



LTSU Discipline Regulations

1. Authority

These regulations are made by the Student Council of the La Trobe University Student Union Inc. (LTSU) pursuant to clause 15 of the LTSU Constitution.

2. Application

2.1 Disciplinary provisions outlined in these Regulations apply to all categories of student members described in the LTSU Constitution. For clarity, the Discipline Regulations may be applied to:

- 2.1.1 Governing Members, who are student members who have been elected to LTSU governing bodies, including the Committees of LTSU Associated bodies; and
- 2.1.2 Ordinary Members, who are student members who have applied for and been admitted to membership in accordance with the LTSU Constitution and Membership Regulation, including members who hold Executive positions on LTSU affiliated Clubs and Societies.

3. Exclusions

3.1 Disciplinary issues that arise as a result of participation in LTSU elections will be dealt with in accordance with the LTSU Election Regulations.

3.2 Disciplinary issues that involve LTSU staff will be conducted in accordance with the processes outlined in the LTSU Collective Agreement 2015, or industrial agreements which succeed that document.

4. Standards of Conduct

4.1 Standards of conduct required of the members described in rule 2 of these Regulations are described in the LTSU Code of Conduct Regulations.

4.2 The requirements of LTSU members described in the Code of Conduct Regulations apply:

- at LTSU premises, on La Trobe University campuses and beyond;
- at LTSU related activities including on and off campus LTSU events, conferences, work lunches and Christmas parties;
- inside and outside of normal LTSU and La Trobe University working hours; and
- to activity on social media and other forms of electronic media.



5. Grounds for Taking Disciplinary Action

5.1 Where there has been an alleged breach of the LTSU Code of Conduct Regulations, senior LTSU Office Bearers, or where appropriate LTSU staff, 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 (LTSU Code of Conduct Regulations, rule 7.2).

5.2 Where those discussions fail to resolve an issue, where alleged breaches of the Code of Conduct are of a very serious nature, or where the LTSU Grievance Procedures fail to resolve an issue, then the provisions of the LTSU Disciplinary Regulations will be invoked (LTSU Code of Conduct Regulations, rule 8.1; LTSU Office Bearer Grievance Procedures, rule 5.3.2).

6. Disciplinary Procedure

6.1 This procedure must be consistent with the principles of procedural fairness.

6.2 The LTSU President and the LTSU General Manager 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.

6.3 If the President is the subject of the alleged or apparent breaches of the Code of Conduct, or where there may be perceived bias by either the President or General Manager, then either or both the President and General Manager will nominate another person or persons who will undertake the procedure outlined in these Regulations. This person or persons:

- a) Must not have a personal interest in the dispute;
- b) Must not be biased in favour of or against any party;
- c) May be a member or former member of the Student Union;
- d) May be an LTSU or LTU staff member; and
- e) If possible, must be appointed with the agreement of all parties.

6.4 Where the discussions referenced in rule 6.2 of these Regulations fail to resolve an issue, the President (or nominee) and the General Manager (or nominee) may take disciplinary action against a member/s in accordance with rule 6.6.

6.5 Nothing in these Regulations prevents referring misconduct through University channels. Serious misconduct will always be referred to University processes as well.

6.6 The President (or nominee) and General Manager (or nominee) may decide to:

- 6.6.1 Take no further action against the member; or impose an appropriate penalty.



6.6.2 For Ordinary Members, the penalty may include one or more of the following measures:

- a) A reprimand, and/or counselling about LTSU requirements and expectations;
- b) A requirement that an apology be made to those impacted by inappropriate behaviour;
- c) A requirement to attend specified training programs;
- d) Payment of costs involved in making good any loss or damage to property or equipment;
- e) Barring individuals from using any or all facilities and resources of LTSU;
- f) Withdrawal of rights to attend and participate in meetings of LTSU governing bodies;
- g) Suspension of membership of LTSU for a defined period;
- h) Permanent expulsion from membership of LTSU.

6.6.3 For Governing Members, the penalty may include one or more of the following measures:

- a) A reprimand, and/or counselling about LTSU requirements and expectations;
- b) A requirement that an apology be made to those impacted by inappropriate behaviour;
- c) A requirement to attend specified training programs;
- d) Payment of costs involved in making good any loss or damage to property or equipment;
- e) Imposition of key performance indicators (KPIs) and ongoing monitoring of performance against those KPIs;
- f) For serious misconduct, withholding of honoraria until University processes have been finalised.
- g) A recommendation to Student Council to convene a Student General Meeting to decide by special resolution whether the member/s should be removed from office.

