where a permanent exclusion is imposed the details will be shared with the Students' Union Senior Management team, and further sanctions may be imposed which could impact on wider membership activities. In specific instances the Senior Management Team may request that the information is escalated to the University.

6. Escalation & Data Sharing

The Students' Union is an independent organisation which operates within the Royal Holloway University estate, occupying premises which are wholly owned by the University. The Students' Union reserves the right to escalate incidents or disciplinary matters to the appropriate team within the University where there is evidence of significant risk to the university community, or reputational risk to the institution.

The Students' Union works within a data sharing partnership with the University alongside external partner agencies. All incidents reported by the Students' Union are shared with the appropriate teams and follow up action may occur in specific cases. The data sharing partnership is compliant with GDPR, where partner agencies request information defined procedures are followed.

Where necessary and proportionate, the Students' Union may share details from incidents with partner agencies to support the four licensing principles;

- Public Safety
- Prevention of public nuisance
- Protection of children from harm
- Prevention of crime and disorder

Appendix One: Examples of Misconduct

Please note this list is not definitive or exhaustive but is provided to give an indication of the likely sanctions that are imposed in the case of misconduct within a venue. Context around specific incidents will be taken into consideration where appropriate, including repeat incidents. All exclusions are term-time only weeks. The sanctions detailed in this appendix represent the normal penalty for a first occurrence. Aggravating factors, mitigating circumstances, repeat misconduct, welfare concerns, or risks to the safety of others may result in a higher or lower sanction where appropriate. Where appropriate, the reviewing manager may also refer customers for a welfare referral to relevant teams.

<i>Minor Misconduct</i>	<i>Example</i>	<i>Sanction</i>
Smoking in non-designated areas	All forms of smoking (including electronic cigarettes) in non-designated areas of the venue.	Warning and then ejection from the venue
Over intoxication (minor)	A temporary state in which an individual's physical and / or mental faculties are impaired by either an excessive consumption of alcoholic or other substances. Minor intoxication may include slurred speech, impaired coordination, reduced awareness or other visible signs of intoxication. Any individual who vomits within the venue may be required to leave immediately for welfare and safety reasons.	Ejection from the venue
Over intoxication (major)	A temporary state in which an individual's physical or mental faculties are impaired by either an excessive consumption of alcoholic or other substances. The individual's level of intoxication creates a significant welfare concern requiring substantial intervention by venue staff, welfare teams, security, medical personnel or emergency services.	1week exclusion
<i>Serious Misconduct</i>	<i>Example</i>	<i>Sanction</i>
Non-compliant behaviour	Defiant behaviour that involves ignoring guidance or reasonable requests from staff in the discharge of their professional duties.	1-week exclusion

Repeated non- compliant behaviour	Repeated defiant behaviour that involves ignoring guidance or reasonable requests from staff in the discharge of their professional duties.	4-week exclusion
Unauthorised access	Entrance (or attempted entrance) into the venue without a valid ticket or wristband. This includes trying to re-enter the venue after ejection or for any other reason. The Venue operates a no re-entry policy unless otherwise specifically stated	2week exclusion
Minor vandalism	Intentional damage of Students' Union's property causing minimal or limited impact on the operation of the venues.	4-week exclusion and payment for damage
Major vandalism	Intentional damage of Students' Union's property causing a major impact on the integrity or operation of the venue.	8-week exclusion and payment for damage
Major Misconduct	Example	Sanction
Indecent behaviour	Actions that are considered lewd or inappropriate, contrary to generally accepted standards of public taste within the specific context. This would include behaviours such as engaging in sexual acts in public or public urination.	6-week exclusion
Abusive behaviour	Use of insulting or offensive actions or language targeted at an individual or group, resulting in physical or emotional distress. Manipulation, control or coercion of individuals to perform specific acts. This may include deliberate humiliation, intimidation, or action that result in diminishment of identity, self-worth or dignity.	8-week exclusion
Threatening behaviour	Intentional use of threatening, insulting or offensive actions or language targeted at an individual, resulting in physical or emotional distress.	12-week exclusion

	The behaviour must be shown to be intentional, and that a reasonable person would consider themselves in immediate danger.	
Physical assault	Intentional or reckless physical aggression not resulting in serious injury.	24-week exclusion
Harassment	Use of actions or language, repeated or persistent and directed at a specific person, which tends to annoy or cause harassment, alarm, or distress to another person.	32-week exclusion. Re-entry may be conditional on completion of appropriate awareness or behavioural training
Discrimination	Use of actions or language in an abusive manner that is targeted at an individual due to specific characteristics. Characteristics may include (but are not limited to): race, ethnicity, nationality, religion or belief, disability, age, sex, gender reassignment, sexual orientation and physical appearance.	32-week exclusion. Re-entry may be conditional on completion of appropriate awareness or behavioural training.
Sexual harassment	Behaviour directed at another individual (intentionally or otherwise), of a sexual nature unwanted by that individual. Sexual behaviours may include (but not restricted to), unwanted touching, kissing, grinding and stalking. Behaviour may be physical or verbal but is always degrading and offensive.	32-week exclusion. Re-entry may be conditional on completion of appropriate awareness or behavioural training.
Violent assault	Serious physical aggression resulting in, or creating a substantial risk of, serious injury.	Permanent exclusion

Spiking	The intentional act of putting alcohol or drugs into another person's drink or their person without their knowledge and/or consent. This may include (but not limited to) purchasing a larger quantity of alcohol than requested, use of prescription drugs, or the use of restricted substances.	Permanent exclusion
Shoplifting / Theft	The intentional act of stealing property, either from the Students' Union or another individual within the licensed operations	12-week exclusion and payment for loss
Misuse of safety equipment	The intentional misuse of safety equipment without reasonable grounds to do so.	24-week exclusion and payment for damage
False activation of emergency alarms	The intentional activation of an emergency alarm without a reasonable cause to do so.	32-week exclusion
Possession, consumption or supply of illicit alcohol	Possession of supply of alcohol brought into the venue against the terms and conditions of entry.	6-week exclusion
Possession or consumption of illegal substances	Possession or consumption of all illegal substances either inside the venue, or the immediate vicinity.	12-week exclusion
Possession of illegal substances with an intent to supply	Possession of illegal substances with an intent to supply within the venue, or the immediate vicinity.	Permanent exclusion
Possession of offensive weapons	Possession of an offensive weapon, irrespective of intention, within the venue or the immediate vicinity.	Permanent exclusion

Repeated misconduct demonstrating persistent disregard for venue rules may result in referral to the Senior Leadership Team for consideration of a longer-term or permanent exclusion.