

**Students'
Union**
Bath Spa

Members Code of Conduct

1. Introduction

- 1.1 The Union is committed to ensuring that all students can take full advantage of activities and opportunities and enjoy a positive experience at Bath Spa University.
- 1.2 We recognise the value of the Union's diverse membership and seek to create a safe and welcoming environment for all staff, students and visitors.
- 1.3 We expect all members of the Union to uphold this principle at all times. The following code of conduct has been approved by Bath Spa Students' Union Democracy and Oversight forum and the Board of Trustees. It sets out the minimum standards of behaviour expected by all members and how the Union will deal with any complaints regarding any member's conduct.
- 1.4 Bath Spa Students' Union and its Board of Trustees have an ongoing responsibility to the safety and wellbeing of all Union members, and have the right to suspend, withdraw or terminate the membership of any member whose conduct is found to be in breach of this code, or any part thereof.
- 1.5 Failure to comply with the Code of Conduct constitutes misconduct and may result in students being referred to the University's disciplinary procedures.
- 1.6 This policy applies to all members of the Students Union, including associate members. It does not apply to Union staff, who have their own disciplinary procedures, apart from student staff who are covered by both procedures.

2. Membership Code of Conduct

The following shall constitute misconduct under the Membership Code of Conduct:

- Violent, indecent, disorderly, threatening, abusive or offensive behaviour to any student, employee of Bath Spa University Students' Union or the University or any visitor to the Union or any member of the public;
- Abusive, threatening or offensive language (verbal or written, including via social media) to any student, employee of the Students' Union or the University or any visitor to the University or any member of public. This includes any behaviour which may be interpreted as bullying;
- Action likely to cause injury or impair safety on Union or University premises or at events or activities organised by, or on behalf of the Union;
- Any discrimination, bullying or harassment of any group or individual on the grounds of gender, race, disability, age, marital status, pregnancy, religion or belief or sexual orientation. This includes any behaviour, verbal or physical, which may be interpreted as sexual harassment.
- Damage to, misuse, or defacement of, Union or University property or in the local community caused intentionally or recklessly.
- Failure to comply with the Union Financial Regulations and with any decision on the use of Union funds made by a properly constituted body of the Union.
- Failure to comply with the Union Regulations for conduct of elections and meetings.
- Behaviour which could bring the Union or the University into disrepute;

- Failure to report, within 7 days, any criminal conviction or any driving licence penalties, for any member that is responsible for driving any vehicle for and on the Union's behalf
- Failure to abide by Union and University policies and procedures

3. Club & Society Membership Code of Conduct

3.1 In addition to the standards of behaviour expected of all members, members of Clubs, Societies and Spalife Media must:

- Compete in a manner of good sportsmanship, regardless of the nature of the competition, when representing the Union and the University in a sports fixture. This includes those participating in activity and spectators.
- Operate within the rules of the sport/activity including national guidelines which govern the sport/activity
- Not use any form of peer pressure
- Not carry out, take part in or promote inappropriate 'initiation' ceremonies
- Not be unduly intoxicated during any event or activity where such behaviour could be deemed unacceptable, unprofessional or detrimental to the Union or University.
- During social events to be aware of behaviour and the impact on others, particularly members of the local community.
- To abide by any restrictions on the consumption of alcohol when using Union vehicles or during travel to activities using external travel companies.
- Comply with the Union financial policies governing the use of funds to clubs and societies.
- Report any concerns for the health and safety or welfare of its members

3.2 For further guidance on appropriate initiation, welcome and social events, please see the Union's Initiations policy.

4. Procedure for dealing with breaches of the Code of Conduct

4.1 Dealing with immediate risks

In the event of that any member acts in a way which contravenes this code or where the senior staff member in attendance deems their presence may impact upon the safety or wellbeing of others or themselves, they may be asked to leave the premises or event.

4.2 In the event of an offence being committed that is serious in nature and which could lead to the withdrawal of membership, any Union Manager may immediately suspend the rights of the member(s) concerned. The incident must be reported in writing to the Chief Executive Officer on the next working day. The suspension will remain in place until a Disciplinary Panel is able to consider the issue.

