

## MANCHESTER METROPOLITAN STUDENTS' UNION

### CODE OF CONDUCT FOR ALL MEMBERS

The following code of conduct has been ratified by the Manchester Metropolitan University Students' Union Board of Trustees and sets out the minimum standards of conduct and behaviour expected by all members.

#### **A. Introduction**

1. The Students' Union aims to provide all of its members with the support and guidance they need to achieve success. The Membership Code of Conduct sets out the standard of conduct the Union expects of its members and that it believes is consistent with helping the overall membership get the most from their student experience.
2. The Membership Code of Conduct comprises:
  - 2.1 The Membership Code of Conduct (Part B);
  - 2.2 The procedure the Union uses for dealing with alleged breaches of the Membership Code of Conduct (Part C);
3. This Code does not apply to the conduct of staff towards members of the Students' Union.
4. For purposes of the Code a 'member' subject to this code shall include a member of any club, group and/or society operated by, or operating within, the Students' Union and which would otherwise be held accountable through their committee members, either individually or collectively to the University.
5. The Students' Union and the Board of Trustees have an ongoing responsibility to their membership as a whole and therefore have the right to suspend or terminate membership if in the event, a member's conduct is found to be in breach of this code, or any part thereof.

#### **B Membership Code of Conduct**

6. The Students' Union shall expect that as a minimum standard of behaviour, each member shall:

- 6.1 Conduct themselves in a reasonable and responsible manner at all times and whilst being a member of the Union;
- 6.2 Conduct themselves in a manner of mutual respect and understanding for all members of the University community;
- 6.3 Not engage in any activity or behaviour likely to bring the Union or the University into disrepute;
- 6.4 Conduct themselves in a manner that shall not offend others and shall not use foul and abusive language, either orally, in writing or by expression or by engaging in any form of discriminatory or anti-social behaviour;
- 6.5 Treat all Union and University property with respect and shall not interfere with other peoples' the enjoyment of Union facilities or events;
- 6.6 Comply with the reasonable requests of Union and University staff;
- 6.7 Adhere to the Union's and University's Health & Safety policies and to any specific requirements that apply to areas where they work. A copy of the Health & Safety manual is available for consideration at the Union office. It is the members responsibility to be familiar with the policy at any event and at all times;
- 6.8 To report, with 14 days, any criminal conviction or, for any member that is responsible or may be responsible for driving any vehicle for and on the University or Union behalf, any period of disqualification (this shall not include road traffic offences).

### **C. Procedure for dealing with alleged breaches of the Membership Code of Conduct**

#### *General*

7. An allegation that a member has breached the Membership Code of Conduct shall be dealt with in accordance with the following procedure. Separate guidelines are available for members of staff who are involved in managing and operating this procedure.

#### *Standard of proof*

8. The standard of proof to be used in all cases shall be on the balance of probabilities. This means that a disciplinary panel, based upon evidence presented before it, must be more than 51% satisfied that the misconduct of the member occurred. The standard of proof shall not be varied according to the perceived seriousness of an allegation.

### *Allegations*

9. If and in the event an allegation of misconduct is reported to the Union or any officer thereof, the matter will be reported to the Chief Executive Officer (CEO).

Any and all complaints or reports of misconduct shall be received in strictest confidence.

10. Within 28 calendar days of notification, the CEO will appoint an Investigating Officer to investigate the complaint. In all cases of misconduct and serious misconduct the CEO shall appoint a member of staff as Clerk to the investigation at the same time as appointing the Investigating Officer. Their role will be to oversee the administrative aspects of the process and advise the member and the panel on matters of regulation and procedure. The persons appointed to the respective positions of Clerk and Investigating Officer must be separate.
11. To ensure transparency, trust and fairness, the Union discourages anonymous allegations except when using the University 'whistleblowing' process or if there is a reasonable and obvious threat to the safety of the complainant.
12. Once an allegation has been received by the Union, the conduct of the investigation shall be, to the best of the Students' Union endeavours and to the extent possible in the conduct of the investigation, confidential.
13. Any and all investigations shall be conducted expeditiously. All members are expected, in the interests of the Students' Union and University, to cooperate with and in the course of any investigation. There is no obligation to do so and the the Students' Union will not seek to penalise any party or person who does not provide assistance.

