



Members Code of Conduct

1. There may be times that individuals within the Union do things which cause upset to others in the Union. This process outlines fair procedures for issues to be raised and everyone to be treated fairly.

2. **Scope:**
 - a. This procedure sets out the steps to be followed where issues concerning the conduct of an individual member are raised.

 - b. This procedure applies to all matters of individual misconduct relating to UWSU members, except where other formal procedures have been approved (e.g. student groups & volunteers code of conduct, and election rules and regulations).

 - c. For the avoidance of doubt this policy does not cover matters of misconduct by employees of UWSU. Individuals wishing to make a complaint about the contact of UWSU employees should refer to the complaints policy.

 - d. For the avoidance of doubt this members code of conduct refers to matter of misconduct when members are; on UWSU premises, using UWSU facilities or at an event provided by UWSU, when representing or acting on behalf of

UWSU, and when accidents or incidents take place between two or more representatives of UWSU regardless of location or medium.

- e. UWSU believes that rules and procedures are necessary for promoting orderly relations as well as fairness and consistency in the treatment of individuals. It is important that all members understand the standards of conduct and performance that are expected of them and full details of this procedure will be given to members as appropriate.
- f. For the purpose of this procedure, members are defined in accordance with the memorandum and articles of UWSU and include each and every student fully enrolled at the University of Westminster who has not opted out by notifying UWSU of their wish not to be a member of UWSU
- g. UWSU reserves the right to implement this procedure at any stage as set out below taking into account the seriousness of the alleged misconduct of an individual member.
- h. Where time limits are referred to in the course of this procedure they may be varied by agreement between the member and UWSU.

3. Expected Behaviours:

- a. All members will:
 - i. Conduct themselves in a reasonable and responsible manner at all times.
 - ii. Treat others with respect and dignity and without unfair or illegal discrimination.

- iii. Not offend others with foul language, anti-social or discriminatory behaviour.
 - iv. Treat the environment with respect.
 - v. Not interfere with other people's enjoyment of UWSU facilities or activities.
 - vi. Not engage in activity or behaviour likely to bring UWSU into disrepute.
 - vii. Comply with the reasonable requests of staff and officers of UWSU.
 - viii. Respect the confidentiality of others.
 - ix. Adhere to the UWSU policies.
 - x. Use UWSU resources responsibly and honestly.
 - xi. Undergo any training required as a result of any roles undertaken.
 - xii. Not act dishonestly or with intent to commit fraud.
- b. In addition to the above, members who hold elected office will:
- i. Actively support the mission, vision and values of UWSU.
 - ii. Respect the confidentiality of any meetings where confidentiality is required.
 - iii. Not knowingly misrepresent the views of UWSU.
 - iv. Carry out the duties and responsibilities of their elected role in good faith.
 - v. Seek to be accountable for their role.
 - vi. Make every reasonable effort to be punctual and reliable.
 - vii. Uphold the democratic principles and policies of UWSU.
 - viii. Comply with any relevant conflict of interest policies.
 - ix. Participate in induction and training to carry out their responsibilities.
 - x. Not behave recklessly in the discharge of their duties.

4. Roles and Responsibilities:

- a. The Trustee Board shall annually appoint an external trustee to supervise the operation of this procedure, the 'Supervising Trustee'.

- b. The Supervising Trustee (or their nominated representative) will:
 - i. Maintain an overview of the procedure and produce an annual report for the Trustee Board on the operation of this procedure.
 - ii. Appoint an appropriate investigating officer and deciding officer in accordance with the procedure.
 - iii. Make decisions on the suspension of membership pending a disciplinary investigation in accordance with this procedure.

- c. The Head of Student Voice and Engagement (or their nominated representative) is responsible for advising members and elected officers on the operation of this procedure.

- d. The Investigating Officer will:
 - i. Promptly investigate all potential breaches of discipline in accordance with this procedure and prepare a factual report for the Supervising Trustee;
 - ii. Attend, as required, any disciplinary hearings in order to answer questions on the investigation process and the content of the investigation report.

- e. The Deciding Officer will hear cases of alleged misconduct, convene and chair the disciplinary hearing, and reach a decision on appropriate disciplinary sanctions in accordance with this procedure.

- f. The Advisor will provide advice to the Deciding Officer on the operation of the procedure and the reasonableness and consistency of disciplinary outcomes.

