

**Members Code Of Conduct:**

1. **Scope:**
   1. This procedure sets out the steps to be followed where issues concerning the conduct of an individual member are raised.
   2. This procedure applies to all matters of individual misconduct relating to Beds SU members, except where other formal procedures have been approved (e.g. societies code of practice, and election rules and regulations).
   3. For the avoidance of doubt, this policy does not cover matters of misconduct by employees of Beds SU or members who are also an employee of the Union. This includes the conduct of student staff while they are working. Individuals wishing to make a complaint about the conduct of an employee of Beds SU should refer to the Beds SU complaints procedure.
   4. For the avoidance of doubt, this members’ code of conduct refers to matters of misconduct when members are: on Beds SU premises, using Beds SU facilities or at an event provided by Beds SU,; when representing or acting on behalf of Beds SU; when accidents or incidents take place between two or more representatives of Beds SU regardless of location or medium.
   5. Beds SU believes that rules and procedures are necessary for promoting orderly relations as well as fairness and consistency in the treatment of individuals. It is important that all members understand the standards of conduct and performance that are expected of them and full details of this procedure will be given to members as appropriate.
   6. For the purpose of this procedure, members are defined in accordance with the memorandum and articles of association Beds SU, and includes each and every student fully enrolled at the University of Bedfordshire who has not opted out by notifying Beds SU of their wish not to be a member of Beds SU and the sabbatical officers of Beds SU.
   7. Beds SU reserves the right to implement this procedure at any stage as set out below, taking into account the seriousness of the alleged misconduct of an individual member.
   8. Where time limits are referred to in the course of this procedure they may be varied by agreement between the member and Beds SU.
2. **Expected Behaviour:**
   1. Members of Beds SU are expected to behave in the following manner:
      * Conduct themselves in a reasonable and responsible manner at all times.
      * Treat others with respect and dignity and without unfair or illegal discrimination.
      * Not offend others with foul language, anti-social or discriminatory behaviour.
      * Treat the environment with respect.
      * Not interfere with other people’s enjoyment of Beds SU facilities or activities.
      * Not engage in activity or behaviour likely to bring Beds SU into disrepute.
      * Comply with the reasonable requests of staff and officers of Beds SU.
      * Respect the confidentiality of others.
      * Adhere to Beds SU policies.
      * Use Beds SU resources responsibly and honestly.
      * Undergo any training required as a result of any roles undertaken.
      * Not act dishonestly or with intent to commit fraud.
   2. In addition to the above, members who hold elected office will:
      * Actively support the mission, vision and values of Beds SU.
      * Respect the confidentiality of any meetings where confidentiality is required.
      * Not knowingly misrepresent the views of Beds SU.
      * Carry out the duties and responsibilities of their elected role in good faith.
      * Seek to be accountable for their role.
      * Make every reasonable effort to be punctual and reliable.
      * Uphold the democratic principles and policies of Beds SU.
      * Comply with any relevant conflict of interest policies.
      * Participate in induction and training in order to carry out their responsibilities.
      * Not behave recklessly in the discharge of their duties.
3. **Breaches of discipline:**
   1. Disciplinary action may be taken in respect of any breach of discipline.
   2. Beds SU has set out within this procedure the types of misconduct and gross misconduct it considers to constitute breaches of discipline. These lists are illustrative and not exhaustive.
   3. Although this procedure applies to all members of Beds SU, it is acknowledged that a higher threshold of acceptable standards of behaviour will apply to members with positions of responsibility, for example, an executive officer.
   4. Gross misconduct is misconduct of such a serious nature that Beds SU will be entitled to terminate summarily the member’s membership entitlements. Examples of gross misconduct include, but are not limited to:
      * Theft, fraud and falsification of records, whether or not for personal gain;
      * Physical violence or threats;
      * Deliberate or serious damage to, or misuse of, Beds SU or personal property;
      * Misuse of the Beds SU’s name;
      * Bringing Beds SU into serious disrepute;
      * Acceptance of bribes or other corrupt practices;
      * Serious incapability whilst representing Beds SU brought about through alcohol or the use of recreational drugs;
      * Possession, custody or control of illegal drugs on the Beds SU premises;
      * Serious breach of Beds SU rules, including, but not restricted to, health and safety rules and rules on computer use;
      * Deliberate unauthorised disclosure of confidential information (including breaches of Data Protection legislation);
      * Gross negligence;
      * Acts of incitement or deliberate/malicious acts of harassment or discrimination of an individual or groups of individuals for example, on the grounds of sex, transgender status, marital or civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership;
      * Serious bullying or intimidation of an individual or groups of individuals, including threatening behaviour;
      * Sexual misconduct;
      * Serious infringement of equal opportunities, safe space, safeguarding or staff protocol policies;
      * Conviction of a criminal offence that impacts on the member’s ability to remain a Beds SU member and/or office holder.
   5. The great majority of breaches of discipline will not be sufficiently serious to warrant summary termination of all membership entitlements. Certain types of offences will however warrant the issue of a warning or some other disciplinary sanction as set out in this procedure, and examples of such breaches are listed below. In addition, if such breaches are committed and if a final warning (for this or another type of misconduct) is still in force, then unless there are acceptable mitigating circumstances, the member may face summary termination of all membership entitlements.
   6. Examples of the types of misconduct that may warrant some form of disciplinary action include (but are not limited to):

