

Club and Society Member Relations Procedures Conduct Procedure

1. Introduction

- 1.1 Members are expected at all times to conduct themselves in a matter which demonstrates respect of the Club/Society, Students' Union, University, and the wider community. The purpose of this procedure is to manage any internal conduct concerns which arise.

2. Scope

- 2.1 The Club/Society Member Conduct Procedures (this procedure) should be used to address internal Club/Society conduct issues.

- 2.2 Misconduct is deemed to be improper interference, in the broadest sense, with the proper functioning or activities of the Club/Society, or members of the Club/Society, or those who work/study at the University; or behaviour which brings, or may bring, the Club/Society/Students' Union/University into disrepute. These procedures are in place to protect the well-being of the members, wider community and the reputation of the Club/Society/Students' Union/University.

- 2.3 Misconduct may include:

- Smoking or drinking alcohol in a non-designated/prohibited area
- Possession of an illegal substance
- Anti-social disturbance
- Public disorder
- Vandalism or malicious damage to property or equipment
- Theft or taking property without the consent of the owner
- Misuse of safety and fire equipment
- Disruption/obstruction of, or improper interference with the functions, duties, or activities of the University, Students' Union, Club/Society, any member, student, member of staff, or any other person/organisation which a member interacts with as part of their membership of the Club/Society
- Behaviour which interferes with freedom of speech, ideas, or actions
- Behaviour which may bring the Club/Society/Students' Union/University into disrepute
- Failure to comply with a penalty previously imposed
- Further misconduct having already gone through the Conduct Procedure
- Failure to co-operate with the Member Relations Procedures
- Fabrication or falsification of evidence
- A breach of a Students' Union or Club/Society policy and/or procedure including, but not limited to, Health & Safety, finance, Equality and Diversity etc.
- Causing harm to another person
- Abusive or intimidating behaviour
- Bullying and harassment
- Indecent misconduct
- Making false, frivolous, malicious, mischievous or vexatious allegations against another member of the Club/Society/Students' Union/University

2.4 This procedure covers:

- Alleged misconduct which takes place on/off campus, or any place which the member has access to by virtue of their status as a Club/Society member
- Alleged misconduct which occurs during Club/Society meetings, training sessions, coaching sessions, events, games, matches, trips and all other Club/Society activities
- Alleged misconduct on social media

2.5 Where behaviour arises from a diagnosed mental illness and/or physical or behavioural difficulties, conduct proceedings will normally be a last resort and will only be applied if reasonable adjustments and medical or counselling interventions have failed to address the behaviour.

2.6 The University's Conduct Regulations apply to all student members and students may be subject to action by the University and the Students' Union under these Regulations. The Students' Union will follow the principles therein to deal with conduct issues that it has relating to student members, where applicable.

2.7 Clubs/Societies reserve the right to take action against a member accused of misconduct even if the reporting member does not wish to make a formal complaint.

3. Misconduct Which Constitutes a Criminal Offence

3.1 Clubs/Societies should contact the Director of the Students' Union immediately should they become aware of alleged misconduct which would also constitute an offence under the criminal or civil law.

3.2 Action under this procedure will be deferred pending any police investigation or prosecution, however, the Club/Society reserves the right to impose a precautionary suspension or take action under these procedures, if appropriate.

3.3 Student members should note that they are subject to the University's Conduct Regulations.

3.4 The Students' Union will not normally report any allegation of a potential criminal offence to the police against the member's wishes. However the Students' Union reserves the right to report an allegation of a serious crime if it considers there may be a risk of harm to any person, or of a further crime taking place.

3.5 Where a finding of misconduct is made under this Procedure, any penalty previously imposed by a criminal or civil court shall be taken into consideration..

4. Criminal Charges / Police Investigations

4.1 If a Club/Society becomes aware that an associate member has a criminal charge pending, or is the subject of police investigation, the member may be precautionarily suspended pending investigation by the Club/Society under these procedures. Student members are subject to the University's Conduct Regulations. The Club/Society should advise the Director of the Students' Union immediately on becoming aware of any information pertaining to a member's criminal charges or police investigations.