### *Informal meeting in cases where misconduct is considered to be minor in nature*

14. If the Investigating Officer considers that there has been a minor breach of the Code of Conduct, he/she or their nominee may arrange an informal meeting with the member to discuss the matter. The outcome of the meeting will be recorded in a letter from the Investigating Officer to the member but does not constitute a warning. The letter shall be placed on the member's file and may only be referred to if there are further concerns subsequently about the member's conduct. The letter shall normally include guidance on how to avoid investigation in the future and the possible consequences of any further breach of the Membership Code of Conduct. The letter will remain on the member's personal file for 6 months.

15. In all cases the Investigating Officer should consider whether mediation could provide an acceptable resolution to the dispute for students, the Students' Union and any other party involved. If mediation is considered appropriate and acceptable to all parties the process must be arranged as soon as practicable with our solicitors.

*Procedure in cases of misconduct and serious misconduct*

16. For instances of misconduct that are considered too serious to be resolved in accordance with paragraph 14, the Clerk to the investigation shall arrange for a level 1 disciplinary panel to be established within 14 days of the completion of the investigation. This panel shall consist of two eligible members and one trustee who shall be Chair the panel. The panel will consider the case based upon written submissions only. The Clerk to the investigation shall provide the member with their written submissions no less than 10 days before the meeting of the panel and the member shall be entitled to submit any written representations to the panel no fewer than three days before the meeting of the panel. The clerk to the investigation shall provide panel members with their written submissions no more than 3 days before the meeting of the panel.
17. Should the member fail to produce any written submission in advance of the panel meeting, s/he shall not be permitted to rely upon any submission, without the consent of the panel. In relation to a level a disciplinary hearing, no adjournment shall be granted unless, in the determination of the panel, there are exceptional circumstances.
18. If an in the event, the panel conclude that there has been a minor breach of the code, they will inform the member of their decision within 5 working days of the hearing.
19. The member shall be entitled to appeal against the decision of the panel on condition that representations are submitted in writing and are served upon the CEO or their office, within 12 days of the hearing. Any appeal must be in writing and set out the grounds for the appeal. The appeal shall be directed to Level 2.

*Appeals – Level 2 disciplinary panel*

20. The level 2 disciplinary panel shall comprise three trustees, one of whom shall be an external trustee. A level 2 disciplinary panel hearing shall be convened within 28 days of receiving the appeal.

21. An appeal to a Level 2 disciplinary panel must be based on at least one of the following criteria:
  - 21.1 That new information has come to light, which calls into question the validity of the conclusion reached by the disciplinary panel;
  - 21.2 That there was a material irregularity in the conduct of the process;
  - 21.3 That the sanction imposed by the disciplinary panel was disproportionate to the offence committed.
  
22. The decisions open to the Level 2 panel reviewing the case are as follows:
  - 22.1 To uphold the finding of the disciplinary panel, including the sanction(s) imposed;
  - 22.2 To uphold the finding of the disciplinary panel, but to reduce or increase the sanction(s) imposed;
  - 22.3 To dismiss the case against the member.
  
23. Members shall have a final right of appeal to the University.

#### *Conduct of disciplinary panels*

24. In all cases referred for investigation, the Clerk to the Investigation shall write to the member(s) concerned setting out:
  - 24.1 details of the allegation;
  - 24.2 the time, date and place of the disciplinary panel meeting/hearing;
  - 24.3 their right to submit a statement of mitigation, defence or admission and to submit documentary evidence
  - 24.4 their right to be accompanied or represented at the disciplinary panel hearing by a friend or a representative (level 2 only);
  - 24.5 their right to call witnesses, to question these and other witnesses (level 2 only);
  - 24.6 a copy of any documentation to that will be referred to or used during the disciplinary panel hearing;
  - 24.7 in the case of serious misconduct, a notice that potential outcomes of the disciplinary panel could include suspension or expulsion from the University.
  
25. For level 1 and 2 disciplinary panel hearings, the letter shall be sent no later than 10 working days before the panel meeting.

