

## Students' Union Code Of Conduct & Matrix (2019/20)

### Scope of use

This code and matrix can be applied to Student Leaders and Student Group Members when behaviour occurs within the capacity of students' union or affiliated student group setting either in the capacity as a leader or member.

The application of this policy ranges from minor harm to the point of criminal activity, at which point the complaint/disclosure is beyond the scope of use of this document and the reporting student will be informed the disclosure must be escalated to University procedure for further action to be taken.

### Disclosure and Options Conversation

- All formal complaints/disclosures must be submitted in writing via [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk)
- For all complaints/disclosures via [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk) a caseworker will be appointed who will be responsible for communications to the reporting and reported students, and witnesses. The caseworker must be a full-time member of Students' Union staff and must not be a member of the Conduct Matrix Panel.
- Any complaint/disclosure via [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk) will be acknowledged within 2 working days
- An email (Email 1) outlining the 'options' available to the student will be sent. This will include options in relation to both report and support and their case worker's details. The student will have the option to meet their caseworker to discuss options further. This conversation should be honest about all options and the student must be empowered to make the decision.
- Following the options conversation, the student must submit in writing how they wish to progress their disclosure to either their caseworker or [su-complaints@le.ac.uk](mailto:su-complaints@le.ac.uk).

### Investigation

- The reporting student and reported student will be contacted in writing (Email 2) to provide their version of events and name(s) of any witnesses.
- The correspondence to the reporting student **must include** a copy of the reporting students account and information on relevant support services.
- There should be reasonable attempts to obtain all relevant evidence suggested by reporting and reported parties, and any other leads of enquiry the SU deem appropriate. (Email 3)
- Following the investigation stage, the reported and reporting parties will be provided with all evidence gained and have an additional opportunity to provide new evidence. (Email 4)

### Panel

- The first meeting of the Panel should take place within **ten working days** of receiving the reporting students account.
- The panel will consist of the following individuals;
  - Relevant Sabbatical Officer
  - Staff member from Students' Union or relevant member University Staff
  - A Students' Union Manager or Deputy Manager
- The Panel will be responsible for ascertaining the balance of probability what occurred then imposing appropriate sanctions in line with the Conduct Matrix Guidance.

- The Panel may decide to request additional information and reconvene. This may also include the panel meeting with the reporting, reported student or witnesses, as the panel deems appropriate.
- The Panel is expected to make a decision within **fifteen** working days from the first panel meeting subject to receiving all required information relating **to** the case. Where an extension is, required, all involved parties will be notified in writing of the reasons for the delay and the expected date when a decision will be reached.

### Conduct Matrix Guidance

Severity of Breach	Likely Severity of Harm (injury to person and/or damage to reputation)			
	(1)	(2)	(3)	(4)
Minor breach (1)	1	2	3	4
Moderate breach (2)	2	4	6	8
Major breach (3)	3	6	9	12

Harmful (1)	<ul style="list-style-type: none"> <li>• Minor or no harm caused to another individual(s).</li> <li>• No or low potential for reputational damage for either/both the Students' Union and University.</li> <li>• Consented humiliation of another individual(s).</li> <li>• Minor or little effect on other individual(s)'s wellbeing.</li> </ul>
Harmful (2)	<ul style="list-style-type: none"> <li>• Injury to another individual(s), possibly sought medical attention.</li> <li>• Potential or actual local level reputational damage to either/or the Students' Union and University.</li> <li>• Minor abuse of power as a student leader.</li> <li>• Non-consented humiliation of another individual(s).</li> <li>• Moderate impact on another individual(s)'s wellbeing.</li> </ul>
Harmful (3)	<ul style="list-style-type: none"> <li>• Injury to another individual(s), resulting in hospitalisation or deferral to a doctor.</li> <li>• Potential or actual regional level reputational damage to either/or the Students' Union and University.</li> <li>• Non-consented humiliation of another individual(s).</li> <li>• Abuse of power as a Student Leader.</li> <li>• Large impact on another individual(s)'s wellbeing. – Possibly sought professional help.</li> </ul>

Harmful (4)	<ul style="list-style-type: none"> <li>• Major injury, torture or death to another individual(s).</li> <li>• National level reputational damage to the Students' Union/University.</li> <li>• Extreme abuse of power as a Student Leader.</li> <li>• Extreme effect on another individual(s)'s mental health medical attention required.</li> </ul>
Minor Breach (1)	One to three minor breaches of this matrix code
Moderate breach (2)	Three + breaches of this matrix code
Major reach (3)	Any of the <u>University senate regulations</u> breached or a key breach made

### Possible Sanctions:

<b>1-2</b>	Warning.
	Letter of apology to be written if another student was involved.
<b>3 - 4</b>	Meeting with Students' Union lead to discuss the behaviour.
	Possible ban from celebration events
	Possible suspension (1-8 academic weeks) from role as Student Leader within the Students' Union.
<b>6 - 9</b>	Possible temporary ban on group membership
	Ban from Students' Union celebration events
	Suspension (8-16 academic weeks) from role as Student Leader within the Students' Union.
	Ban from celebration events.
	Possible ban on group membership
	Removal from position at the Students' Union
<b>12</b>	Ban from Students' Union celebration events
	Removal from position at the Students' Union.
	Ban on group membership
	Not able to be a Student Leader within the Students' Union in any form in future (elected or non-elected).
	Referral the University disciplinary process.

