



# MEMBER CODE OF CONDUCT & DISCIPLINARY SCHEME

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## Document History:

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## PART A: MEMBER CODE OF CONDUCT

### SECTION ONE: INTRODUCTION

- 1.1 UUSU has developed this Code of Conduct, with the aim to governs the activities and conduct of its members, which for the avoidance of doubt, includes its elected representatives.
- 1.2 The term "member" refers to all full members of the Students' Union as defined in the Articles of Association.
- 1.3 The Code of Conduct and associated disciplinary procedures are intended to safeguard UUSU and promote fairness and order in the treatment of individuals and in the conduct of the Students' Union, in line with the policies of UUSU and its parent institution.
- 1.4 Should it become necessary to act against any member whose behaviour is contrary to accepted standards then Part B explains the grounds on which members may be disciplined.
- 1.5 All members will be responsible for making themselves acquainted with all Union policies and procedures affecting them. It is a requirement of membership that members accept their obligations under this Code of Conduct, and all other relevant policies, rules, and regulations.
- 1.6 Members will be issued with an identity card by the University. This card must be produced to any Officer or staff member of UUSU upon request when on Students' Union occupied premises or utilising Students' Union services or facilities or taking part in activities which fall under the auspices of UUSU. Inability to produce an identity card may lead to an inability for UUSU to allow access to its premises, services, facilities, and/or activity.

### SECTION TWO: EXPECTED MEMBER CONDUCT

- 2.1 General:
  - 2.1.1 There are two types of misconduct that may occur whilst holding UUSU membership, which covers both non-active and elected representatives;
  - 2.1.2 General misconduct is classified as unacceptable or improper behaviour. Examples of such, but not an exhaustive list would be, a minor breach of policy or codes of conduct, failure to follow a reasonable request, negligence or carelessness that leads to minor injury/damage or engaging in an activity which has the potential to bring UUSU and its membership into disrepute;
  - 2.1.3 More serious misconduct would be classified as gross misconduct which is considered serious breaches of behaviour which has the potential to significantly damage the reputation of the organisation. Examples, but not an exhaustive list would include, theft, fraud, physical violence, gross negligence, unauthorised disclosure of sensitive information, deliberate misrepresentation of wider member views or serious insubordination;

- 2.1.4 There may be instances where conduct is of such a serious nature as to warrant suspension or exclusion from membership and/or activities of the Students' Union;
  - 2.1.5 The functioning or activities of the Students' Union include those activities undertaken by student Societies, Clubs, or any other affiliated networking or groups;
  - 2.1.6 Repeated minor breaches of conduct may be categorised as serious misconduct for the purposes of determining jurisdiction and penalty;
  - 2.1.7 Breaches of any of the following regulations or other misconduct shall make a member liable for disciplinary action;
  - 2.1.8 Members shall not commit or threaten to commit any action which may lead to injury to any person. Members shall not cause any person using Students' Union services, facilities or activities or any guest of the Students' Union, or other persons away from the Students' Union and the University who they may have contact with whilst representing UUSU or participating in UUSU activities, to be concerned for their safety or well-being;
  - 2.1.9 Members shall not commit any act of sexual harassment;
  - 2.1.10 Members shall not commit or encourage the discrimination of people with different religious belief, people of political opinion, people of different racial groups, people of different ages, people of different marital status, people of different sexual orientation, any person's gender, people with a disability and people without, people with dependants and people without;
  - 2.1.11 Members are required to observe the Students' Union's and the University's Health and Safety and Fire regulations and procedures;
  - 2.1.12 Members shall observe the Health and Safety and Fire regulations and procedures of other organisations or premises that they may visit whilst representing UUSU or participating in UUSU activities.
- 2.2 Behaviour Towards Others:
- 2.2.1 Members should always act with reasonable consideration towards other members, employees and other persons using UUSU services, facilities, or activities, or towards other persons away from the Students' Union and the University who they may have contact with whilst representing UUSU or participating in UUSU activities and observe this Code of Conduct and all subsidiary regulations;
  - 2.2.2 Members shall comply with any reasonable instruction issued by any officer, employee, representative or agent of the Students' Union. In the event of proceedings being brought for non-compliance with any such instruction, it shall be a defence that the instruction was unreasonable or unnecessary in the circumstances for the proper functioning and efficiency of the Students' Union and the safety and well-being of its members or other persons.
- 2.3 Use of Building, Grounds & Equipment:
- 2.3.1 Members shall not deface nor maliciously damage any premises or property at any other establishment away from the Students' Union whilst representing UUSU or participating in UUSU activities;
  - 2.3.2 Members shall not intentionally or recklessly interfere with or misuse any equipment provided in the interests of health, safety, and welfare;