26. The member may make a statement of mitigation, admission or defence. If the member does not make a statement the case will proceed with the information at hand. In all cases where the member does not admit the allegation, he/she shall be given an opportunity to respond to the allegation.
27. If at any stage of the process the Panel feel that additional matters of conduct come to light that have not formed part of the investigation, the Panel may suspend the process and instruct the Investigating Officer to re-commence the investigation including obtaining statements from witnesses and evidence. A new date for the reconvened Panel will be arranged by the Clerk to the investigation.
28. At the conclusion of the level 2 disciplinary panel hearing, all parties shall withdraw and the panel shall reach a decision. Their decision shall be notified to the member orally, unless the Panel require further time to decide on the sanction, and confirmed in writing within 10 working days of the hearing.
29. A copy of the letter to the member shall be sent to the Union's Chief Executive Officer and another copy shall be placed on the member's personal file. The personal file copy shall be held for the duration of the member's registration with the University and may be referred to in the event that a further disciplinary allegation is made against the member. It should be disposed of after six years since the last disciplinary action taken against the member, even if the member is still registered at the University, and it should not normally be referred to in references unless required by law.

*Sanctions available to disciplinary panels*

30. Where an allegation against a member is upheld, the panel may impose a sanction they deem appropriate including:
  - 30.1 suspension of Union membership for a specified period of time, up to and including the remainder of the academic year or equivalent period;
  - 30.2 qualified membership, defined restrictions to the membership rights of the individual or club/group/society;
  - 30.3 withdrawal of Union membership;
  - 30.4 suspension of a club, group or society;
  - 30.5 a fine and/or ban on specific activities to the individual or club/group/society.

31. The final appeal must be made to the University Secretary within 28 days of receipt of the Level 2 appeal notification letter. The decision of the University review shall be communicated to the member in writing. A copy of the letter shall be sent to the Chief Executive Officer who shall inform relevant members of staff.
32. If, after the conclusion of any review, the member fails to comply with sanctions that have been imposed on him/her as a result of the operation of this procedure, the Trustee Board shall have the power to suspend or expel the student from the Union until such time as he/she complies.

#### **D. Misconduct**

33. The Students' Union shall consider the following conduct as examples of misconduct:
  - 33.1 The following will constitute misconduct that is likely to lead to disciplinary action, although the list is not exhaustive:
    - 33.2 Unacceptable behaviour on or off University property arising from the consumption of alcohol and/or drugs;
    - 33.3 Failure to respect the rights of others to freedom of speech within the law, as required by s.43 of the Education Act (No.2) 1986. Specific reference must be made to the application Union's 'no platform' policy, which is available from the Students' Union offices on Oxford Road, Manchester;
    - 33.4 Disorderly, threatening, bullying, or offensive behaviour or language whilst on Union and/or University premises, engaged in Union or University activity whether on or off the University's premises, or using University computers or e-mail accounts;
    - 33.5 Any action that is likely to cause injury or impairment of safety on Union or University premises;
    - 33.6 Making defamatory or maliciously false statements about any member of the University community;
    - 33.7 Any interference with fire safety equipment on Union premises;
    - 33.8 Damage to, defacement of, or misappropriation of, Union or University property or the property of other members of the University, whether caused intentionally or recklessly;
    - 33.9 Misuse or unauthorised use of Union or University premises and property, including computer misuse;
    - 33.10 Breaches of any other codes, policies or regulations adopted by the Students' Union.

34. The following are examples of conduct which shall be considered by the Students' Union to constitute an act of serious misconduct: -
- 34.1 Theft, fraud, deceit, deception or dishonesty in relation to the Union or its staff and members, or while on Union related activities;
  - 34.2 Discrimination, harassment, victimisation of others on the grounds of their age, disability, gender, gender re-assignment, pregnancy, maternity, race, religion, belief, or sexual orientation;
  - 34.3 The use, possession or supply of illegal drugs on Union premises or while on Union related activity;
  - 34.4 Committing a criminal offence of relevance to the Union or to the member's standing as a member of the University community;
  - 34.5 Physical or sexual violence towards others, or the threat of physical or sexual violence;
  - 34.6 Persistent or repeated acts of misconduct over an extended period.
  - 34.7 Failure to report a criminal conviction or driving disqualification to the Union
35. It is the responsibility of the Member to report any conviction to the Union. This should be done in writing, detailing your name, contact address and phone number the offence, date of conviction and sentence imposed. All correspondence should be sent by mail or delivered to the Students' Union offices at Oxford Road, Manchester. You are advised to obtain a receipt from the offices as evidence of delivery.