### Definitions

Abuse of power:

- Using position of power to exclude a member from social or competitive facets. If the person in power cannot prove that their decision is applicable through their code of conduct based on the opposing person's actions that can be deemed as unfair.

- Unfairly treating a member in such a way and getting other committee members to agree can be seen as unfair treatment.
- Using one's power or status to unfairly influence coaches or other members of staff to punish a member
- Every resulting action undertaken by those in power is required to have proof of the infraction and appropriately come to a decision about their punishment, based on the code of conduct of their club, the SU, Sports & Active Life or the University. Incidents that are not dealt with objectively, based on proof and are influenced by personal bias can be considered abuse of power

### Wellbeing

- If a student feels forced to change from their normal day to day activities that could be deemed as proof that their wellbeing is affected. Not being able to go to socials to the same extent as before, feeling alienated from their friends, feeling bullied or harassed, although may not constitute conclusive evidence, should be considered contributory factors in the investigation.

### Decision

- The decision of the panel including all penalties imposed will be communicated to the reported student by the case worker via email. (Email 5)
- The decision will also be communicated by the caseworker, via email, to the reporting student (Email 6)
- Both the reported and reporting student will have a maximum of **10 working days** to lodge an appeal.

### Appeals

- The Appeal Panel will meet within **five** working days of receiving the appeal
- An appeal can be submitted by either the reporting or reported parties
- An appeal can only be submitted on the following reasons;
  - Incorrect process being followed by the Conduct Matrix Investigation or Panel.
  - Or additional evidence being raised, provided reasonable explanation for delayed submission.

### Appeals Panel

- The appeal panel will consist of the following individuals (Not involved in the original panel)
  - Sabbatical Officer
  - SU staff member or relevant member University Staff
  - Students' Union Manager or Deputy Manager
- The appeal panel will take a two-stage approach.
- Stage 1: Depending on the nature of appeal the following outcomes may be reached.
  1. Process has been followed, and the decision of the original panel stands.
  2. The new evidence is not accepted, and the decision of the original panel stands.

3. Process hasn't been followed, and the case must be reconsidered in its entirety and a decision reached.
  4. The new evidence is accepted, and the case must be reconsidered in its entirety and a decision reached.
- Evidence may not be accepted if a reasonable explanation for delay isn't provided or the evidence doesn't present any new information.
  - Stage 2: The Appeals panel considers all information received as a part of the case and reaches a decision in line with the Conduct Matrix.
  - The decision will be communicated as outlined in the '*Decision*' section above, however, neither the reporting nor reported student has the right to appeal an Appeal Panels decision.

### **Risk Assessment**

- Throughout the complaints process, risk assessment will be completed and reviewed regularly by the caseworker and relevant manager.

### **Safeguarding: Temporary and Permanent Exclusions**

For the reasons of safeguarding students, the Students' Union may take appropriate action to ensure the safety of its members. This is not deemed to be a judgement on the part of Students' Union on the innocence or guilt of anyone involved in the process.

The Students' Union may exclude students from

- Memberships of student groups
- Holding any leadership positions within the Students' Union and affiliated student groups
- Attending events organised by affiliated student groups, Students Union and our partners.

Under the following circumstances

- If the reported student has gone through a University process, with enough evidence presented to the Union as a result of this to highlight safeguarding-based cause for concern decision
- The reporting student does not wish to go through a formal process with University, however has presented enough information to the Students' Union to make a safeguarding-based cause for concern decision.

The Students' Union can also temporarily exclude students from memberships and/or leadership positions within the Students' Union and affiliated student group, pending the outcome of any disciplinary case between students which is ongoing.

#### **Safeguarding Panel**

All available information will be considered by the Students' Union Safeguarding Panel. The Panel will consist of:

- One Officer of Students' Union from Activities, Sports or Wellbeing Officers.
- One Relevant Manager or Deputy Manager from Students' Union

Any decision made by the safeguarding Panel must be communicated to the reported student within 2 working days.

#### **Appeals Panel**

Any temporarily or permanently excluded student will have the right of appeal against the decision made by the safeguarding panel. Such an appeal should be presented in writing to the Chief Executive or President of the Students' Union within two weeks.

The appeal panel has the power to overturn decision made by the Safeguarding Panel. The decision of the appeal panel is final and is not open to further appeals.