4.3 Procedure

Upon receiving a complaint about a member(s), the Chief Executive Officer shall decide if the offence is minor or more serious in nature and the appropriate course of action, as follows:

4.4 Minor offences

In the case of a non-serious offence, the Chief Executive Officer will issue a written warning to the offender, stating how the code of conduct has been broken and the potential consequences of further incidents. A copy of the letter will be retained for 3 years.

No further action shall be taken.

4.5 Serious allegations

In the case of a more serious allegation, the Chief Executive will appoint a senior manager to investigate the issue. The appointed investigating manager will meet with those involved in the incident and seek to establish the facts of the case and any relevant information. Ideally this will happen within 7 working days.

4.6 The complainant and the accused may both be accompanied to an investigation meeting and may ask for witnesses to also be interviewed.

4.7 Any offence that is likely to result in the suspension of the members rights or has already resulted in immediate action being taken, will be considered to be a serious offence.

4.8 Depending on the nature of the allegation, the Chief Executive may also decide it is appropriate to suspend the member's rights to enable the investigation to take place unhindered. The Chief Executive Officer will write to the offender informing them that their membership is suspended until further notice.

4.9 Any decision to suspend does not imply or prejudice the outcome of any panel hearing.

4.10 The Chief Executive Officer shall convene a Disciplinary Panel, consisting of two Union Officers and the Chief Executive Officer. Where the allegation concerns a Club or Society, the Panel shall consist of the Chief Executive, the Vice President Activities (or another Sabbatical Officer) and 2 committee members of clubs or societies not involved with the matter under investigation.

4.11 The investigating manager will present his/her findings to the Panel who will decide upon the most appropriate response, which will be one of the following:

- a. the complaint has not been substantiated and no further action is necessary.
- b. the complaint has been substantiated and an appropriate form of sanction, also to be determined by the Panel, shall be taken in line with the appendix to this procedure.
- c. further investigation or external advice is necessary. In this case the Panel will be adjourned and reconvened once the required information is available.

4.12 The Disciplinary Panel shall take into account suspension time already served when deciding on disciplinary action to be taken. The outcome of the Disciplinary Panel meeting will then be communicated to the offender by letter.

- 4.13 Where the offence involves damage to Union property, the offender must cover in full the costs of repairing any damage caused. Failure to reimburse the Union for such costs will result in further action being taken against the individual(s) concerned.
- 4.14 When a members rights are suspended they are not entitled to take part in any Union activity, including attending events or participating in the activities of clubs or societies, or make use of any services or facilities operated by the Union.
- 4.15 Where a member has their membership withdrawn, they cannot also take part in the democratic processes of the Union during the period of their membership is withdrawn. This includes standing for elected positions or voting in Union elections.
- 4.16 Where a complaint against a member is upheld and their membership is withdrawn, they will not be reimbursed for any purchases made, such as event tickets or club or society membership, which they can no longer participate in.
- 4.17 Unlawful behaviour or contravention of University policy
Where a complaint indicates a member may have acted unlawfully or against University policy, the relevant authority will be informed.
- 4.18 In such cases, investigations by the University and or the Police would take precedence and the Union would not convene a Disciplinary Panel until the outcomes from such investigations had concluded. However, dependent on the matter under investigation, the Chief Executive may consider it appropriate to suspend a member(s) rights until a conclusion had been reached.

5. Offences by Elected Officers, Representatives of the Union and Club or Society Committee Members

- 5.1 The Union expects that all elected Officers and Representatives uphold the highest standards of behaviour.
- 5.2 In cases of a first minor offence, a warning should be issued in line with paragraph 4.4.
- 5.3 Where a second warning for a minor incident is issued, or a more serious matter is referred to a Disciplinary Panel who find against the Officer or Representative, the Panel should suspend the Officer or Representative. The matter should then be referred to the Board of Trustees or a meeting of the Liberation Reps in line with the Procedure for the Removal of Trustees, Officers and Representatives.
- 5.4 Where a Club or Society Committee member is issued with a second warning for a minor incident, or a more serious matter is referred to a Disciplinary Panel who find against that person, the Panel should suspend the Committee member(s) involved. The Vice President Activities (or another Sabbatical officer) will refer the matter to the members of that club or society to consider the matter and elect another Committee member where Union membership has been withdrawn.
- 5.5 Where a Club or Society Committee are found to have breached the code of conduct the whole Committee may be removed from office by the panel and the matter referred to a meeting of that Club or Society to elect a new committee. The Club or

Society may be placed in special measures to support it during this period and ensure ordinary members of that club or society are not disadvantaged by the actions of the previous committee.