* Harassment or discrimination of an individual or groups of individuals on the grounds of sex, transgender status, marital or civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership;
  + - Bullying or intimidating behaviour;
    - Breach of health and safety rules;
    - Failure to follow Beds SU rules;
    - Misuse of computer facilities including misuse of email and Internet access;
    - Failure to take proper care of the Beds SU property;
    - Rudeness or offensive behaviour including the use of abusive language to individuals or groups of individuals.

1. **Personal Harassment**
   1. We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal Members Code of Conduct procedures. In these circumstances you are encouraged to raise such issues with a senior member of the Beds SU staff team of your choice as a confidential helper. This person cannot be the CEO who will be responsible for deciding if there is a case to answer in the matter if it becomes a formal complaint.
   2. If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.
   3. Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Union’s Senior Leadership Team who will then start the investigation as detailed in section 5.

**5 Roles and Responsibilities:**

5.1When Beds SU receives a complaint regarding the conduct of a member, the appropriate member of the SLT (this cannot be the CEO who will be responsible for deciding if there is a case to answer) will investigate the complaint and first consider whether it would be more appropriate to deal with the concerns informally. Minor cases of misconduct and poor performance are best dealt with informally. It may be necessary to issue an informal warning, but the appropriate SLT member will ensure that these areas are discussed with the objective of helping the member to make appropriate improvements. At this stage the member will be made fully aware of what steps need to be taken to address the conduct issue. They will also be told when this will be reviewed and over what period.

5.2Members will be informed of what action will be taken if they fail to improve either their performance or conduct. Informal warnings and/or counselling are not part of the formal disciplinary procedure and members should be made aware of this

**6 Investigation:**

If the SLT member considers that the complaint should be dealt with formally then they will start an investigation.

Matters concerning political performance should be referred to the appropriate democratic/accountability procedures. Depending on the nature of the alleged breach, the SLT member will also consider whether the matter needs to be referred to the police, or to the university’s disciplinary procedures.

The SLT member will then carry out an investigation into the facts of the case. The investigation will be objective and independent.

The Union may seek support from an external party where appropriate.

At the start of the investigation, the member will receive a letter detailing the allegations that are to be investigated. This letter will advise them of the name and, where appropriate, the contact details of the SLT member investigating the case.

The investigation is to establish the facts and, where appropriate, obtain statements from relevant available witnesses. Having carried out an investigation, the SLT member will prepare a report.

As part of the investigation, the member will be given the opportunity to submit a written statement in response to the allegations within five working days of being notified of the investigation. The statement should be signed and dated, and the member should attach copies of any other documents on which they wish to rely at any subsequent disciplinary hearing. This statement will form part of the SLT members report.

Despite all reasonable endeavours of the SLT member, should the member not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.

The SLT member investigating the complaint will then defer their report to the CEO who will determine whether there is a case for the individual member to answer at a formal disciplinary hearing, whether the matter should be handled informally, or whether there is no case to answer.

The member, and other interested parties as appropriate, will be advised of the outcome of the investigation in writing normally within five working days of the investigation concluding, unless there are reasons why this is not reasonably practicable. Any extension to this timeframe will be communicated to all parties.