- 2.3.3 Members shall not drop litter, eat, or drink in unauthorised areas or smoke in unauthorised areas;
  - 2.3.4 Members shall not enter any part of Students' Union occupied premises which they do not have sufficient cause to enter which is not designated as a communal or public area;
  - 2.3.5 Except for calls relating to official Students' Union business, or other calls authorised by a student officer or responsible member of staff, no member is permitted to use the Students' Union's telephone or digital assets for external calls;
  - 2.3.6 Members shall not make unauthorised use of Students' Union computers, photocopiers or other equipment and shall observe regulations governing the use of such equipment and services;
  - 2.3.7 Members shall not make unauthorised use of Students' Union vehicles and shall observe all regulations and policies relating to the driving or use of such vehicles.
- 2.4 Administration:
- 2.4.1 Members or their guests, shall not provide false information with the intent to deceive when seeking to register or apply for any service or activity;
  - 2.4.2 Officers of Societies or Sports Clubs shall observe all regulations and policies governing the operation of Clubs and Societies;
  - 2.4.3 Members shall not forge, alter, or misuse any Students' Union documents, records, or identification cards;
  - 2.4.4 Members shall not seek to utilise the services of the Societies and Sports Union Clubs without first having paid the appropriate membership fee;
  - 2.4.5 Members shall not seek to gain admission to events, access to services or products for which a charge is payable without paying due charges;
  - 2.4.6 Members shall pay any debts or charges due and payable (including fines) to the Students' Union at the required time;
  - 2.4.7 Members shall not deface nor maliciously damage any premises or property occupied, used, or owned by the Students' Union;
  - 2.4.8 Members shall observe the requirements of the Articles of Association;
  - 2.4.9 Members shall not interfere, or seek to interfere, with Students' Union elections with the intent to frustrate the election process, to gain unfair advantage for a candidate(s), or to disadvantage a candidate(s).
- 2.5 Other:
- 2.5.1 Members shall not commit any act that in the opinion of the Students' Union is either a breach of acceptable behaviour or which is detrimental to the best interests of the Students' Union;
  - 2.5.2 Members shall not behave, whether within the premises occupied by the Students' Union, the University or anywhere else, in a way likely to bring the name of the Students' Union into disrepute;
  - 2.5.3 No offensive weapon may be brought onto Students' Union occupied property even if properly licensed;
  - 2.5.4 Members shall observe regulations in force regarding the purchase of tickets for entertainments and other social activities;

- 2.5.5 Members shall observe regulations in force governing admission to premises for the purposes of visiting bars or entertainments events. Such regulations may permit the member to invite guests and in such circumstances the member should notify the Students' Union of said guest and make them aware of their responsibilities;
  - 2.5.6 Members shall not purchase alcohol with the intention that the alcohol is to be consumed by a person who is under 18 years of age;
  - 2.5.7 Members who are under 18 years of age shall not purchase or consume alcohol whilst on any Students' Union licensed premises;
  - 2.5.8 Members shall not possess or use illegal substances whilst in Students' Union occupied premises, representing the Students' Union, or participating in Students' Union activities;
  - 2.5.9 UUSU reserves the right to request members to consent to a search of their belongings and/or persons either on admission to premises/events or whilst on the premises or at events. Members will usually be asked to give such consent if their behaviour is or has been consistent with behaviour which could be associated with breaches of this Code of Conduct. In addition, a system of random searches may be operated at the entrance to Students' Union premises. The Students' Union is under no obligation to provide members with reasons as to why a request for a search was made. Members may choose to decline to a search of their belongings and/or persons, in such instances admission to the premises/ event will normally be denied or the member will be asked to leave the premises/ event for the remainder of the trading day. Members shall be required to observe and respect such requests;
  - 2.5.10 With the increase in digital platforms, members are expected to behave in a way which matches the values of the organisation and not take part in anything online that may harm themselves, others, or the Students' Union;
  - 2.5.11 Members should also be abreast of, and where appropriate comply with GDPR legislation when representing UUSU or its members in their role as an elected representative or student at Ulster University;
  - 2.5.12 Members who sign in guests to events shall be responsible for giving accurate details of their guest;
  - 2.5.13 Students are required to observe the relevant Appendices to the Bye Laws as having equal effect as the Bye Laws;
  - 2.5.14 Members shall not reasonably refuse to assist in procedures for operating the Code of Conduct and the associated Disciplinary Procedures as per Part B of this bye-law.
- 2.6 Criminal Offence:
- 2.6.1 Members shall not commit anything that could be deemed as a criminal offence whilst on Students' Union occupied premises, representing the Students' Union, or participating in Students' Union activities;
  - 2.6.2 Members who allegedly commit a criminal offence in their private lives may be in breach of the Code of Conduct and subject to the Disciplinary Procedure where it is felt that the alleged offence either brings the name of the Students' Union into disrepute, where the behaviour of the member has an adverse impact upon the

