

Bye-Law 3: Code of Conduct and Disciplinary Procedure for Members

Last updated December 2017 by Student Council and the Trustees

1. Code of Conduct for members of LTSU:
2. All members will, particularly when acting in any Union capacity (including but not limited to as an officer, councillor, student representative, society, club or student group member):
 - 2.1. Conduct themselves in a reasonable and responsible manner at all times but particularly on Leeds Trinity SU premises, whilst using Leeds Trinity SU facilities or participating in any SU activity/ event including club and society events wherever they are held or whilst representing or acting on behalf of Leeds Trinity SU wherever this may be.
 - 2.2. Treat others with respect and dignity; treat them fairly and without unfair or illegal discrimination
 - 2.3. Not offend others with foul language, anti-social behaviour or discriminatory behaviour
 - 2.3. Treat the environment with respect
 - 2.4. Not interfere with other people's enjoyment of Union or University facilities or activities
 - 2.5. Not engage in activity or behaviour likely to bring the University or Union into disrepute
 - 2.6. Comply with the reasonable requests of staff and officers of the Union and the University
 - 2.7. Respect the confidentiality of others
 - 2.8. Adhere to the Unions policies on:
 - 2.8.1. Health and Safety
 - 2.8.2. Financial regulations and procedures
 - 2.8.3. Equal Opportunities
 - 2.8.4. Computer Use and Data Protection policies
 - 2.8.5. Governing documents and bye laws
 - 2.8.6. Relevant legislation
 - 2.9. Use Leeds Trinity resources responsibly and honestly

2.10. Undergo any training required as a result of any roles (voluntary or paid) undertaken

2.11. Not act dishonestly or with intent to commit fraud

3. In addition to the above, members who hold elected office will:

3.1. Actively support the objects and mission of the Union

3.2. Respect the confidentiality of any meetings where confidentiality is required whilst never using confidentiality as an excuse not to disclose matters that should be transparent and open

3.3. Not knowingly misrepresent the views of the Union

3.4. Carry out the duties and responsibilities of their elected role in good faith

3.5. Seek to be accountable for their role and submit to whatever scrutiny is appropriate and reasonable

3.6. Make every reasonable effort to be punctual and reliable

3.7. Uphold the democratic principles of the Union

3.8. Comply with any relevant conflict of interest policies

3.9. Participate in induction and training in order to carry out their responsibilities effectively

3.10. Not behave recklessly in the discharge of their duties

4. In the case of a breach of discipline alleged against a member of LTSU (“the student”) the following Disciplinary Procedure will take place:

4.1. Disciplinary action may be taken in respect of any breach of discipline alleged to have occurred:

4.1.1. On LTSU premises

4.1.2. Whilst the student is using LTSU facilities;

4.1.3. Whilst the student is representing LTSU at any event in any way, held anywhere

4.1.4. Whilst the student is taking part in the activities of an LTSU club or society

4.1.5. Whilst the student is taking part in an activity as a part of an LTSU club or society

4.1.6. When the student is using premises on behalf of LTSU

4.1.7. When publishing written communications which could be associated with LTSU.

4.1.8. This is not an exhaustive list of situations covered by this Bye-Law

4.2. In this Bye-Law, a breach of discipline refers to:

4.2.1. threatening or harassing any other person, physically or verbally

4.2.2. assaulting another person

4.2.3. damaging property, deliberately or negligently;

4.2.4. acting in contravention of the Alcohol Harm Reduction Policy and/or Zero Tolerance to Sexual Harassment Policy

4.2.5. acting in breach of the Code of Conduct for members of LTSU

4.2.6. acting without due regard for the safety of others

4.2.7. acting with dishonesty or intent to defraud

4.2.8. behaving in any manner likely to bring LTSU into disrepute

4.3 If the union is made aware of any disciplinary process or formal allegation underway in regards to sexual harassment or assault, the said individual will be suspended from all union social activity and/or union workshops. This also includes any union lead/run disciplinary procedure relating to sexual harassment and assault.