**6 Suspension:**

In certain circumstances, for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property or Beds SU responsibilities to other parties, Beds SU SLT should consider whether a period of suspension of membership rights with or without entitlements is necessary whilst an unhindered investigation is conducted.

Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted. Excluding a member from participation in Beds SU activities is not in itself a form of disciplinary sanction whilst the investigation is progressing.

Because the ability to hold elected office in Beds SU is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of that holding of office. Again, this will not constitute a formal disciplinary sanction.

Where a member occupying a paid role is suspended pending a disciplinary hearing, or whilst an investigation is being carried out, they will continue to be paid by Beds SU.

**7.Formal disciplinary hearing:**

If Beds SU CEO determines that there is a case to answer, the member will be invited to attend a disciplinary hearing.

The case will be heard by a panel , appointed by the CEO and will comprise:

Deciding Officer – who will normally be a member of the executive committee other than the President;

An Advisor – who will normally be a staff member of Beds SU appointed to advise the deciding officer on the operation of the procedure.

The member will be notified in writing of the date and time of the disciplinary hearing, at least two days in advance. Hearings will be arranged as far as possible at a mutually convenient time and place. The letter inviting the member to a disciplinary hearing will:

Advise the member of the purpose of the hearing and that it will be held under the Disciplinary Procedure for Beds SU members;

Explain the member’s right to be accompanied at the hearing by a fellow member of Beds SU or a Beds SU official (legal representation will not be permitted);

Give the member written details of the nature of the allegations;

Advise the member of who will be in attendance at the hearing including any witnesses the panel intends to call; and

Provide to the member all relevant information that is to be used at the hearing including the investigating officer’s report, any witness statements taken as part of the investigation, and a copy of the disciplinary procedure.

Where the member is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. Unless there are special circumstances mitigating against it, if the member is unable to attend the rearranged hearing, the rearranged hearing may take place in the member’s absence.

The member’s chosen representative may attend in such circumstances and will be allowed the opportunity to present the member’s case. The member will also be allowed to make written submissions in such a situation. Where the member’s chosen representative is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the member proposes an alternative time within five working days of the scheduled date.

The SLT member and Beds SU CEO will be in attendance at the hearing to present the findings of their investigation and to answer any questions either from the panel or from the member/their representative.

The member will be permitted to set out their case and answer any allegations. The member will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses. Where Beds SU intends to call relevant witnesses it will give the member advance notice of this. The member must also give advance notice if they intend to call relevant witnesses.

The member will have a full and fair opportunity to state their case before any decision on disciplinary sanctions (if any) is taken.

The panel may adjourn the disciplinary hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information). The member will be informed of the period of any adjournment. If further information is gathered, the member will be allowed a reasonable period of time, together with their representative (if applicable), to consider the new information prior to reconvening the disciplinary hearing.

**8 Role of the chosen representative:**

The member’s chosen representative has the right to address the hearing to put the member’s case, sum up the case and respond on the member’s behalf to any view expressed at the hearing. The representative may also confer with the member during the hearing. However, there is no requirement for the panel to permit the representative to answer questions on behalf of the member, or to address the hearing where the member indicates that they do not wish this.

**9 Disciplinary sanctions:**

As soon as possible within three working days after the conclusion of the disciplinary hearing, the deciding officer will convey the decision of the panel to the member and will also inform the member what disciplinary sanction, if any, is to be imposed. The decision will be confirmed in writing. The member will be notified of their right of appeal under this procedure.

Where a disciplinary sanction is to be imposed, the letter will detail:

The misconduct that resulted in the disciplinary sanction;

The level of disciplinary sanction to be imposed and the duration that any formal warnings will remain ‘live’ (if applicable);

Any recommendations/action required in order to prevent future disciplinary action;

The potential consequences of any future misconduct;

Details of the appeal mechanism and the timescales for appeal.

The deciding officer may decide that no disciplinary sanction is necessary. Alternatively, the deciding officer may take any of the following disciplinary sanctions after having regard to all the circumstances of the case and the seriousness of the breach.

