

Newman Students' Union Code of Conduct

Overview

Newman Students' Union's has a duty to ensure that it provides a safe environment of its members on our premises and at events and activities facilitated by us, both on and off campus. This document sets out the standards to which we expect individual members and our affiliated student groups to abide, as well as our complaints and disciplinary procedures. Students registered with the Birmingham Newman University should note that they are also subject to the University's Student Disciplinary Procedures and the Union reserves the right to refer students to this process where it feels necessary and appropriate.

Statement

- 1) In line with Clause 18 of the Union's Constitution, this Code of Conduct applies to the following categories of membership of the Union who will in this document be referred to as 'Members':
 - a) Full Members of the Union including Officer Trustees;
 - b) Associate Members of the Union;
 - c) Students who have opted out of Union membership but who are taking part in Union activities as permitted in Point 9 of Bye Law A .
- 2) This Code applies equally to individuals and groups of students. This includes volunteers, Representatives (including Academic Reps) and members of Union Societies.
- 3) The Union will treat all disciplinary action with confidentiality and has an expectation that all parties involved will ensure that confidentiality will be kept throughout any investigatory or disciplinary process, including the content of meetings.
- 4) No disciplinary action will be taken against a Member until an investigation has been carried out.
- 5) The Code of Conduct aims to:
 - a) Ensure the Union follows agreed procedures that are transparent, timely, fair and sensible, when dealing with conduct or disciplinary matters involving Members;
 - b) Manage risk and support the engagement and welfare of students,
 - c) Ensure that any outcomes of a disciplinary process include positive support for students based on fair and unbiased decision making.
 - d) Ensure that students accept responsibility for actions that have had a negative effect on others.
- 6) Newman Students' Union and its Board of Trustees have an ongoing responsibility around the safety and wellbeing of all Union Members. The Trustee Board shall annually appoint a Lead Trustee (who shall be a Lay Trustee) to supervise the formal complaints and disciplinary procedures set out below. The Union will provide the Board with an annual report on complaints.
- 7) This Code does not apply to Union employees, who have their own disciplinary procedures, apart from Officer Trustees who are covered by both procedures.
 - a) Officer Trustees will be covered subject to the same principles as other members. Due to their special status specific guidance can be found in Points 67 to 71 of this document.

Membership Code of Conduct

- 8) Alongside the rules outlined below, Members are expected to conduct themselves according to the rules laid out in the following Students' Union and University documents:
 - a) the Union's Constitution and Bye Laws;
 - b) the University's Student Disciplinary Procedure
- 9) Full copies of the above documents are available on Union and University websites respectively.
- 10) Breaches of any of the rules in this Code or the documents above will be considered to be misconduct and could lead to Members being subject to the Union's Disciplinary Procedures as outlined in Points 14-71 below.
- 11) Disciplinary action may be taken in respect of any breach of discipline:
 - a) On the Union's premises;
 - b) While the Member is using the Union facilities or at a Union event;
 - c) While a Member is representing or acting on behalf of the Union at any event of whatever kind and wherever held;
 - d) In relation to actions or incidents between two or more representatives of the Union in any or none of the settings above, or in relation to actions or incidents between the Union's representatives and other members, staff or stakeholders.
 - e) Any of the above where an interaction or incident is on social media.
 - f) Where a complaint is made about an activity organised by a Union Society or student-led project or initiative, including socials, campaigning activity, and activity that can be classed as organised by the Union or any union group or in that group's name, a group of members may be subject to disciplinary action and penalties.

Misconduct

- 12) The following, but not exhaustive, list of actions shall constitute misconduct:
 - a) Violent, indecent, disorderly, threatening, abusive or offensive behaviour to any student, employee of Newman Students' Union or the University or any visitor to the Union or any member of the public;
 - b) 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 and the submission of vexatious complaints;
 - c) 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;
 - d) 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.
 - e) Any behaviour, verbal or physical, which may be interpreted as sexual harassment;
 - f) Taking or supplying illegal drugs;
 - g) Damage to, misuse, or defacement of, Union or University property or in the local community caused intentionally or recklessly;
 - h) Failure to comply with the Union's financial procedures and regulations and with any decision on the use of Union funds made by a properly constituted body of the Union;
 - i) Failure to comply with the Union's Elections Rules as available on the Union website during election periods;
 - j) Failure to comply with the Union's meetings rules as outlined in Bye Law D;

- k) Behaviour which could bring the Union into disrepute;
- l) 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;
- m) Failure to abide by Union and University policies and procedures.