The definition of sexual harassment for the purposes of this policy is as follows, and which is defined in the Zero Tolerance to sexual harassment and assault written by Leeds Trinity Students' Union & Leeds Trinity University:

The defining characteristics of sexual harassment includes persistent behaviour, pressure, intimidation and/or causing alarm or distress to another person. Examples of such unacceptable behaviour include:

- Unwanted sexual comments (including comments about your body or private life);
- Unwelcome sexual invitations
- Unwelcome innuendoes, and offensive gestures;
- Wolf whistling, catcalling or offensive sexual noises;
- Groping, pinching or smacking of your body;
- Having your clothes lifted or pulled at without agreeing;
- Someone exposing their genitals to you without consent.

This behaviour could be perpetrated by or against anyone of any gender.

5. Constitution of Disciplinary Panel

5.1. The Disciplinary Panel shall consist of three members from the following:

- 5.1.1. LTSU Vice President,
- 5.1.2. LTSU elected student representatives
- 5.1.3. Student Trustees if sufficient LTSU elected student representatives cannot be found

5.2. The LTSU Vice President will Chair the Disciplinary Panel

- 5.2.1. If the LTSU Vice President is unable to Chair the Disciplinary Panel, a Chair will be decided between the three members of the Disciplinary Panel, where possible this Chair should be a member of Student Executive Committee.

5.3. None of these individuals should have been previously involved with the matter for the disciplinary committee.

5.4. A non-investigating LTSU staff member may be present at the Disciplinary Panel to record and administrate.

5.5. Minutes should always be taken at Disciplinary Panels, in order for the minutes to be consulted in the case of an Appeals Panel.

6. Constitution of Appeals Panel

6.1. The Appeals Panel shall consist of three members from the following:

- 6.1.1. the LTSU President,
- 6.1.2. LTSU elected student representatives
- 6.1.3. Student Trustees if sufficient LTSU elected student representatives cannot be found

6.2. The LTSU President will Chair the Appeals Panel

- 6.2.1. If the LTSU President is unable to Chair the Appeals Panel, a Chair will be decided between the three members of the Appeals Panel, where possible this Chair should be a member of Student Executive Committee.

6.3. None of these individuals should have been previously involved with the matter for the Appeals Panel.

6.4. A non-investigating LTSU staff member may be present at the Appeals Panel to record and administrate.

7. Sanctions Guidance

- 7.1. If the Chair of the Disciplinary Panel has reasonable cause to believe that a student has committed a breach of discipline, then where appropriate, or where a risk is perceived, they may place that student under an interim sanction until a Disciplinary Panel has reached a decision.
- 7.2. The following interim sanctions may be considered by the Chair of the Disciplinary Panel:
 - 7.2.1. the student may not be permitted to enter onto LTSU premises,
 - 7.2.2. The student may not be permitted to make use of some or all LTSU facilities, except with the prior consent of the Vice President or President.
 - 7.2.3. The student may not be permitted to represent LTSU at any event.
- 7.3. Should the Disciplinary Panel find that the student, club or society has committed a breach of the discipline the following sanctions are available to the Disciplinary Panel:
 - 7.3.1. a formal warning
 - 7.3.2. reimbursement of costs incurred for the breach of discipline
 - 7.3.3. removal of an individual, team, club from BUCS, or from any other competitions
 - 7.3.4. ban from LTSU premises
 - 7.3.5. ban from utilizing some or all LTSU facilities
 - 7.3.6. revocation of Students' Union membership
 - 7.3.7. disaffiliation of a club, society or individual and withdrawal of all support from LTSU

8. Disciplinary Procedure

- 8.1. Where a matter for the attention of the Disciplinary Panel has been reported to LTSU, the student in question shall be made aware in writing of LTSU's knowledge of the events. This written notice should set out the particulars of the alleged breach. From this point an interim sanction may be applied.
- 8.2. Following written notice, the Chair of the Disciplinary Panel shall convene an Initial Meeting with the student in question as soon as possible, within a maximum of five University working days of an allegation of a breach of discipline being made, unless

there is a reasonable cause to prolong the Initial Meeting taking place, to be determined at the Chair's discretion.