6.7 Where a penalty involves suspension of or expulsion from membership, the person/s concerned will also be automatically removed from any offices that are conditional upon membership; for example, Club Executive positions.

6.8 The member may not be fined.

6.9 The suspension of membership rights or the expulsion of an Ordinary Member under this rule takes effect immediately after the decision is made.



6.10 Where the member/s is/are unsatisfied with the outcome provided by the President (or nominee) and the General Manager (or nominee), they may elect to go before the LTSU Disciplinary Appeal Committee.

7. Appeal rights

7.1 A person whose membership rights have been suspended or who has been expelled as a member of LTSU under rule 6.6 may give notice to the effect that they wish to appeal against their suspension or expulsion.

7.2 The notice must be in writing and given to the General Secretary not later than 48 hours after the decision has been made.

7.3 A disciplinary appeal meeting must be convened by the Executive as soon as practicable, but in any event not later than 10 working days after the notice is received.

8. Disciplinary Appeal Committee

8.1 The Executive must convene a Disciplinary Appeal Committee to hear the appeal.

8.2 The Disciplinary Appeal Committee shall comprise the LTSU General Secretary who shall chair the Committee, and two other members of Student Council co-opted by the Executive, who were not members of the original decision-making body.

8.3 Where a member of the Disciplinary Appeal Committee, including the LTSU General Secretary, 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 Council who is unbiased in relation to the matter and was not a member of the original Disciplinary Committee.

8.4 Where it is not possible to form a Disciplinary Committee without perceived bias or conflict of interest under rule 8.3, the remaining members – or, if there are no remaining members then the original decision makers under rule 6.6 – in conjunction with the appellant, must nominate new members of the Disciplinary Appeal Committee. These persons:

- a) Must not have a personal interest in the dispute;
- b) Must not be biased in favour of or against any party;
- c) May be a member or former member of the Student Union;
- d) May be an LTSU or LTU staff member; and



- e) If possible, must be appointed with the agreement of all parties.

8.5 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:

8.5.1 Specify the date, time and place of the meeting; and

8.5.2 State:

- the name of the person against whom the disciplinary action has been taken; and
- the grounds for taking that action; and
- 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; and
- that the appellant is entitled to bring a support person to the hearing, other than a legal practitioner.

9. Disciplinary Appeal Committee Procedure

9.1 At a disciplinary appeal meeting:

9.1.1 No business other than the question of the appeal may be conducted; and

9.1.2 The Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and

9.1.3 The person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

9.2 The Disciplinary Appeal Committee must determine the question of whether the decision to suspend or expel the person should be upheld or revoked.

9.3 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.

10. Other Procedural Matters

10.1 In any proceedings:

10.1.1 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. The support person is not allowed to speak on behalf of the appellant, or on their own behalf, without permission from the committee.



- 10.1.2 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.
- 10.1.3 During any hearing, the committee hearing the matter may call on the advice and support of other LTSU, La Trobe University or external personnel, provided that those personnel are not legal practitioners.
- 10.1.4 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.
- 10.1.5 Decisions of the Disciplinary Appeal Committee are to be made on a simple majority of those committee members present and voting.
- 10.1.6 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 LTSU Constitution.
- 10.1.7 The appellant is to be notified of the committee's decision in writing within 3 working days.

11. Other Action

11.1 Nothing in these regulations prevents LTSU pursuing disciplinary action through external authorities where appropriate, including but not limited to criminal action, the University's General Misconduct Statute and any other relevant University policies, procedures and statutes.

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

12. Interpretation

12.1 Where relevant, words and phrases used in these regulations take their meaning from their definition or use in the LTSU Constitution.

12.2 The word:

- 13.1.1 "clause" refers to a provision in the LTSU Constitution; and
- 13.1.2 "rule" refers to a provision in these LTSU Discipline Regulations and other LTSU Regulations.

12.3 "LTSU body" refers to:

- 12.3.1 All committees and other bodies established under Part 9 of the LTSU Constitution, including Associated Bodies recognised by LTSU under Clause 45 of the Constitution.
- 12.3.2 All LTSU affiliated clubs and societies.