5. Precautionary Suspension

- 5.1 A member who is the subject of a complaint of misconduct, or against whom a criminal charge is pending, or who is the subject of a police investigation, may be subject to precautionary suspension or exclusion from the Club/Society pending the outcome of a conduct hearing, or outcome of any police investigation or court proceedings. With regards to police investigations, or civil or criminal proceedings, student members will be subject to the University's Conduct Regulations.
- 5.2 The terms of the precautionary suspension or exclusion must be notified to the member in writing by the President/Chair/Captain.
- 5.3 Precautionary suspension or exclusion will be used to prevent reoccurrence of any alleged misconduct and/or to protect the members of the Students' Union in general, or a particular member or members, or to prevent damage to the Students' Union's reputation.
 - i. Member suspension is the total prohibition of attendance at or any participation in Club/Society activities.
 - ii. Member exclusion is the selective restriction on attendance at or access to the Club/Society or prohibition on exercising the functions or duties of any office or committee membership in the Club/Society, the exact details to be specified in writing. During any period of precautionary suspension or exclusion, a member shall be offered appropriate pastoral support by the Club/Society.
- 5.4 The President/Chair/Captain will carry out a risk assessment to determine whether a precautionary suspension or exclusion may be required. The risk assessment will consider the potential risks to the individual, other members, staff and students of the Students' Union and the University, and the wider public.
- 5.5 An order of precautionary suspension or exclusion may include a condition that the member should have no contact of any kind with a named person or persons.
- 5.6 A decision to impose a precautionary suspension or exclusion on a member will be made by the President/Chair/Captain. Written reasons will be recorded and made available to the member.
- 5.7 No member shall be subject to precautionary suspension or exclusion unless they have been given an opportunity to make representations to the President/Chair/Captain. If the member is unable to attend a meeting to do so, they shall be entitled to make written representations within 5 working days of the suspension/exclusion taking effect. The member will not be required to disclose any details of any alleged criminal offence, but will be expected to provide such information that is necessary to enable a decision to be taken.
- 5.8 The precautionary suspension/exclusion shall be subject to review every four weeks, taking account of any developments, or any written representations by the member. Such a review will not involve a hearing. This timescale may be altered by the Club/Society with the agreement of the member.
- 5.9 Any period of precautionary suspension or exclusion may be effective until the outcome of the Conduct Procedure/police investigation or court proceedings is known.
- 5.10 The Clubs and Societies Coordinator must be informed when a member is placed under precautionary suspension or exclusion.

- 5.11 The member can appeal the precautionary suspension/exclusion to the Director of the Students' Union.

6. Emergency Action

- 6.1 The following procedures do not preclude the Club/Society's Executive Committee from taking reasonable emergency action to prevent, stop, minimise, or otherwise control any conduct of any member which constitutes misconduct and warrants emergency action. This may cover circumstances affecting the safety and wellbeing of others. As soon as possible thereafter, the procedures should be invoked.

7. Trips

- 7.1 During Club/Society trips, immediate action may be taken against a member in serious cases by the Trip Leader and/or the executive committee members, if present. On return these procedures must be invoked. Following investigation, an alternative sanction may be imposed upon the member, if appropriate..

8. Informal Resolution

- 8.1 A complaint of misconduct will be made to the Treasurer within 10 days of the misconduct occurring. Complaints must not contain any insulting or abusive language.
- 8.2 The Treasurer shall record the details of the complaint on a central conduct register and shall advise the Clubs and Societies Coordinator.
- 8.3 The Treasurer shall provide the person that complained with a copy of this procedure and the 'Principles for Participants'. The Treasurer shall also advise the member complained about that a complaint has been received about them. They shall also be provided with a copy of this procedure and the 'Principles for Participants'.
- 8.4 If appropriate (in cases where the alleged misconduct is very minor) the Treasurer (with the consent of any complainant and the member accused of the misconduct) may resolve the matter informally. The Treasurer should seek to resolve the matter within 5 working days.
- 8.5 This may involve reviewing written evidence and meeting with the complainant and the member who has been complained about as well as any relevant witnesses.
- 8.6 At the conclusion of this stage, the Treasurer shall write to the complainant and the member accused of the misconduct informing them that the informal stage has concluded, setting out the terms of any resolution or agreement reached.
- 8.7 The Treasurer should update the conduct register and advise the Clubs and Societies Coordinator of the outcome.

9. Formal Procedure

- 9.1 If it is not appropriate to deal with the alleged misconduct informally the matter should be referred to the President/Chair/Captain who shall initiate an investigation into the matter. The Clubs and Societies Coordinator must be informed that the formal procedure has been engaged and an investigation is being undertaken. The conduct register should also be updated.