5. Breaches of discipline:

- a. Disciplinary action may be taken in respect of any breach of discipline.
- b. UWSU has set out within this procedure the types of misconduct and gross misconduct it considers to constitute breaches of discipline. These lists are illustrative and not exhaustive.
- c. Gross misconduct is misconduct of such a serious nature that UWSU will be entitled to terminate summarily the member's membership entitlements. Examples of gross misconduct include, but are not limited to:
 - i. Theft, fraud and falsification of records, whether or not for personal gain;
 - ii. Physical violence or threats;
 - iii. Deliberate or serious damage to, or misuse of, UWSU or personal property;
 - iv. Misuse of UWSU's name;
 - v. Bringing UWSU into serious disrepute;
 - vi. Acceptance of bribes or other corrupt practices;
 - vii. Serious incapability whilst representing UWSU brought about through alcohol or the use of recreational drugs;
 - viii. Possession, custody or control of illegal drugs on the UWSU premises;

- ix. Serious breach of UWSU rules, including, but not restricted to, health and safety rules and rules on computer use;
 - x. Deliberate unauthorised disclosure of confidential information
 - xi. Gross negligence;
 - xii. Acts of incitement or deliberate/malicious acts of harassment or discrimination of an individual or groups of individuals for example, on the grounds of sex, transgender status, marital or civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership;
 - xiii. Serious bullying or intimidation of an individual or groups of individuals, including threatening behaviour;
 - xiv. Sexual misconduct;
 - xv. Serious infringement of equal opportunities, safe space, safeguarding or staff protocol policies;
 - xvi. Conviction of a criminal offence that impacts on the member's ability to remain a UWSU member and/or office holder.
- d. The great majority of breaches of discipline will not be sufficiently serious to warrant summary termination of all membership entitlements. Certain types of offences will however warrant the issue of a warning or some other disciplinary sanction as set out in this procedure, and examples of such breaches are listed below. In addition, if such breaches are committed and if a final warning (for this or another type of misconduct) is still in force, then unless there are acceptable mitigating circumstances, the member may face summary termination of all membership entitlements.
- e. Examples of the types of misconduct that may warrant some form of disciplinary action include (but are not limited to):

- i. Harassment or discrimination of an individual or groups of individuals on the grounds of sex, transgender status, marital or civil partnership status, pregnancy, colour, race, nationality, national origins, ethnic origins, religion or belief, religious practices, sexual orientation, disability, age, previous criminal convictions or trade union membership;
- ii. Bullying or intimidating behaviour;
- iii. Breach of health and safety rules;
- iv. Failure to follow UWSU rules;
- v. Misuse of computer facilities including misuse of email and Internet access;
- vi. Failure to take proper care of the UWSU property;
- vii. Rudeness or offensive behaviour including the use of abusive language to individuals or groups of individuals.

6. Informal stage:

- a. In considering whether it is appropriate to apply this procedure, the supervising trustee should first consider whether it would be more appropriate to deal with the concerns informally. Minor cases of misconduct and poor performance are best dealt with informally. It may be necessary to issue an informal warning, but the Supervising Trustee will ensure that these areas are discussed with the objective of helping the member to make appropriate improvements. At this stage the member will be made fully aware of what steps need to be taken to address the conduct issue. They will also be told when this will be reviewed and over what period.
- b. Members will be informed of what action will be taken if they fail to improve either their performance or conduct. Informal warnings and/or counselling

are not part of the formal disciplinary procedure and members should be made aware of this.

7. Investigation:

- a. Where a potential disciplinary matter arises concerning an individual member, the supervising trustee shall determine whether the matter should be investigated in accordance with this procedure or whether the matter should be dealt with in some other way or informally. Matters concerning political performance should be referred to the appropriate democratic/accountability procedures. Depending on the nature of the alleged breach, the supervising trustee will also consider whether the matter needs to be referred to the police, or to the university's disciplinary procedures.
- b. If this procedure is deemed appropriate, the supervising trustee will appoint an appropriate person to act as investigating officer to carry out an investigation into the facts of the case. The investigating officer will be unbiased with no prior involvement in the matters to be investigated.
- c. At the start of the investigation, the member will receive an e-mail to their student e-mail address detailing the allegations that are to be investigated. This e-mail will advise them of the name and, where appropriate, the contact details of the investigating officer.
- d. The investigation is to establish the facts and, where appropriate, obtain statements from relevant available witnesses. Having carried out an investigation, the investigating officer will prepare a report for the supervising trustee.

