

QMSU Licensed Venues & Events: Code of Conduct , Disciplinary Policy and Procedure

Policy Statement

We reserve the right to refuse admission to our venues and events for any reason. An exclusion means you are not allowed in any Queen Mary Students' Union licensed venue or event.

This policy sets out the Code of Conduct and disciplinary procedure which operate within Queen Mary Students' Unions' (QMSU) licensed premises and events. This policy is intended to ensure consistency, transparency and fairness whilst protecting the reputation of the Union and its licensed premises.

The policy applies to the areas and services operated by the Students' Union which are managed under the terms of the Licensing Act 2003. It is important that individuals attending our venues or events are aware of the conduct and standards of behaviour expected of them.

The Licensing Act 2003 requires licensed venues to comply with four main licensing objectives. These objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

This policy applies to every individual who engages with the services and facilities of the Union's licensed venues and/or events and its acceptance is a condition of entry. On high-capacity, high-risk or late-night events, guests may also be required to present photo ID to gain entry to the venue, to be scanned into our local *Safer Clubbing at Night Network* (SCAN NET) database. SCAN NET stores data in compliance with relevant data protection regulations. Any and all data collected will be handled sensitively and in confidence. Individuals suspected to have broken this Code of Conduct may have the details recorded on the SCAN NET database, which will be open to scrutiny by other venues using SCAN NET.*

Licensed premises will comply with any legal obligations and management will refer to emergency/law enforcement services where necessary.

Venues & Events Code of Conduct

QMSU licensed venues recognise that misconduct and anti-social behaviour have a direct impact on the wellbeing of individuals in our venues. The Students' Union's Bye-Law 13

* Incident details will be removed from SCAN NET in the case that no action is taken against the individual.

(Code of Conduct, Complaints and Disciplinary Procedure) sets out the expected code of conduct for individuals whilst in Union premises, or engaged in Union activities.

1. Code of Conduct

1.1 The Students' Union strives to create a culture in which equality, diversity, inclusion and liberation are respected and championed, and where bullying, harassment, discrimination and violence are not tolerated, whether in physical or online spaces, and including the use of social media.

1.2 Members of QMSU, students of QMUL and others participating in Union activities, or using Union premises or facilities, are expected to comply with the following Code of Conduct:

- i) To treat all Members of QMSU, QMSU staff members, QMUL students and staff members, and any other person participating in Union activities, or using Union premises or facilities, with courtesy, consideration and respect at all times.
- ii) To uphold the Students' Union's values of being supportive, inclusive and accessible and to respect the rights of those with the protected characteristics of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation (as defined in the Equality Act 2010 and any subsequent revisions).
- iii) To respect the lawful rights of others to freedom of belief, freedom of speech or expression.
- iv) To use the Students' Union's facilities and resources responsibly and only for their intended purpose.
- v) To behave with proper consideration for their own health, safety and well-being, and for that of others.
- vi) To observe the Bye-Laws, rules, regulations, policies and procedures of the Students' Union.
- vii) To comply with all legal requirements and relevant legislation.
- viii) Not to behave in a way that damages, or is likely to damage the reputation of the Students' Union. The management of misconduct within licensed venues and licensed events is separate from and in addition to Bye-Law 13, defined in more detail below.

'3.4 Licensed Premises

3.4.1 The Students' Union's licensed venues are subject to licensing laws. Nothing in this Code of Conduct, Complaints and Disciplinary Procedure shall prevent any action being taken, by a licensee or representative of a licensee of licensed premises operated by the Union, for the maintenance of good order on such premises. Any

such action will not prevent further action being taken under this Code of Conduct, Complaints and Disciplinary Procedure.'

Licenced Venues & Events Disciplinary Procedure

The Students' Union's Venues Team is responsible for the management of the venues and events disciplinary procedure. This procedure has been designed to ensure a fair and transparent process for individuals accused, or suspected, of misconduct. Management can instruct any individual alleged to be involved in such acts to leave the premises (and surrounding area) as part of any investigation.

The Student's Unions Code of Conduct does not make any distinction between acts of 'Misconduct' and 'Gross Misconduct'. For the management of behaviour within our licenced venues and events these distinctions will apply and examples are set out in the tables below, together with relevant sanctions which may be applied.

Examples of Misconduct and Potential Sanctions

The following examples are not an exhaustive list and anything that may occur outside of these actions will have proportionate repercussions.

Misconduct

For the purposes of this policy, the following acts will be considered as Misconduct and the associated sanctions may be applied. Individuals found, or suspected, to have committed acts of Misconduct may also be referred for further action under the Union's Disciplinary Procedure.

| Act | Sanction | Repeat Offence | Second Repeat Offence | Third Repeat Offence |
|------------------------------|---------------------------------|--|---|---|
| Aggression | Ejection + five week exclusion. | Indefinite exclusion with alert on SCAN NET. | | |
| Drunk and disorderly conduct | Ejection. | Five week exclusion. | Semester-long exclusion (14 teaching weeks), with mandatory welfare assessment. | Indefinite exclusion with mandatory welfare assessment and alert on SCAN NET. |