6. Appeal:

- 6.1 Anyone who has been notified of a disciplinary decision, either as a minor offence or a more serious incident dealt with by a full Disciplinary Panel, will be notified of their right of appeal.
- 6.2 The defendant must submit a letter of appeal to the Chief Executive Officer within 10 working days of written notification any decision. The letter must state the reason for appeal.
- 6.3 In the case of minor disciplinary matters the Chief Executive Officer will review his/her decision with the President, based on any new evidence.
- 6.4 In the case of serious disciplinary matters an Appeals Panel shall be formed. The Appeals Panel will consist of three members of the Board of Trustees not involved in the original panel, one of whom must be an External Trustee. An Appeals Panel considering an appeal by a Club or Society will also include 2 members of another Club or Society Committee not involved in the original Panel.
- 6.5 The process for hearing the appeal will be identical to the original panel and witnesses **may** be called to discuss the incident.
- 6.6 After the hearing, any action may be removed, reviewed, or increased as the Appeals Panel see fit.
- 6.7 Should the appellant remain dissatisfied, they have the right to complain to the University Board of Governors, in line with the Union's Complaints Policy. In accordance with the Education Act 1994, the Governors appoint an independent person to hear such complaints. This is detailed in the Union's Complaints Policy.

Date of Approval by Democracy & Oversight Forum and Board of Trustees: December 2016

Date of Review: December 2018

Appendix: Offence Penalty Framework For Reference In Disciplinary Procedures:

It is not possible to provide a definitive list of offence types and appropriate penalties. The affect of the offence should also be taken in to consideration. Panel members should also consider whether the person is in a position of trust within the Union.

In considering allegations and appropriate sanctions the following guidance should be used to ensure consistency:

Offence Type	Influencing factors	Recommended sanctions	
		Recommended period of withdrawal of membership rights	Costs / Other
Failure to abide by policies, procedures and regulations	First time offence, no or minimal impact (e.g, impact below £250, no ongoing issues)	N/A	Formal written warning
	Subsequent offence, actions likely to cause injury, Union placed at risk or impact above £250	2 week – one month ban	Final written warning issued
	Actual harm to personnel	One year ban	Referral to institution and authorities as necessary
Behaviour which could bring Union in to disrepute	One off incident / first time offence	N/A	Formal written warning
	Is person in a position of responsibility?	2 week – 3 months	Referral under procedure for Removal of Trustees, Officers or Reps. Referral to club or society members.
	Serious misconduct resulting in reputational damage	Three months – one year	Referral under procedure for Removal of Trustees, Officers or Reps. Referral to club or society members.
Damage to property	First offence and minor damage (below £50)	2 week ban where offence occurred in the Union or at Union activity	Offender pays total cost of all damage.
	Subsequent offence or more serious damage	3 months	Offender pays total cost of all damage. Referral to institution and authorities as necessary

Anti-social behaviour	First offence with minimal repercussions	2 week ban may be considered where offence occurred on Union property or at Union activity	Formal warning
	Subsequent or more serious offence causing damage to property or distress to others	Three months	Formal warning issued. Referral to institution if appropriate.
Use of offensive, threatening or abusive language, including via social media	First offence / one off incident with no ongoing issues for victim	Three months	Final written warning issued. Referral to institution and authorities as necessary
	Subsequent offence, use of discriminatory language or incitement of others	One year	Final written warning issued. Referral to institution and authorities as necessary
Physically violent, indecent or threatening behaviour	First offence with minor consequences and no ongoing issues for victim	Three months	Final written warning issued. Referral to institution and authorities as necessary
	Serious assault, assaults of sexual nature	One year – lifetime ban	Referral to institution and authorities as necessary
Bullying or harassment of members	First offence. This includes initiation events by Clubs or societies.	One year. Removal of Club or Society committee and placed in to special measures.	Final written warning issued. Referral to institution, relevant club or society or authorities as necessary
	Subsequent offence or behaviour based on discrimination against protected characteristic	Life time ban Removal of Club or Society committee and placed in to special measures.	Referral to institution and authorities as necessary
Illegal activity	This would include theft, fraud, use and supply of illegal or controlled substances.	One year – lifetime ban	Referral to institution and authorities as necessary