Code of Conduct for Societies

- 13) In addition to the standards of behaviour expected of all members, members of Societies, must:
- a) During social events, be aware of behaviour and the impact on others, particularly members of the local community;
 - b) Not use any form of peer pressure;
 - c) Not carry out, take part in or promote 'initiation' ceremonies of any kind;
 - d) Not be unduly intoxicated during any event or activity where such behaviour could be deemed unacceptable or detrimental to the Union or University;
 - e) Abide by the financial and insurance regulations laid out in Bye Law E;
 - f) Abide by the property regulations laid out in Bye Law E and submit property inventories when required;
 - g) Report any concerns for the health and safety or welfare of its members to the appropriate member of Union staff as soon as possible; and
 - h) Abide by the Union's data protection guidelines and report any breaches immediately.

Disciplinary Procedure for Members (excluding Officer Trustees and Part-Time Officers)

- 14) This part of the procedure relates to Members, Associate Members, Honorary Life Members, Volunteers, Representatives (including Academic Reps) and Union Societies.
- 15) This procedure will be followed either as a result of an upheld formal complaint or as a result of misconduct identified by Union Staff in agreement with the Union and the Lead Trustee. Informal complaints should be dealt with via the Complaints Procedure, which is outlined in Points 72-91 of this document.
- 16) The Union can suspend a Member from using the Union's premises, services or facilities while investigations are being carried out.
- 17) The Union can suspend the activities of a Society while investigations are being carried out.
- 18) Reports of alleged misconduct by a member should normally be brought to the attention of one of the Officer Trustees but may also be reported to any staff member of the Union. If the matter cannot be resolved informally, they will, in liaison with the Union Director, institute a formal investigation into the matter, to be conducted by an impartial and appropriately qualified staff member of the Union or University.
- 19) If, following investigation, it appears further investigations are required, a Disciplinary Panel shall be convened. The Union reserves the right to refer the matter to the University's Student Disciplinary Procedures. It should also be noted that following the conclusion of the University's processes they may make recommendations to the Union to apply sanctions to or remove privileges from an individual.

The Disciplinary Panel

- 20) The Disciplinary Panel shall have three members, one of whom shall be an Officer Trustee (who shall normally act as Chair) usually the Vice-President. The other two members will be selected from Student Council.

- 21) No member of the Panel can be a witness, potential witness, be directly connected with the member being investigated or have any substantive involvement in the matter being considered.
- 22) The Union Director shall appoint a member of Union staff to act as secretary to the Panel, who shall be responsible for convening the Panel.
- 23) The Panel shall normally be convened within one month of the alleged offence being reported. The member shall be sent written notification of the time, date and place of the hearing, together with notification of the alleged breach, at least 7 working days before the hearing.
- 24) The Panel reserves the right to make its decision in the absence of the member, providing it has made one reasonable attempt to rearrange the hearing. Members will be given the opportunity to attend virtually.
- 25) Any member who may be the subject of a disciplinary investigation will have the right to be accompanied by a friend (who may be a member of the University or Union and not acting in a professional capacity). If the individual is under 18 years of age they must be accompanied by their Parent or Guardian.
- 26) The Panel may call witnesses to give evidence and may ask questions of the witnesses.
- 27) Any written material intended to be used as evidence and the names of any witnesses to be called for meeting of the panel, to be used by either the member under investigation or the Union, should be submitted to the secretary at least 3 working days before the meeting.
- 28) Previous disciplinary outcomes may also be taken into consideration, if they relate to offences of the same or similar nature.
- 29) The Disciplinary Panel may take the following courses of action. In the case of more serious or financial sanctions being applied, the panel should consult with the Lead Trustee of the Union:

Individual Outcomes & Sanctions

Outcome	Timescale	Support Offered
No further action.	N/A	Union Advice Service University Support Services
Student required to issue an apology.	5 Working days	Union Advice Service University Support Services Relevant Union Staff
Formal Verbal Warning	Valid for 3 Months	Union Advice Service University Support Services Relevant Union Staff
Formal Written Warning.	Valid for 6 Months	Union Advice Service University Support Services Relevant Union Staff
Pay compensation for damage and/or cost.	Determined on a case by case basis	Union Advice Service University Support Services Relevant Union Staff
Exclusion from any Union services and events, including membership of societies.	Set time period or indefinitely depending on severity of offence.	Union Advice Service University Support Services