Students' Union or the ability of other members to benefit fully from their membership of the Students' Union, or where other members or employees of the Students' Union might feel threatened by their presence;

- 2.6.3 Alleged misconduct, which also appears to constitute a criminal offence, maybe referred to the police and/or the University;
- 2.6.4 The victim of alleged misconduct may refer the matter or require the matter to be referred to the police. Where an alleged or suspected offence has occurred, anyone may make a report to the police and no person may prevent another person from making such a report;
- 2.6.5 The Students' Union has the right to report any criminal matter to the police in any circumstance.

## PART B: MEMBER DISCIPLINARY PROCEDURE

### SECTION ONE: MEMBER STANDARDS

- 1.1 All members are expected to behave in a way that does not bring the Students' Union into disrepute. They must be mindful of their own health and safety, as well as that of other members of staff, members, and University colleagues. They must not act in any way that could be deemed disrespectful to others, bring the organisation into disrepute, be aggressive, intimidatory, violent, or fraudulent. These behaviours are not exhaustive but illustrate the type of behaviour that may give rise to complaints and lead to a referral to a disciplinary committee.
- 1.2 Some members may become office bearers. This is to say that they take on a role within the Students' Union that is elected or is a position in place to work on behalf of members. Examples, but not an exhaustive list include full time officers, academic reps, student councillors or committee members.
- 1.3 All office bearers will be furnished with a copy of their role description and appropriate training, and they will be asked to meet the expected minimum standards laid out within these. By their nature officer bearers are held to a higher standard due to their public profile internal and external to the Students' Union.
- 1.4 For the purposes of clarity, full time student officers must also adhere to the employment policies of the Students' Union – these are in parallel to this bye-law and the existing political processes described elsewhere within member related documents.

### SECTION TWO: GENERAL PROCESSES

- 2.1 As the senior staff member for HR matters, the Director of HR and Campus Operations will be the default to act as a 'Designated Staff Member' for supporting any disciplinary processes. This will be ratified for the following year at each ASM that UUSU hold.
- 2.2 If the Director of HR and Campus Operations is conflicted in any way, a new nominee will be confirmed to act as 'Designated Staff Member' for that specific process.



- 2.3 The Designated Staff Member will be impartial and will be in place to support the process and those involved within it, checking in regularly with all parties to update on progress.
- 2.4 The Disciplinary Procedure may be initiated by any member of the Students' Union, by staff of the Students' Union through the CEO, or through an external (third party) complaint. The alleged misconduct, together with detail of the student(s) concerned, shall be referred to the Designated Staff Member in the first instance.
- 2.5 Members or individuals who don't wish to formalise their concerns in writing are able to discuss with the Designated Staff Member the possibility of informal ways to resolve a matter.
- 2.6 Where a matter comes directly into an SU Office, a member of staff should take details and refer these to the Designated Staff Member.
- 2.7 If the complaint has arisen through a complainant, they will need to submit this in writing by downloading and sending the member conduct complaints form, which can be accessed via Appendix Three.
- 2.8 The Designated Staff Member will respond back to the complainant within 10 working days of receiving any correspondence. The Designated Staff Member will then discuss in detail with the complainant to ascertain the seriousness of the allegations and if appropriate and based on those discussions will appoint an individual to investigate the allegations.
- 2.9 If the complaint arises, not via a complaint, but through alleged or witnessed behaviour of a member the Designated Staff Member will appoint an individual to investigate the allegations.