In addition to any disciplinary sanction, the Deciding Officer may also recommend that the member should undergo training,

**10 Formal written warning:**

For minor breaches of discipline where an informal approach is deemed inappropriate, or where previous informal action has failed, the deciding officer may issue a formal written warning.

The warning will be kept on file for six months after which time, subject to the member’s conduct being satisfactory, the warning will be treated as ‘spent’ for future disciplinary purposes.

The warning must set out the nature of the misconduct and inform the member that further misconduct is liable to result in further disciplinary action of a more serious nature. The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

**11.Final written warning:**

A final written warning may be issued for serious misconduct which might otherwise justify suspension or termination of membership benefits, but where the deciding officer determines that a lesser penalty is appropriate in the circumstances; or for an offence after a formal written warning has been given and is live, or where a member’s conduct or omission is such as to warrant a final written warning.

The final written warning will be kept on file for twelve months after which time, subject to the member’s conduct being satisfactory, the warning will be treated as ‘spent’ for future disciplinary purposes.

The final written warning must set out the nature of the offence and inform the member that further misconduct could render them liable to disciplinary action of a more serious nature, up to and including full termination of membership benefits.

The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

**`12.Suspension of benefits or other action:**

Where a member’s conduct fails to improve, or where further misconduct is committed while a written warning is still ‘live’, the Deciding Officer may determine to impose either of the following disciplinary sanctions:

* + - Partial suspension of membership entitlements; or
    - Temporary suspension of some or all membership entitlements.

The above sanctions may be imposed in conjunction with other forms of disciplinary sanction (i.e. a formal written warning), or as an alternative to full termination of membership benefits.

The letter confirming the decision must set out the nature of the offence and inform the member that further misconduct could render them liable to disciplinary action of a more serious nature up to and including full termination of membership benefits.

It should be noted that in the case of elected officers, partial or temporary suspension of membership entitlements could result in termination of the holding of that office.

The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

**13.Termination of all membership entitlements:**

In serious misconduct cases amounting to gross misconduct, the member’s entitlements may be summarily terminated.

The letter confirming the decision must set out the nature of the offence and inform the member of the reasons for the termination of all membership entitlements and the date on which the agreement between Beds SU and the member will terminate.

Because the ability to hold elected office is dependent upon membership status and one of the rights and privileges of membership, termination of all entitlements would represent a termination of that holding of office. In the case of elected officers, this would therefore represent a termination of the holding of that office.

The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

**14.Appeal:**

Members have the right of appeal against disciplinary sanctions under this procedure. The appeal must be registered in writing with the appropriate named officer within five working days of receipt of the written decision.

In lodging an appeal against a disciplinary sanction, the member is required to set out the grounds for their appeal in writing.

An appeal hearing will normally be held within ten working days of receipt of the letter of appeal. An appeal will be heard by a panel (see below) who have had no previous involvement in the case. The panel shall normally comprise the following:

* + - Two Executive Officers (which may include the President)
    - A member of Beds SU Senior Leadership Team to act in an advisory capacity

The member will be given a minimum of two working days' notice in writing in advance of the time and place of the appeal hearing and will be advised of their right to be accompanied. At the appeal hearing the deciding officer will attend in order to answer any questions which may arise. The member, or their representative, will be entitled to ask any questions and be given full opportunity to state their case.

The purpose of an appeal is not to repeat the detailed investigation of the disciplinary hearing or rehear the case, but to focus on specific factors which the member feels have been dealt with unfairly or which have received insufficient consideration, such as:

* + - an inconsistent, inappropriate or excessively harsh penalty;
    - extenuating circumstances;
    - alleged bias of the deciding officer;
    - alleged unfairness in the conduct of the disciplinary hearing;
    - new evidence subsequently coming to light

The possible outcomes from an appeal are:

* + - The appeal is upheld and the disciplinary sanction reduced or removed;
    - The appeal is upheld and there is a request for a re-investigation or re-hearing;
    - The appeal is partially upheld, with one or both of the above being applied in part;
    - The appeal is denied and the original decision is upheld.

At the completion of the hearing, the appeals panel will adjourn to consider their decision. The panel will deliberate in private, only recalling the member and/or witnesses to clear points of uncertainty on evidence already given.

If recall is necessary, the member and their representative (if applicable) must return even if the panel wishes to clarify the evidence of a witness.