- 9.2 The President/Chair/Captain shall appoint the Secretary to be the Investigating Officer and will provide the Investigating Officer with clear and concise terms of reference for the investigation.
- 9.3 If there is a complainant, the President/Chair/Captain shall advise them that the complaint is being dealt with under the Conduct Procedure and they shall be advised that it has been passed to the Investigating Officer. The complainant shall be provided with this procedure and the 'Principles for Participants'.
- 9.4 The President/Chair/Captain shall advise the member that is the subject of the investigation that allegations of misconduct have been received and they are being dealt with under the Conduct Procedure. They shall be advised that the matter has been passed to the Investigating Officer. The member shall be provided with this procedure and the 'Principles for Participants'. The President/Chair/Captain shall also consider whether precautionary suspension or exclusion is appropriate (see Section 5).
- 9.5 The Investigating Officer will carry out an investigation into the matter, including the examination of written evidence from the person or persons bringing the complaint against the member, and evidence from the member concerned. The Investigating Officer shall be entitled to call for such papers, examine such witnesses and conduct such other relevant enquiries as appear to be necessary. Any such witness will have the right to be accompanied to the meeting as set out in the 'Principles for Participants'.
- 9.6 Guidance for completing an investigation is set out in the 'Guidance for Completing an Investigation' document.
- 9.7 The Investigating Officer shall make a written report of the results of the investigation to the President/Chair/Captain, detailing all evidence obtained during the investigation, normally within 15 days and may include recommendation(s) to the President/Chair/Captain as appropriate.
- 9.8 If the President/Chair/Captain considers the circumstances warrant it (e.g. if the facts of a case are not contested), they may deal with the case summarily without proceeding to hearing. The member shall be advised of the President/Chair/Captain's decision, any sanction imposed, how long the sanction will remain live, that a record of the sanction will be kept, and the consequences of any further misconduct. The member will also be advised of their right of appeal. The Clubs and Societies Coordinator must be informed of the decision and any sanction.
- 9.9 If the President/Chair/Captain decides that there is no case to answer, then the President/Chair/Captain shall dismiss the case and inform the member in writing. The Clubs and Societies Coordinator must be informed of this decision and the conduct register should be updated.
- 9.10 If the President/Chair/Captain decides that there is a case to answer the matter will proceed to hearing. The member and Investigating Officer will be given at least five working days' written notice of the date, time and location of the meeting. The member shall be advised in writing that the meeting is being held in accordance with the Conduct Procedure to consider the allegations against them. The allegations shall be clearly set out in this correspondence. The correspondence will advise the member of the possible outcomes of the meeting and shall advise them of their right to be accompanied. The member shall receive a copy of the Investigation Report, the 'Principles for Participants', the Protocol for a President/Chair/Captain's hearing, and any other document that will be considered. The requirements of 9.11 should be highlighted to the member.

- 9.11 Any further information on which the member intends to rely should normally be made available to the President/Chair/Captain at least two working days before the date set for the hearing, including names of witnesses they intend to call. It is the responsibility of the member to arrange for their witnesses to attend the hearing. If all the parties involved in the case are in agreement, an accelerated timeframe may be applied.
- 9.12 The hearing by the President/Chair/Captain shall, be in accordance with the protocol as set out in the Protocol for a President/Chair/Captain's Hearing document.
- 9.13 The President/Chair/Captain shall chair the hearing, and then either dismiss the case or impose one or more penalties. The Clubs and Societies Coordinator must be informed of the decision and any sanction. The conduct register should be updated.
10. Potential Outcomes/Sanctions
- 10.1 The President/Chair/Captain may dispose of the case using one of the following, or an appropriate combination:
- i. Dismiss the case.
 - ii. Find that a conduct offence has occurred, but that advice and warning should be given to the member, a record of which will be retained in the register.
 - iii. Conditional discharge – that no further action be taken against the member, provided they fulfil the conditions laid down by the President/Chair/Captain.
 - iv. A written warning indicating the possible consequences of any further misconduct. If the member has previously been issued with another live written warning, or if the offence is deemed to be appropriately grave, a final warning may be issued.
 - v. The imposition of temporary or permanent exclusion from the Club/Society.
 - vi. Payment for any loss or damage that resulted directly or indirectly from the member's misconduct.
- 10.2 If the member has a previous disciplinary record, this will be taken into account when considering the penalty or penalties to be applied.
- 10.3 The President/Chair/Captain shall communicate their decision to the member, in writing, normally within five working days of the decision being made. The letter should refer to the date and time of the hearing, and should state the nature of the misconduct, the expected improvement and any timeframe for improvement, the outcome, how long any sanction will remain live (e.g. 6 months or 12 months) and the consequences of any further misconduct or continuing unsatisfactory behaviour. The member shall also receive a copy of the minutes of the hearing on request. The member's right to appeal a decision shall also be stated in the communication.
- 10.4 Where a member has been found to have committed misconduct, the details of the misconduct will be added to the complaints register.
- 10.5 If action is taken under this procedure as a result of a complaint, the complainant shall be advised that their concerns were addressed. The complainant must not be advised of the specific details of the action taken against any other member.
11. Appeal
- 11.1 A member may appeal the decision of the President/Chair/Captain on the following grounds:
- i. Procedural irregularity in the conduct of the investigation.