- e. As part of the investigation, the member will be given the opportunity to submit a written statement in response to the allegations within five working days of being notified of the investigation. The statement should be signed and dated, and the member should attach copies of any other documents on which they wish to rely at any subsequent disciplinary hearing. This statement will form part of the investigating officer's report.
- f. Despite all reasonable endeavours of the investigating officer, should the member not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.
- g. On receipt of the investigating officer's report, the supervising trustee will determine whether there is a case for the individual member to answer at a formal disciplinary hearing, whether the matter should be handled informally, or whether there is no case to answer.
- h. The member, and other interested parties as appropriate, will be advised of the outcome of the investigation in writing normally within five working days of the investigation concluding, unless there are reasons why this is not reasonably practicable.

8. Suspension:

- a. In certain circumstances, for example cases involving gross misconduct, where relationships have broken down or where it is considered there are risks to property or UWSU's responsibilities to other parties, the supervising trustee (or their nominated representative) should consider whether a period

of suspension of membership rights with or without entitlements is necessary whilst an unhindered investigation is conducted.

- b. Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted. Excluding a member from participation in UWSU activities is not in itself a form of disciplinary sanction whilst the investigation is progressing.
- c. Because the ability to hold elected office in UWSU is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of the ability for a member to run for election. Again, this will not constitute a formal disciplinary sanction.

9. Formal disciplinary hearing:

- a. Where, upon receipt of the investigating officer's report, the supervising trustee determines that there is a case to answer, the member will be invited to attend a disciplinary hearing.
- b. The case will be heard by a panel, appointed by the supervising trustee and will comprise:
 - i. Deciding Officer – who will normally be a member of the executive committee other than the President;
 - ii. An Advisor – who will normally be a staff member of UWSU appointed to advise the deciding officer on the operation of the procedure.

- c. A student invited to a disciplinary hearing will have it made clear to them in writing that they are able to be accompanied to the meeting by a fellow member of UWSU

- d. The member will be notified in writing of the date and time of the disciplinary hearing, at least two days in advance. Hearings will be arranged as far as possible at a mutually convenient time and place. The e-mail inviting the member to a disciplinary hearing will:
 - i. Advise the member of the purpose of the hearing and that it will be held under the Disciplinary Procedure for UWSU members;
 - ii. Explain the member's right to be accompanied at the hearing by a fellow member of UWSU;
 - iii. Give the member written details of the nature of the allegations;
 - iv. Advise the member of who will be in attendance at the hearing including any witnesses the panel intends to call; and
 - v. Provide to the member all relevant information that is to be used at the hearing including the investigating officer's report, any witness statements taken as part of the investigation and a copy of the disciplinary procedure.

- e. Where the member is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. Unless there are special circumstances mitigating against it, if the member is unable to attend the rearranged hearing, the rearranged hearing may take place in the member's absence.

- f. The member's chosen representative may attend in such circumstances and will be allowed the opportunity to present the member's case. The member will also be allowed to make written submissions in such a situation. Where

the member's chosen representative is unavailable on the day scheduled for the hearing, it will be rescheduled, provided that the member proposes an alternative time within five working days of the scheduled date.

- g. The investigating officer will be in attendance at the hearing to present the findings of their investigation and to answer any questions either from the panel or from the member/their representative.
- h. The member will be permitted to set out their case and answer any allegations. The member will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given the opportunity to raise points about any information provided by witnesses. Where UWSU intends to call relevant witnesses it will give the member advance notice of this. The member must also give advance notice if they intend to call relevant witnesses.
- i. The member will have a full and fair opportunity to state their case before any decision on disciplinary sanctions (if any) is taken.
- j. The panel may adjourn the disciplinary hearing if it appears necessary or desirable to do so (including for the purpose of gathering further information). The member will be informed of the period of any adjournment. If further information is gathered, the member will be allowed a reasonable period of time, together with their representative (if applicable), to consider the new information prior to reconvening the disciplinary hearing.

10. Role of the chosen representative:

- a. The member's chosen representative has the right to address the hearing to put the member's case, sum up the case and respond on the member's behalf to any view expressed at the hearing. The representative may also confer with the member during the hearing. However, there is no requirement for the panel to permit the representative to answer questions on behalf of the member, or to address the hearing where the member indicates that they do not wish this.