The member will be notified of the results of the appeal in writing within five working days of the hearing.

There will be no further right to appeal unless a case is made for a further appeal to be made to the university, only if there is evidence that the obligations of Beds SU under the Education Act (1994) have not been adhered to.

**15 Records:**

Records will be kept confidential and retained in accordance with this procedure and the principles of the GDPR 2018.

Copies of meeting records will normally be given to the member including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) Beds SU might withhold some information.

**16 .Confidentiality:**

Beds SU will not ordinarily accept anonymous complaints, however the confidentiality of individuals subject to this procedure will be preserved wherever possible. A minimal number of staff/members will be made aware of current complaints to help enforce this.

No officer or representative should comment publicly on any incident that is being dealt with under this procedure. Failure to observe this requirement may result in disciplinary action being taken under the relevant disciplinary procedure.

**17.Complaints:**

Any complaints on the operation of this procedure should be made to Beds SU Chief Executive Officer or The President if appropriate.

**18 Review of the procedure:**

This policy will be reviewed every two years

**19.Licensed Premises:**

Responsibility for dealing with crime, disorder and anti-social behaviour within Beds SU licensed premises or, behaviour that occurs as a direct result of an event within Beds SU licensed premises, will be addressed by the Beds SU Designated Premises Supervisor as defined by the Licensing Act (2003).

The Designated Premises Supervisor will conduct their duties at all times in accordance with the Licensing Act (2003), guidance on the Act issued by government departments and reasonable advice and guidance received from the local police and the local licensing authority.

The Designated Premises Supervisor will act in keeping with the values of Beds SU.

A completed Incident Report Form (IRF) must be submitted by each member of staff involved in dealing with an incident the next university day after an incident has occurred. Copies will be given to the Designated Premises Supervisor,

Where staff in Beds SU licensed premises believe or reasonably suspect that a disciplinary offence has been committed they shall retain the students(s) university ID card(s) and issue them with an official receipt. This shall inform the student that they have committed an offence and require them to make an appointment with the Designated Premises Supervisor within two days.

Where the identity of a student is not known, and no other course of action is open, the Designated Premises Supervisor will retain any evidence including CCTV footage and witness statements, and may use whatever time is necessary to identify the student accused.

Upon receipt of an IRF, the Designated Premises Supervisor will have responsibility for investigating all allegations against Beds SU members emanating from Beds SU licensed premises. They will also decide when to involve the police to investigate allegations.

The Designated Premises Supervisor has authority to exclude members or their guests from Beds SU licensed premises on a temporary or permanent basis if they conclude that an offence has been committed. They may also request that the student involved make reasonable reparation of damages to the organisation or of personal belongings to the person(s) involved.

There will be no formal right of appeal against a decision of the Designated Premises Supervisor.

Beds SU members who have been excluded on a temporary or permanent basis or asked to make reparations who believe their treatment has been unfair, may ask the President to meet with an Executive panel consisting of the President, CEO and a Beds SU Sabbatical Officer. This request must be made in writing within two working days of receiving notification of disciplinary sanctions. The Beds SU member may present their case to the panel. Having heard the member’s case, the panel will make representations on behalf of the Beds SU member to the Designated Premises Supervisor, if they believe the conclusions of the investigation or the sanctions subsequently imposed are unfair.

Beds SU members may be accompanied by a friend at a panel hearing.

Once the Designated Premises Officer has heard representations on behalf of the Beds SU member they will make a final decision regarding the allegations and any sanctions imposed. This decision will be final.

The Designated Premises Supervisor will record all decisions made in relation to disciplinary matters and will also produce quarterly reports of aggregate statistics on disciplinary investigations and consequent sanctions imposed. Reports will include monitoring data, including for example, the gender and ethnic origin of those involved in disciplinary cases.

The procedure outlined within this appendix does not preclude the right of the Designated Premises Supervisor or other Beds SU venue staff working with their authority, the right to refuse admission to the Beds SU licensed premises without giving a reason.

The Designated Premises Supervisor may at their discretion notify UOB of any incidents which may breach the University’s disciplinary procedure. The Designated Premises Supervisor will have the authority to make evidence available to UOB staff in order that investigations and disciplinary hearings can be conducted

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