## SECTION THREE: INVESTIGATIONS

- 3.1 Before convening any disciplinary hearing, the allegation or complaint against a member will be investigated thoroughly and the relevant facts will be collected.
- 3.2 In some instances, it may be appropriate to hold an investigation meeting and at this meeting the allegations will be put to the responder to the complaint, and they will be asked for their comments and explanation.
- 3.3 Where agreed in advance the Students' Union will consent to a member being accompanied at an investigatory hearing by another member of the organisation to act as a companion. Any companion will be permitted to address the meeting and to confer with the responder during the meeting, but they will not be permitted to answer questions on their behalf.
- 3.4 Only once the initial investigation is complete (which may or may not involve an investigation meeting with the responder), will the decision be made as to whether there are reasonable grounds to invoke the disciplinary procedure and convene a formal disciplinary hearing.

- 3.5 The individual appointed to investigate will usually be internal to UUSU. However, there may be occasions when it is not possible for a suitable manager to undertake the investigation process, within an appropriate timescale, or circumstances where we deem it appropriate or necessary to avail of the services of an external consultant. UUSU reserves the right to employ an external consultant on this basis.
- 3.6 Where there is an allegation of gross misconduct or criminality it may be necessary to suspend membership, attendance at UUSU activity and/or any role held in UUSU, whilst the matter is fully investigated.

## SECTION FOUR: DISCIPLINARY HEARING

- 4.1 If an investigation process finds sufficient grounds to uphold some or all the allegations this will result in a disciplinary process been triggered.
- 4.2 As part of any process members are entitled/have the right to:
  - 4.2.1 Know the full details of any charge of misconduct;
  - 4.2.2 Be accompanied to a hearing by another member;
  - 4.2.3 See all evidence to be presented throughout the hearing of evidence in line with GDPR regulations (meaning that some material may need to be redacted);
  - 4.2.4 Have the proceedings be concluded as speedily as possible consistent with fairness and the nature of the alleged misconduct;
  - 4.2.5 Be provided with a right of appeal.
- 4.3 In all disciplinary proceedings a member shall be presumed to be innocent of the charge until the contrary is proved on the balance of the evidence that is available.
- 4.4 The Designated Staff Member will work with a nominated member of the Board of Trustees to select a panel of three to form the most appropriate Disciplinary Committee based on the individual circumstances.
- 4.5 This will include the nominated member of the Board as the Chairperson of the Disciplinary Committee and two others that will be drawn from any of the Board of Trustees, other members (including Officers), staff or relevant external partners (where appropriate). In normal circumstances there will always be a Student Officer or Elected Representative from the membership as part of a panel unless a clear conflict exists and makes this inappropriate.
- 4.6 If any member feels there is a conflict of interest or wishes to request a different member of any established Committee, this should be done upon receipt of the Committee make-up and in writing to the Designated Staff Member.
- 4.7 A member has the right to be accompanied by another member of the Students' Union to act as a companion. A companion will be permitted to address the meeting and to confer with the responder during the meeting but will not be permitted to answer questions on the responder's behalf.
- 4.8 If a member wishes to have a companion attend the hearing, it is they responsibility to make the necessary arrangements. Whilst every reasonable effort will be made to arrange the hearing for a date, time and venue which is convenient to all parties, it will nevertheless be the responder's responsibility to make them self available.



- 4.9 A responder is required to take all reasonable steps to attend the hearing at the location and date specified. If a responder (or their chosen companion) is genuinely unable to attend the hearing, contact should be made with the Designated Staff Member as soon as possible so that an alternative date and time can be scheduled.
- 4.10 If a responder is then genuinely unable to attend the re-arranged hearing through circumstances completely beyond their control and which are currently unforeseeable, the Students' Union will re-arrange the hearing one final time. However, if there is a failure to attend a disciplinary without good cause, the hearing may be held in the absence of the responder and a decision taken based on the evidence available.