11. Disciplinary sanctions:

- a. As soon as possible within three working days after the conclusion of the disciplinary hearing, the deciding officer will convey the decision of the panel to the member and will also inform the member what disciplinary sanction, if any, is to be imposed. The decision will be confirmed in writing. The member will be notified of their right of appeal under this procedure.
- b. Where a disciplinary sanction is to be imposed, the letter will detail:
 - i. The misconduct that resulted in the disciplinary sanction;
 - ii. The level of disciplinary sanction to be imposed and the duration that any formal warnings will remain 'live' (if applicable);
 - iii. Any recommendations/action required in order to prevent future disciplinary action;
 - iv. The potential consequences of any future misconduct;
 - v. Details of the appeal mechanism and the timescales for appeal.
- c. The deciding officer may decide that no disciplinary sanction is necessary. Alternatively, the deciding officer may take any of the following disciplinary

sanctions after having regard to all the circumstances of the case and the seriousness of the breach.

- d. In addition to any disciplinary sanction, the Deciding Officer may also recommend that the member should undergo training.

12. Formal written warning:

- a. For minor breaches of discipline where an informal approach is deemed inappropriate, or where previous informal action has failed, the deciding officer may issue a formal written warning.
- b. The warning will be kept on file for six months after which time, subject to the member's conduct being satisfactory, the warning will be treated as 'spent' for future disciplinary purposes.
- c. The warning must set out the nature of the misconduct and inform the member that further misconduct is liable to result in further disciplinary action of a more serious nature. The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision

13. Final written warning:

- a. For serious misconduct which might otherwise justify suspension or termination of membership benefits, but where the deciding officer determines that a lesser penalty is appropriate in the circumstances; or for an offence after a formal written warning has been given and is live, or where a member's conduct or omission is such as to warrant a final written warning.

- b. The final written warning will be kept on file for twelve months after which time, subject to the member's conduct being satisfactory, the warning will be treated as 'spent' for future disciplinary purposes.
- c. The final written warning must set out the nature of the offence and inform the member that further misconduct could render them liable to disciplinary action of a more serious nature up to and including full termination of membership benefits.
- d. The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

14. Termination of all membership entitlements:

- a. In serious misconduct cases amounting to gross misconduct, the member's entitlements may be summarily terminated.
- b. The letter confirming the decision must set out the nature of the offence and inform the member of the reasons for the termination of all membership entitlements and the date on which the agreement between UWSU and the member will terminate.
- c. Because the ability to hold elected office is dependent upon membership status and one of the rights and privileges of membership, termination of all entitlements would represent a termination of that holding of office. In the

case of elected officers, this would therefore represent a termination of the holding of that office.

- d. The member must be advised of their right of appeal and that the appeal must be registered with the appropriate named officer within five working days of receipt of the written decision.

15. Appeal:

- a. Members have the right of appeal against disciplinary sanctions under this procedure. The appeal must be registered in writing with the appropriate named officer within five working days of receipt of the written decision.
- b. In lodging an appeal against a disciplinary sanction, the member is required to set out the grounds for their appeal in writing.
- c. An appeal hearing will normally be held within ten working days of receipt of the letter of appeal. An appeal will be heard by a panel (see below) who have had no previous involvement in the case. The panel shall normally comprise the following:
 - i. Two Executive Officers (which may include the President)
 - ii. A member of UWSU Senior Leadership Team to act in an advisory capacity
- d. The member will be given a minimum of two working days' notice in writing in advance of the time and place of the appeal hearing and will be advised of their right to be accompanied. At the appeal hearing the deciding officer will

attend in order to answer any questions which may arise. The member, or their representative, will be entitled to ask any questions and be given full opportunity to state their case.

- e. The purpose of an appeal is not to repeat the detailed investigation of the disciplinary hearing or rehear the case, but to focus on specific factors which the member feels have been dealt with unfairly or which have received insufficient consideration, such as:
 - i. an inconsistent, inappropriate or excessively harsh penalty;
 - ii. extenuating circumstances;
 - iii. alleged bias of the deciding officer;
 - iv. alleged unfairness in the conduct of the disciplinary hearing;
 - v. new evidence subsequently coming to light

- f. The possible outcomes from an appeal are:
 - i. The appeal is upheld and the disciplinary sanction reduced or removed;
 - ii. The appeal is upheld and there is a request for a re-investigation or re-hearing;
 - iii. The appeal is denied and the original decision is upheld;
 - iv. The appeal is denied and the sanctions applied are increased

- g. At the completion of the hearing, the appeals panel will adjourn to consider their decision. The panel will deliberate in private only recalling the member and/or witnesses to clear points of uncertainty on evidence already given.

