

POLICY

Non Compliance and Disciplinary Policy

Contact Officer:	Clubs Director
Effective Date:	30 October 2017
Version Number:	1

Contents

Preamble	3
Purpose	3
Definitions	3
Scope	4
Procedure in instances of Non-Compliance	4
Discipline Tribunal Membership	7
Procedure in instances of a disciplinary matter arising	8

1 Preamble

Affiliated Clubs, Societies and subsidiary bodies of the University of Notre Australia (Fremantle Campus) benefit campus culture and allow students to engage in, and pursue activities outside of their degrees. It is the object of the NDSA to further the common interests of students, and affiliated clubs and societies are a key component in enabling the interests of students to be furthered. The NDSA is committed to empowering, investing in, and supporting affiliated clubs and societies to operate effectively and reach their full potential. The University and the NDSA have set out policies and procedures, which assist clubs and societies in the running of their organisations. The NDSA understands that affiliated club and societies are voluntarily run by students, and seeks to work with affiliated clubs and societies in a collaborative and supportive manner that ensures clubs comply with policies and procedures to the best of their ability. The NDSA also acknowledges that non-compliance with policies and procedures needs to be dealt with in a way that ensures affiliated clubs and societies appreciate the necessity of policies and procedures for good governance and the ongoing operation of their club or society.

2 Purpose

The purpose of this policy is to provide a framework for dealing with instances of non-compliance by affiliated club members and affiliated clubs or societies or any other relevant subsidiary bodies.

3 Definitions

For the purpose of this policy, the following definitions apply:

Non-compliance means a breach of a provision of the Office Occupancy Policy, Sponsorship Policy, University Affiliation of Student Clubs Policy or any other NDSA policy applicable to an affiliated club, affiliated club member, subsidiary body or subsidiary body representative.

Disciplinary matters means the following examples:

- . A serious breach of a provision of the Club Guidelines, Occupancy Policy, Sponsorship Policy, University Affiliation of Student Clubs Policy, which has not been redressed upon written notification by the relevant Portfolio Director within 14 Days;
- . Engaging in, or committing an act or omission that constitutes gross misconduct; or
- . Making a false statement or declaration knowing it to be false or not believing it to be true during the course of any disciplinary investigation.

4 Scope

This policy applies to affiliated clubs and societies and any other relevant subsidiary committees and their members at the Fremantle campus of the University of Notre Dame Australia.

5 Procedure in instances of Non-Compliance

- 5.1 Where an NDSA Portfolio Director suspects an Affiliated club, society or relevant subsidiary body or their representative/in their portfolio of Non Compliance the following will happen:
- i. The relevant Portfolio Director will write to the Affiliated club or society, notifying them of a suspected breach of club guidelines or applicable club policies and give them fourteen (14) days from the acknowledgment of receipt to redress the situation to the satisfaction of the relevant Portfolio Director.
 - ii. It is the Affiliated Club, Society, Subsidiary Body or Representative duty to acknowledge in writing receipt of the notification from the relevant Portfolio Director within three (3) days and respond in writing within fourteen (14) days explaining how the matter has been redressed.
 - iii. If no receipt is received within three (3) days, the matter will be referred to the NDSA Council.
 - iv. If the relevant Portfolio Director is not satisfied with how the matter has been redressed the matter will be referred to the NDSA Council.

- v. If the Affiliated Club or Society requests more time to redress the non compliance, the relevant Portfolio Director on approval from the President may grant the affiliated club or society and additional fourteen (14) days to redress the matter and respond in writing.
- vi. If it is the belief of the relevant Portfolio Director that the non compliance is of such a severe nature that it requires the NDSA Councils oversight the matter may directly be referred to the NDSA Council or directly to NDSA Disciplinary Tribunal.
- vii. If the matter concerns a repeated instance of non compliance by the affiliated club or society the matter shall be referred to the NDSA Council or, if severe, directly to NDSA Disciplinary Tribunal.

5.2 Where the Affiliated Club, Society, Subsidiary Body, or Representative has failed to acknowledge receipt of the notification from the relevant Portfolio Director or redress the matter within Fourteen (14) Days the NDSA council may impose one of more of the following penalties and/or call a Disciplinary Tribunal.