- 8.3. At this meeting the student should be given an opportunity to explain their actions.
- 8.4. The student may be accompanied by a representative who shall not be a member of the Disciplinary Panel.
- 8.5. A non-investigating LTSU staff member may be present at the Initial Meeting to record and administrate.
- 8.6. Following the Initial Meeting between the Chair of the Disciplinary Panel and the student in question, the Chair of the Disciplinary Panel will determine whether to proceed with this matter formally or informally.
 - 8.6.1. The decision to proceed with the matter formally or informally will be notified to the student in writing by the Chair of the Disciplinary Panel within two University working days.
- 8.7. If the decision is taken to proceed with the alleged breach of discipline formally the Disciplinary Panel will appoint a member of LTSU staff to investigate.
- 8.8. There shall be a minimum investigating period of five University working days, with the investigating period to be concluded as soon as is reasonably possible.
 - 8.8.1. Once the date has been set for a Disciplinary Panel the student must be notified of the date and location of the Disciplinary Panel, in writing, with at least two University working days' notice.
- 8.9. If during the course of LTSU's investigation should the incident be deemed in breach of the law, the matter will be referred to the Police, which may lead to a criminal prosecution. In this situation the matter will be dealt with by the Police in the first instance. Once this investigation is complete the matter will then continue to progress via the LTSU Bye-Law.
- 8.10. At the Disciplinary Panel evidence shall be presented against the student, and the student will also be given the opportunity to speak and present their explanation.
- 8.11. The student may be joined by a representative who can also speak on their behalf.
- 8.12. The Disciplinary Panel shall make a decision as to whether the student in question has committed the alleged breach of discipline, and if so, what sanction should be imposed, by majority vote.

8.13. The decision of the Disciplinary Panel shall be notified to the student in writing within five University working days of the Disciplinary Panel taking place.

9. Appeals

9.1. The student may appeal the finding that they committed the breach, the sanction imposed and the process of the Disciplinary Panel by notifying the Chair of the Disciplinary Panel in writing of their appeal within ten University working days of the notification to the student of the result of the Disciplinary Panel.

9.2. If an appeal is made in writing to the Chair of the Disciplinary Panel, the Chair of the Disciplinary Panel will convene an Appeals Panel.

9.3. An Appeals Panel must take place within ten university working days of the appeal being submitted, unless the Chair of the Appeals Panel determines there is a reasonable cause to delay the Appeals Panel.

9.4. The Chair of the Disciplinary Panel and the non-investigating LTSU staff member who is responsible for recording and administrating the Disciplinary and Appeals Panels will pass all relevant information on to the Chair of the Appeals Panel.

9.5. The student, and/or their representative, will be invited to attend the Appeals Panel and explain their reasons for appeal.

9.6. The Appeals Committee shall decide:

9.6.1. where the appeal is against a finding that the student has committed a breach of discipline, whether to uphold or to dismiss the appeal;

9.6.2. Where the appeal is against a sanction imposed, whether the sanction should be upheld or should be removed or altered.

9.6.3. Where the appeal is against the process, if the Disciplinary Panel has not followed the process, to restart the disciplinary process.

9.7. The decision of the Appeals Committee shall be made, and the student notified of the decision, within five university working days of the Appeals Panel taking place.

9.8. The decision of the Appeals Committee will be final.

10. Confidentiality

10.1. All material relating to disciplinary and appeals proceedings, including the details of the alleged breach shall remain confidential and shall be recorded properly by LTSU. Access to information shall be granted by a member of LTSU staff who is not a

member of the Disciplinary or Appeals Committees, this can include the relevant person who is in attendance of the Committees in order to record minutes. Access should only be granted on a 'need to know' basis.