- h. If recall is necessary, the member and their representative (if applicable) must return even if the panel wishes to clarify the evidence of a witness.

- i. The member will be notified of the results of the appeal in writing within five working days of the hearing. As well as the outcome, the reasons for the appeal findings should be included in the report back to the member.
- j. There will no further right to appeal unless a case is made for a further appeal to be made to the university only if there is evidence that the obligations of UWSU under the Education Act (1994) have not been adhered to.

16. Records:

- a. Records will be kept confidential and retained in accordance with this procedure and the principles of the all relevant data protection laws.
- b. Copies of meeting records will normally be given to the member including copies of any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) UWSU might withhold some information.

17. Confidentiality:

- a. The confidentiality of individuals subject to this procedure will be preserved wherever possible. No officer or representative should comment publicly on any incident that is being dealt with under this procedure. Failure to observe this requirement may result in disciplinary action being taken under the relevant disciplinary procedure.

18. Complaints:

- a. Any complaints on the operation of this procedure should be made to the supervising trustee, c/o the Head of Student Voice and Engagement.
Members and elected officers should seek advice from the Head of Student Voice and Engagement on the operation of the procedure.

19. Review of the procedure:

- a. This procedure will be periodically reviewed and amended from time to time. Any amendment to it will be notified to members as appropriate.

20. Licensed Premises:

- a. Responsibility for dealing with crime, disorder and anti-social behaviour within UWSU licensed premises or, behaviour that occurs as a direct result of an event within UWSU licensed premises, will be addressed by the UWSU Designated Premises Supervisor as defined by the Licensing Act (2003).
- b. The Designated Premises Supervisor will conduct their duties at all times in accordance with the Licensing Act (2003), guidance on the Act issued by government departments and reasonable advice and guidance received from the local police and the local licensing authority.
- c. The Designated Premises Supervisor will act in keeping with the values of UWSU.
- d. A completed Incident Report Form (IRF) must be submitted by each member of staff involved in dealing with an incident the next working day after an

incident has occurred. Copies will be given to the Designated Premises Supervisor, and the CEO.

- e. Where the identity of a student is not known, and no other course of action is open, the Designated Premises Supervisor will retain any evidence including CCTV footage and witness statements, and may use whatever time is necessary to identify the student accused.
- f. Upon receipt of an IRF, the Designated Premises Supervisor will have responsibility for investigating all allegations against UWSU members emanating from UWSU licensed premises. They will also decide when to involve the police to investigate allegations.
- g. The Designated Premises Supervisor has authority to exclude members or their guests from UWSU licensed premises on a temporary or permanent basis if they conclude that an offence has been committed. They may also request that the student involved make reasonable reparation of damages to the organisation or of personal belongings to the person(s) involved.
- h. There will be no formal right of appeal against a decision of the Designated Premises Supervisor.
- i. UWSU members who have been excluded on a temporary or permanent basis or asked to make reparations who believe their treatment has been unfair, may ask the Vice President Opportunities to meet with an Executive panel consisting of the President, CEO and a UWSU Sabbatical Officer. This request must be made in writing within two working days of receiving notification of disciplinary sanctions. The UWSU member may present their case to the panel. Having heard the member's case, the panel will make

representations on behalf of the UWSU member to the Designated Premises Supervisor, if they believe the conclusions of the investigation or the sanctions subsequently imposed are unfair.

- j. UWSU members may be accompanied by a friend at a panel hearing.
- k. Once the Designated Premises Officer has heard representations on behalf of the UWSU member they will make a final decision regarding the allegations and any sanctions imposed. This decision will be final.
- l. The Designated Premises Supervisor will record all decisions made in relation to disciplinary matters and will also produce quarterly reports of aggregate statistics on disciplinary investigations and consequent sanctions imposed. Reports will include monitoring data, including for example, the gender and ethnic origin of those involved in disciplinary cases.
- m. The procedure outlined within this appendix does not preclude the right of the Designated Premises Supervisor or other UWSU venue staff working with their authority, the right to refuse admission to the UWSU licensed premises without giving a reason.
- n. The Designated Premises Supervisor may at their discretion notify the University of Westminster of any incidents which may breach the University's disciplinary procedure. The Designated Premises Supervisor will have the authority to make evidence available to University of Westminster staff in order that investigations and disciplinary hearings can be conducted