- a. A formal warning; and/or;
- b. Ineligibility for Funding for up to three (3) months.

5.3 In cases where a Disciplinary Tribunal is called, a formal report must be presented by the Portfolio director to all members of the Disciplinary Tribunal and to all relevant parties in the report.

5.4 If it is the belief of the person or persons receiving the report or notification that the matter cannot be redressed within 14 days that matter will proceed to be investigated by the NDSA Council and/or NDSA Disciplinary Tribunal.

- i. A written report must be made available to all members by the Portfolio director and by the person or persons receiving the report or notification and all evidence provided.
- ii. The NDSA Council and/or Disciplinary Tribunal shall consider the report and all evidence and determine if:
 - a. There are sufficient grounds to warrant further investigation and initiate such investigation; or

- b. there are insufficient grounds to warrant further investigation and
take no further action under these provisions.
- iii. If the NDSA Council and/or Disciplinary tribunal determines that an investigation is to be initiated then the Relevant Portfolio Director shall conduct such investigation and serve a notice in writing on the Affiliated Club, Society, Susidiary Body, or Representative suspected of having committed the disciplinary matter. The notice shall:
 - a. specify the disciplinary matter alleged;
 - b. inform that the NDSA Council and/or Disciplinary Tribunal has directed the Portfolio Director to commence an investigation into the alleged disciplinary matter; and
 - c. all investigative results will be provided to the relevant bodies.

5.5 Where the Affiliated Club, Society, Subsidiary Body, Representative has failed to redress the matter to the satisfaction of the relevant Portfolio Director, the NDSA Council will consider the matter. If the NDSA Council agrees in the majority that the matter has not been satisfactorily redressed and agrees in the majority that on the balance of probabilities the Affiliated Club or Society is guilty of non compliance they may impose one of more of following penalties and/or call a Disciplinary Tribunal. Grant a further fourteen (14) days to redress the matter; or A formal warning and admonishment.

5.6 If the non compliance is severe in nature and the NDSA Council and/or Disciplinary Tribunal finds on the balance of probabilities that the Affiliated Club, Society, Subsidiary Body, or Representative is guilty they may impose one or more of the following penalties:

- i. A formal warning and admonishment;
- ii. Reclaiming of office privileges;
- iii. Freezing of accounts;
- iv. Suspension of the affiliated club or societies affiliation for up to three (3) months;

- v. Recommendation to the university to disaffiliate the club or society;
- vi. Ineligibility for funding for up to three (3) months; and
- vii. A recommendation to the affiliated club or society to remove the officer in question from their role if applicable.

5.7 All findings must be set out in writing and provided to all parties involved.

5.8 Aforementioned penalties where applicable may be taken on a temporary or permanent basis, depending on the circumstances.

5.9 The Discipline Tribunal in addition to the penalties may refer a matter to the University.

6 Discipline Tribunal Membership

6.1 A Discipline Tribunal of the Notre Dame Student Association is established and must at all times consist of:

- i. President of the NDSA (Chair and Convenor);
- ii. An Executive Member of the NDSA;
- iii. Clubs Director; and
- iv. (2) NDSA Office Holders appointed by the NDSA council.

6.2 One (1) of the members appointed by the NDSA Council shall be a man and one (1) of the members appointed shall be women;

6.3 The members of the Discipline Tribunal shall have no conflict of interest with affiliated club member or affiliated club under investigation

6.4 The quorum for a hearing of the Discipline Tribunal shall be three (3) members and shall include the Chair of the hearing.

7 Procedure in instances of a disciplinary matter arising

7.1 A Person that suspects an Affiliated Club, Society, Subsidiary Body, Representative or Office Bearer is guilty of a disciplinary matter must report the belief and all available grounds for suspicion in writing to all of the following people:

- i. President of the NDSA; and
- ii. Relevant NDSA Portfolio Director.

7.2 It is the responsibility of the person or persons receiving the report to ensure that the disciplinary matter is dealt with in accordance with these provisions.

7.3 On receipt of a report and prior to the commencement of any investigation the following will take place and procedures as set out in Clause 5 above will take place.