Temporary suspension of Union Membership.	Set time period depending on severity of offence	Union Advice Service University Support Services
Permanent exclusion from the Union as laid out in point 13.4 of the Union Constitution.	Indefinitely	Union Advice Service University Support Services Relevant Union Staff
Permanently excluded or temporarily suspended of role e.g. Academic Representative, Committee position for a Society.	Indefinitely	Union Advice Service University Support Services Relevant Union Staff
Excluded from holding representative or committee roles in the future.	Set time period or indefinitely depending on severity of offence	Union Advice Service University Support Services Relevant Union Staff
Recommendation for referral to the University's Disciplinary Procedures.	Immediate referral	Union Advice Service University Support Services Relevant Union Staff

Society Outcomes & Sanctions

Outcome	Timescale	Support Offered
No further action.	N/A	Union Advice Service University Support Services
Require the Committee as a whole to issue an apology.	5 working days	Union Advice Service University Support Services Relevant Union Staff
Give the Committee and/or entire student group a Formal Warning.	Valid for 6 Months	Union Advice Service University Support Services Relevant Union Staff
Require the Committee to pay compensation for damage and/or cost from the groups funds.	Determined on a case by case basis	Union Advice Service University Support Services Relevant Union Staff
Suspend the Society	Set time period depending on severity of offence	Union Advice Service University Support Services Relevant Union Staff
In the case of Full Members submit a resolution to Student Council for Permanent expulsion from the Union as laid out in Clause 13.4 of the Union Constitution.	Indefinitely	Union Advice Service University Support Services Relevant Union Staff
In the case of Associate and Honorary Members submit a recommendation	Indefinitely	Relevant Union Staff

to the Trustee Board to have their membership revoked		
Recommendation for referral to the University's Disciplinary Procedures	Immediate referral	Union Advice Service University Support Services Relevant Union Staff

- 30) The panel will make their judgement on the balance of probabilities.
- 31) The panel shall notify the member of their decision and the course of action within 5 working days, in writing.
- 32) The panel will inform the member if they deem it necessary to inform any member of Union or University staff about the outcome/s of the disciplinary matter and the reasons for them being told.

Appeals

- 33) Appeals against the decision of the panel may be made to the Co- Chairs of the Board of Trustees and must be made in writing within 5 working days of the member receiving notification of the decision.
- 34) The only grounds for appeal are that;
- a) the panel has not followed the correct procedure and / or
 - b) new evidence has come to light that, for good reason, could not be presented to the panel at the time.
- 35) A sub-committee of the Board of Trustees, including at least 3 Trustees shall consider the appeal on the Board's behalf. This sub-committee shall appoint a Chair and shall not include any Trustees who were members of the original Disciplinary Panel or who have had any substantive involvement in the matter being considered or who are directly connected with the member/s concerned. If that is not possible, the Union may seek support from an appropriate, senior member of University staff who has had no previous involvement in the case, to sit on the panel.
- 36) The individual or group will be given at least 7 days written notice of the time and place of the meeting of the sub-committee.
- 37) The sub-committee will be given the written material presented to the previous disciplinary meeting, the notes of the proceedings and the decision of that meeting.
- 38) No witnesses present at a prior disciplinary meeting will be recalled, nor will the evidence presented to the disciplinary meeting be reheard, unless the Chair of the sub-committee is satisfied that it is necessary in the interests of justice.
- 39) The individual or group who have appealed, are entitled to attend the meeting with the sub-committee in order to state their case, and they have the right to be accompanied by a friend (who may be a member of the University or Union and not acting in a professional capacity). If the individual is under 18 years of age they must be accompanied by their Parent or Guardian.
- 40) Any written material intended to be used as new evidence and the names of any friends accompanying the student should be submitted to the secretary at least 3 working days before the meeting.
- 41) Outcomes of the Appeal can be one of the following:

Outcome	Support Offered
Confirm the original decision	Union Advice Service University Support Services
Annul the original decision	Union Advice Service University Support Services Relevant Union Staff
Amend the original decision which may include a reduction or escalation of the original penalty.	Union Advice Service University Support Services Relevant Union Staff

- 42) The sub-committee will make their judgement on the balance of probabilities.
- 43) The sub-committee shall notify the member of their decision and the course of action within 5 working days, in writing.
- 44) The decision of the sub-committee shall be final.
- 45) The sub-committee will inform the member if they deem it necessary to inform any member of Union or University staff about the outcome/s of the disciplinary matter and the reasons for them being told.