- ii. Evidence is now available which was not reasonably available at the time of the original determination.
 - iii. The decision of the President/Chair/Captain was too severe.
- 11.2 The appeal should be made by email to the Director of the Students' Union. All appeals must be made within 10 working days of the written finding of President/Chair/Captain. Receipt of notification of the appeal and any supporting documentation shall be acknowledged by email to the member within five working days of receipt of the appeal. The Clubs and Societies Coordinator must be advised of the appeal and the conduct register should be updated.
- 11.3 The Director of the Students' Union will convene an Appeal Panel which will comprise the Clubs and Societies Coordinator (Chair), a Sabbatical Officer of the Students' Union, and one Students' Union staff member nominated by the Chair. No member of the Appeal Panel should have been involved in the case previously.
- 11.4 The Director of the Students' Union will provide the Appeal Panel with the documentation the member supplied in support of their appeal. Throughout the appeal process, the Panel will follow the guidance set out in the 'Protocol for an Appeal Hearing' document.
- 11.5 The Appeal Panel shall normally convene a meeting within 25 working days of receipt of the appeal. The member and the President/Chair/Captain are required to attend the hearing and shall be given at least five days' written notice of the date, time and location of the hearing. They shall also be informed of the sanction that the member is appealing and of the membership of the Appeal Panel. They will receive copies of all documentation to be considered by the Appeal Panel (see paragraph 11.7) and also a copy of this procedure and the Protocol for an Appeal Meeting. The member shall be advised of their right to be accompanied and/or represented and that the decision of the appeal meeting is final. The requirements of 11.6 should be highlighted to the member.
- 11.6 All additional information which the appellant intends to rely should normally be made available to the Appeal Panel two working days in advance of the hearing, including the names of the witnesses they intend to call. Such written information should normally be submitted to the Clubs and Societies Coordinator at least two working days in advance of the hearing.
- 11.7 It is the responsibility of the President/Chair/Captain to arrange for the attendance of any witnesses they intend to call in relation to the grounds of appeal. This information should be made available to the Appeal Panel two days in advance of the hearing.
- 11.8 The Appeal Panel shall have access to the investigation report, the records of the President/Chair/Captain's hearing including the minutes, the papers considered by the President/Chair/Captain, the decision letter and any other information deemed appropriate. If new information, which was not available to the member at the time of the hearing decision, is presented by the member, the Appeal Panel will consider it. Other than such new evidence, the Appeal Panel will consider only the grounds for the appeal submitted by the member. The appeal hearing will not constitute a re-hearing of the case. Please refer to the Protocol for an Appeal Hearing guidance document.
- 11.9 If the Panel cannot reach a majority decision, the Chair will have the casting vote.
- 11.10 The decision of the Appeal Panel shall be communicated to the member in writing, normally within five working days of the decision having been made. The letter should refer to the date and time of the appeal meeting, and whether the appeal has

been upheld or not. If alternative sanctions have been imposed they should be set out. The member should be advised that the appeal decision is final. The Clubs and Societies Coordinator must be advised of the appeal outcome and the conduct register should be updated.

12. Monitoring of Conduct Issues

- 12.1 Clubs and Societies should retain a register (template available from the Clubs and Societies Coordinator) of conduct proceedings. This register should only be accessible by the Club/Society's Executive Management Committee. Record retention should be discussed with the Clubs and Societies Coordinator on an annual basis.

13. Advice and Guidance

- 13.1 If required, please seek advice on the operation of these procedures from the Students' Union Clubs and Societies Coordinator.

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[To be reviewed against the University Calendar when it is published at the beginning of each academic year]