## SECTION FIVE: DISCIPLINARY SANCTIONS

- 5.1 If it is decided following the disciplinary hearing that disciplinary action is warranted on the grounds of unacceptable conduct or a complaint made, upon conclusion of the hearing the responder will be informed of the nature of the disciplinary sanction.
- 5.2 It should also be noted that a disciplinary meeting may dismiss the allegations.
- 5.3 When a disciplinary meeting finds action is warranted, the typical options available as part of the disciplinary procedure are as follows:
- 5.3.1 A counselling meeting with a senior member of staff in UUSU to review the outcome and setting out any improvements or better standards that are required in the future. This could also consider ways in which to make amends such as an apology to the aggrieved individual or financial retribution in the case of wilful damage;
  - 5.3.2 A first written warning;
  - 5.3.3 A final written warning;
  - 5.3.4 Removal from position and/or exclusion from UUSU events and activity.
- 5.4. Dependent upon the severity of the offence the Students' Union may deem it reasonable and appropriate to omit the early stages of the disciplinary sanctions. For example, in certain circumstances therefore, the Students' Union may issue a first written warning, a final written warning or even remove membership for a first offence.
- 5.5. The Students' Union will keep a record of any disciplinary sanctions for the period that membership is held.
- 5.6. Wherever possible investigations and subsequent disciplinary decisions will be conducted as quickly as possible and will ordinarily be completed within 90 calendar days. UUSU is committed to doing everything it can to complete sooner than this wherever possible.

## SECTION SIX: RIGHT OF APPEAL

- 6.1 Any member may appeal against the decision of the Disciplinary Committee by writing to the Designated Staff Member setting out the grounds for appeal and including any new evidence to support such.

- 6.2. Any appeal must be lodged within 10 calendar days of the receipt of the decision of the original Disciplinary Committee.
- 6.3. Once received the Designated Staff Member will convene an Appeals Panel and the responder will be invited to attend an appeal hearing, the purpose of which will be to give an opportunity to explain why it is considered that the disciplinary action is unfair.
- 6.4. Any Appeals Panel will include an Appeals Designate who is a pre-assigned but different member of the Board (to whom sat on the Disciplinary Committee) as the Chairperson of the Appeals Panel and two others that will be drawn from any of the Board of Trustees, other members (including Officers), staff or relevant external partners (where appropriate). In normal circumstances there will always be a different Student Officer or Elected Representative (to that who formed part of the first panel) from the membership as part of a panel unless a clear conflict exists and makes this inappropriate.
- 6.5. The Appeals Designate will be the permanent member of Board who Chairs appeals panel and will have received specific training to support them in this regard.
- 6.6. If any member feels there is a conflict of interest or wishes to request a different member of any established Appeals Panel, this should be done upon receipt of the Panel make-up and in writing to the Designated Staff Member.
- 6.7. A member has the right to be accompanied by another member of the Students' Union to act as a companion. A companion will be permitted to address the meeting and to confer with the responder during the meeting but will not be permitted to answer questions on the responder's behalf.
- 6.8. If a member wishes to have a companion attend the appeals hearing, it is their responsibility to make the necessary arrangements. Whilst every reasonable effort will be made to arrange the hearing for a date, time and venue which is convenient to all parties, it will nevertheless be the responder's responsibility to make them self available.
- 6.9. A responder is required to take all reasonable steps to attend the hearing at the location and date specified. If a responder (or their chosen companion) is genuinely unable to attend the appeal hearing, contact should be made with the Designated Staff Member as soon as possible so that an alternative date and time can be scheduled.
- 6.10. If a responder is then genuinely unable to attend the re-arranged hearing through circumstances completely beyond their control and which are currently unforeseeable, the Students' Union will re-arrange the hearing one final time. However, if there is a failure to attend an appeal hearing without good cause, the hearing may be held in the absence of the responder and a decision taken based on the evidence available.
- 6.11. The Appeals Panel will investigate the reason for disciplinary action being taken and consider whether it is fair and appropriate. The options open in response to any appeal are:
  - 6.11.1. To uphold the disciplinary action taken and thereby dismiss an appeal.
  - 6.11.2. To reduce the level of disciplinary sanction imposed, for example to commute a final written warning to a first written warning.
  - 6.11.3. To deem the original sanction was not sufficient and increase this with reasons outlined as to why this escalation was appropriate.
  - 6.11.4. To consider that no offence has been committed and to reverse the disciplinary sanction. Any record of a disciplinary warning will then be revoked.

- 6.12. Wherever possibly the appeal and subsequent decisions will be conducted as quickly as possible and will ordinarily be completed within 90 calendar days from when we receive your notification of appeal. UUSU is committed to doing everything it can to complete sooner than this wherever possible.
- 6.13. The decision of the Appeals Panel is final.