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|--|---------------------------------|--|---|---|
| Inappropriate behaviour (e.g. consensual sexual activity). | Ejection + five week exclusion. | Semester-long exclusion (14 teaching weeks). | Indefinite exclusion with mandatory welfare assessment and alert on SCAN NET. | |
| Smoking indoors | Ejection + five week exclusion. | Indefinite exclusion with alert on SCAN NET. | | |
| Trespassing or unauthorized entry | Ejection + five week exclusion. | Indefinite exclusion with alert on SCAN NET. | | |
| Vaping | Verbal warning. | Temporary confiscation. [†] | Ejection + five week exclusion. | Semester-long exclusion (14 teaching weeks). |
| Verbal abuse | Ejection + five week exclusion. | Indefinite exclusion with alert on SCAN NET. | | |
| Vomiting | Ejection. | Five week exclusion. | Semester-long exclusion (14 teaching weeks), with mandatory welfare assessment. | Indefinite exclusion with mandatory welfare assessment and alert on SCAN NET. |

Gross Misconduct

The following acts will be considered as gross misconduct and the associated sanctions may be applied. Individuals found, or suspected, to have committed acts of Gross Misconduct will be referred for further action under the Unions' Disciplinary Procedure. Cases of Gross Misconduct may also be referred directly to services within the University.

| Act | Sanction |
|--------------------------------------|--|
| Assault | Indefinite exclusion with alert on SCAN NET. Potential escalation to University services. |
| Breaking of Exclusion | |
| Refusal to leave a licensed premises | |
| Tampering with fire safety equipment | |
| Theft | |

[†] To be returned at the end of the customers' visit upon request.

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|---|---|
| Possession of an illegal/offensive weapon | |
| Possession of controlled substances | |
| Vandalism | Indefinite exclusion with alert on SCAN NET. Depending on who the vandalism has impacted, the responsible individual may be required to pay for the replacement or repair of any damage caused. |

Other Acts

The following actions will be reviewed on an individual basis, in order to assess the impact that the act of misconduct has had on the individual(s) involved.

| Act | Factors for assessment | Minimum sanction | Maximum sanction |
|----------------|---|---|--|
| Discrimination | Level of discrimination, perception of incident by victim/survivor. | Written apology + one semester exclusion. | Written apology + indefinite exclusion with escalation to gross misconduct status. |
| Harassment | Level of discrimination, perception of incident by victim/survivor. | Written apology + one semester exclusion. | Written apology + indefinite exclusion with escalation to gross misconduct status. |

1) Occurrence of an incident/offence

If an incident of Misconduct, or Gross Misconduct occurs in a licensed venue or at a QMSU licensed event, the individual concerned will be dealt with appropriately at the time of incident. An Incident report will be completed within 24 hours and distributed for review, along with any supporting evidence or documentation. The incident response and procedure can found in Appendix 1.

Most incidents are minor and can be resolved immediately. These will be recorded on an incident form together with the agreed resolution, and will not progress any further.

If an individual is involved in an incident that would suggest Misconduct, or Gross Misconduct, and that could result in a sanction, they will be immediately instructed to leave the venue pending review of the incident. In the event that multiple individuals have been involved in the same incident and there is no immediate, clear resolution,

all parties will be instructed to leave the venue. Management may deploy controlled egress where it is believed necessary to enhance the safety of involved parties, customers or the public. Individuals who have been instructed to leave a venue are then automatically excluded from all Union licenced venues and events, until all investigations into the incident have been completed.

Where it is suspected that Misconduct, or Gross Misconduct has resulted in, or could lead to, harm or theft of University property, or individuals on University property, QMUL Security will be informed and may attend the incident as required. Venues and Events Management will fully cooperate with any investigation held by the University.

In the event that an individual is subject to an investigation by the police, or involved in an ongoing criminal investigation, the Union will suspend internal investigations and issue the individual with an indefinite exclusion until the external investigation is complete.

Some incidents may be reported retrospectively. In these instances, the incident will be subject to the same process and time frames as an incident witnessed, or reported, at the time of occurrence.

2) Review of Incident

All recorded incidents will be reviewed together with any supporting documentation or evidence. They will be reviewed by at least two members of the Venues & Events Management. In most cases, incidents will be reviewed within 5 working days, however in some cases this will not be possible; this will not affect the overall implementation of the incident response process and procedure.

A decision will then be made as to the seriousness of the incident, and an appropriate sanction may then be imposed. This will then be communicated directly to the individuals involved. Sanctions may be reinforced by notifications put our local SCAN NET database, and Union ticketing platforms (MSL and native

Union (and University) staff who are off-duty can expect any Misconduct within the licensed premises or events to also be reported to their line manager in line with relevant workplace policy. Cases of Gross Misconduct may be referred directly to services within the University.

3) Appeal

Only current members of Queen Mary Students' Union have the right to appeal against any disciplinary action taken against them, and should do so in writing to the email from which the action was sent within 7 days of notification of the relevant decision.[‡] Members must include further evidence or documentation to support their appeal.

[‡] Appeals will be reviewed by a member of the Union's Senior Management Team. By default, appeals will be received by the Head of Commercial Services. Where the Head of Commercial Services' impartiality may be compromised, the appeal will be escalated to the Deputy Managing Director of QMSU Services Ltd. In the case that neither the Head of Commercial Services nor Deputy Managing Director are able to review, the appeal will be handed to the Deputy CEO of Queen Mary, University of London Students' Union.

A formal response will then be issued within 10 working days by an Appeal Panel consisting of a Senior Manager, who has not been directly involved until that point, and a Sabbatical Officer. The Panel may also choose to refer the matter to be dealt with under the procedures set out in Bye-Law 13, if this has not already been implemented.

Appendix

Appendix 1. Incident Process and Procedure