Votes of No Confidence (excluding Officer Trustees)

- 46) This section of the procedures apply to members of Student Council and its sub-committees (excluding Officer Trustees), Academic Reps, and, in line with Bye Law E Points 33-35, committee members of Union-affiliated Societies.

Votes of No Confidence for members of Student Council or its Sub-Committees

- 47) Members of Student Council or one of its sub-committees, may decide to move to a vote of no confidence where they decide a member (excluding Officer Trustees) has committed a serious misconduct or breach of their duties including, but not limited, to violent behaviour, theft, harassment and bullying or has continued to not perform their role and failed to attend (or, where relevant, send a nominee) three consecutive meetings.
- 48) A Union Staff member will contact any member who has not attended for two consecutive meetings without a sufficient excuse to warn them that a vote of no confidence could result if they don't attend (or where relevant send a nominee to) a third meeting
- 49) A vote of no confidence may only pass if there is a two-thirds majority vote in favour.
- 50) If a vote of no confidence is passed by Student Council, the member of the Council will be removed from their post on the day the vote is passed.
- 51) If a vote of no confidence is passed by a sub-committee of Student Council this will be considered advisory and will be referred to Student Council to confirm the vote of no confidence. If Student Council confirms the vote of no confidence, the member will be removed from the sub-committee they are a member of.
- 52) Any removed member of Student Council or one of its sub-committees will be entitled to appeal in writing to the Trustee Board. The Trustee Board's decision is final.

Votes of No Confidence for committee members of Societies

- 53) Society members may remove any member of their committee by submitting a secure petition to the Community & Wellbeing Committee signed by at least 50% + 1 of their membership.

- 54) A Vote of no confidence shall be deemed as a last resort and any member wishing to implement a vote of no confidence should exhaust all other avenues prior to starting proceedings.
- 55) The Community & Wellbeing Committee may reject any petition for a Vote of no confidence if they feel that all other avenues, such as informal mediation, have not been used first.
- 56) The vote may be held at a members' meeting of the Society no later than 15 working days from the date the petition is considered by the Community & Wellbeing Committee. An Officer Trustee or member of Union staff will attend any meeting to oversee the vote and ensure it is fair.
- 57) A vote of no confidence will pass if there is a simple majority vote in favour of members present. A minimum of 20% of the membership must attend for the vote to be valid.
- 58) If a vote of no confidence is passed by the members, the Committee member will be removed from their post on the day the vote is passed.
- 59) Any removed member of a committee will be entitled to appeal in writing to the Community & Wellbeing Committee. The Community & Wellbeing Committee's decision is final.

Votes of No Confidence for Academic Representatives

- 60) Students on any course, at any level of study may remove a Course Rep or Faculty Rep by submitting a secure petition to the Voice & Support Committee signed by at least 50% + 1 of the students they represent (e.g. the students on the same level and course as the rep).
- 61) A Vote of no confidence shall be deemed as a last resort and any student wishing to implement a vote of no confidence should exhaust all other avenues prior to starting proceedings.
- 62) The Voice & Support Committee may reject any petition for a Vote of no confidence if they feel that all other avenues, such as informal mediation, have not been used first.
- 63) The vote may be held at a course (or Faculty) meeting or via an online vote, no later than 15 working days from the date the petition is considered by the Voice & Support Committee. An Officer Trustee or member of Union staff will attend any meeting to oversee the vote and ensure it is fair.
- 64) A vote of no confidence will pass if there is a simple majority vote in favour of students present. A minimum of 20% of the cohort the rep represents must attend for the vote to be valid.
- 65) If a vote of no confidence is passed by the members, the Academic Representative will be removed from their post on the day the vote is passed.
- 66) Any removed Course Rep or Faculty Rep will be entitled to appeal in writing to the Voice & Support Committee. The Voice & Support Committee's decision is final.

Disciplinary Procedures for Officer Trustees

- 67) With regards to Officer Trustees, whilst their performance as an elected student representative remains accountable to Student Council and the wider student membership through a General Meeting, in recognition of their unique position within the organisation as employees as well as Trustees, they are also subject to the Students' Union's Disciplinary Procedures Relating to Officers, as detailed in the Staff Handbook. This concerns any performance-related issues or complaints regarding their conduct in their capacity as an employee of the Union. The outcome of invoking this process may result in disciplinary action and, in cases of serious or gross misconduct, a termination of their employment with the Union.

68) An Officer Trustee who has their employment terminated with the Union will, thereby, be rendered unable to fulfil the post and responsibilities of Officer Trustee and will, therefore, be removed from office.

