

## **Licensed Operations Code of Conduct Policy & Procedure**

Approved: Management Committee (7 July 2023)

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 be accessible to members at all times.

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), which includes Tommy's Kitchen  
Medicine  
The Packhorse  
Union Shop  
Events operated by the Students' Union, on and off campus.

### **2. Context**

This policy should be read in conjunction with the Students' Union's constitution, where Byelaw J clearly sets out a Members' Code of Conduct 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:

- Conduct themselves in a reasonable and responsible manner at all times, in a way that characterises mutual respect and understanding for all members of the community.
- Conduct themselves in a way that promotes the values of the Union, taking into account public perception and the external reputation of the organisation.
- 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.

Byelaw L (the Members' Disciplinary Process) details the disciplinary process that enforces this. With respect to Union 'services' such as the bars, nightclub and shops, Section 3 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 discipline against summary 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 licensed operations. It provides definitions to help both members and staff understand what is not acceptable. The list is non-exhaustive, and the Students' Union is able to refer any incidents that fall outside of these examples under Byelaw J.

### **4. Disciplinary Procedure**

#### **a. Incident Occurs**

When an incident occurs in the licensed operation, 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 able to 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 will potentially result in an exclusion from the licensed operations will automatically be suspended from the licensed operations pending the review of the incident and disciplinary sanctions.

#### **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 sole evidence for Stage One of the disciplinary process.

Incident reports are shared with partnership teams within the university as part of a campus wide approach to student safety and security. The partner teams are Campus Security and Student Wellbeing.

#### **c. Stage One**

At stage one, all incidents will be reviewed by at least two members of the Students' Union's licensed operations management team. This process is undertaken weekly on a Monday, but further reviews may be completed on Tuesday or Thursday each week.

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 on the day of review. The sanction is effective from the date the incident occurred.

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.

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. 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 was not able to 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 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 disciplinary appeal beyond Stage 2.

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**

An exclusion is defined as the direct communication to a member that they are not permitted to access any licensed operations managed or controlled by RHSU. Where an exclusion is imposed by the disciplinary process it will apply to all Royal Holloway Students' Union licensed operations, as defined in Section 1, for the duration of the sanction; and for the safety and security of the staff employed by RHSU and the wider membership.

The correspondence shared with the member will clearly define the terms of the exclusion, as stated above.

Where a permanent exclusion is imposed the details will be shared with the Students' Union Senior Management team, and where deemed appropriate further sanctions may be imposed which could impact on wider membership activities. In this instance Byelaw L will be invoked by RHSU to protect the wider membership.

## **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. An escalation would require the approval of the Chief Executive Officer or Chief Operating Officer.

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.

The Students' Union is an active member of National Pubwatch and operates ID checking protocols that have the capacity to communicate with partner agencies. Where the Students' Union deems appropriate details from incidents will be shared 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 licensed operation. Context around specific incidents will be taken into consideration where appropriate, including repeat incidents. All exclusions are term-time only weeks.

<b>Minor Misconduct</b>	<b>Example</b>	<b>Sanction</b>
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.	Ejection from the venue
Vomiting due to over intoxication	The involuntary ejection of matter from the stomach due to the excessive consumption of alcoholic or other substances.	Ejection from the venue and £25 cleaning (cost of the cleaning kit)
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 requires assistance from staff in either recovery or getting home from the venue.	2 week exclusion
<b>Serious Misconduct</b>	<b>Example</b>	<b>Sanction</b>
Non-compliant behaviour	Defiant behaviour that involves ignoring guidance or reasonable requests from staff in the discharge of their professional duties.	2 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.  Includes attempted re-entry into the venue post ejection	4 week 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
<b>Major Misconduct</b>	<b>Example</b>	<b>Sanction</b>
Indecent behaviour	<p>Actions that are considered lewd or inappropriate, contrary to generally accepted standards of public taste within the specific context.</p> <p>This would include behaviours such as engaging in sexual acts in public or public urination.</p>	4 week exclusion
Abusive behaviour	<p>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.</p> <p>This may include deliberate humiliation, intimidation, or action that result in diminishment of identity, self-worth or dignity.</p>	8 week exclusion
Unauthorised access	Entrance (or attempted entrance) into the venue without a valid ticket or wristband.	12 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.	12 week exclusion
Threatening behaviour	<p>Intentional use of threatening, insulting or offensive actions or language targeted at an individual, resulting in physical or emotional distress.</p> <p>The behaviour must be shown to be intentional, and that a reasonable person would consider themselves in immediate danger.</p>	12 week 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
Possession or consumption of illegal substances	Possession or consumption of all illegal substances either inside the venue, or the immediate vicinity.	24 week exclusion
Physical assault	Intentional or reckless physically aggressive behaviour, leading to injury requiring first aid attention.	32 week exclusion
Harassment	Use of actions or language, generally 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 and relevant 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 not limited to); religion, physical appearance, ethnicity, disability, health status, gender (including reassignment and identity), age, nationality or sexual orientation.	32 week exclusion and relevant 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 and relevant training (iHasco Sexual Harassment awareness)
False activation of emergency alarms	The intentional activation of an emergency alarm without a reasonable cause to do so.	32 week exclusion
Violent assault	Intentional or reckless physically aggressive behaviour, leading to injury requiring first aid attention and possible hospitalisation or paramedic intervention.	Permanent exclusion

Spiking	<p>The intentional act of putting alcohol or drugs into another person's drink or their person without their knowledge and/or consent.</p> <p>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.</p>	Permanent 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

In the event of repeated transgressions by an individual, whether for specific issues or multiple issues, the individual will be subject to consideration by the disciplinary panel for a permanent exclusion.