Vote of No Confidence

69) A vote of no confidence in an Officer Trustee may be called for by a simple majority of members voting in a referendum, provided at least 5% of members have voted in the referendum, as defined in Clause 57.1 of the Union Constitution.

70) In line with Clause 57.2 of the Union Constitution, a vote of no confidence in an Officer Trustee may also be brought by a petition of the membership. The petition must be signed by at least 5% of the membership. The petition will be taken to a General Meeting of the membership and to take effect would need to pass by two thirds of those members present.

71) The removal of an Officer Trustee shall only take effect once the Union has carried out any steps it is required to take under the Officer Trustee's contract of employment and/or the applicable disciplinary procedure and otherwise in accordance with good employment practice. While such steps are being taken, the Officer Trustee may be suspended from their duties. Where an Officer Trustee is removed as a Trustee, their employment with the Union and their status as a Member of the Union shall also terminate (save that they may become a Member again, if they become a Student).

Complaints

72) A complaint may be brought against the Union by a Member, as defined in Bye Law A. The person bringing the complaint will be called 'the complainant'.

73) Any complaint about a member of Union staff shall be dealt with according to the Union's Staff Handbook.

74) Complaints against the Union brought by a member of Union staff or an Officer Trustee in connection with his or her employment or workplace matters shall be brought in accordance with the Staff Handbook.

Informal complaints

75) Complaints should be resolved informally and at the origin of the complaint wherever possible. A constructive approach by all parties will often result in an acceptable remedy or solution. For example, a personal response to the complaint by the appropriate Union Staff Member may be sufficient.

Formal complaints

76) If, having followed the informal route the complainant feels their concerns have not been properly addressed or where the complaint is particularly serious or confidential, then the formal procedure should be followed.

77) The Union will not accept anonymous complaints as anonymity precludes any independent investigation of the substance of any claims.

Stage One

78) Complainants should utilise the Union's formal complaints procedure, which shall be made accessible to all members via the Union's website. The complaint should be sent, through this process, to the Union Director who will acknowledge receipt within 5 working days. If

the complaint is about the Union Director, it should be sent to the President as Co-Chair of the Trustee Board.

- 79) The Union Director may delegate the initial investigation to another appropriate member of staff. The Lead Trustee of the Trustee Board may be asked to help investigate the complaint.
- 80) A complaint about an Officer Trustee should be referred in the first instance to the President. A complaint about the President should be referred in the first instance to the Lay Co- Chair of the Board of Trustees, whose details will be available on the Union's website. They may ask another Lay Trustee to help investigate the complaint.
- 81) The investigation will normally be completed and the complainant will normally receive a written substantive response within 20 working days. This can sometimes take longer e.g. during vacation periods. The complainant may be asked to discuss the matter in person but will always receive a written response.
- 82) If after this stage the complaint still remains unresolved to their satisfaction, the complainant may decide to move on to Stage Two of the procedure.
 - a) The complainant must notify the Union Director(or, if the complaint was about the Union Director, the President) in writing of their intent to do so within 5 days of the date of written notification of the outcome of Stage One.

Stage Two - Review by the Union

- 83) The President (or, if the complaint was about the President, the Lead Trustee) will review the case and may request additional documentation to determine whether it is appropriate for the complaint to be considered by an appeals panel. If so, an appeals panel will be convened.
- 84) Each member of the appeals panel shall be independent and, where possible, shall not have had any substantive involvement in the matter under appeal or with the investigation carried out under Stage One and shall have no prior knowledge of the complaint.
- 85) The appeals panel shall consist of:
 - a) The President (or if the complaint is about the President, a Trustee) who shall act as Chair;
 - b) A Student Trustee or Student Councillor (who must not have any connections to the case of the individual/s concerned);
 - c) A Lay Trustee
- 86) If it is not possible to convene an impartial panel with the members above, the Chair may seek support from an appropriate, senior member of University staff who has had no previous involvement in the case, to sit on the panel.
- 87) The panel will be supported by a senior member of Union staff, to advise and act as secretary.
- 88) The panel will investigate the complaint in its entirety. The complainant has the right to present their case in person or in writing to the panel.
- 89) At the end of its investigation, the panel will:
 - a) uphold the complaint in whole or in part,
 - b) make recommendation for any remedies to be applied or
 - c) dismiss the complaint.
- 90) The appeals body will normally take no more than 28 working days from the start of its investigation to reach its decision.
- 91) The final decision shall be notified in writing to the complainant by the Chair of the panel.