

London Metropolitan Students' Union Code of Conduct & Disciplinary Procedure

1. Purpose

- 1.1 The Union has a Code of Conduct to ensure that all members understand the behaviours that are expected of them and what steps will be taken should these behaviours not be met. The Union is a membership organisation that seeks to resolve differences between members informally and encourages debate and discussion. There are however times when this cannot occur.

2. Oversight, Application & Publication of the Code

- 2.1 The Board of Trustees has oversight over this Code and will appoint from among its members a "Supervising Trustee" to ensure it is followed. The Supervising Trustee shall be an External Trustee of the Union.
- 2.2 The Code applies to all Members of the Union including Student Members, the Trustees and Associate Members. The Code shall be made available on the Union website.
- 2.3 For the avoidance of doubt, issues relating to employment, including for Student Staff and Sabbatical Officers are dealt with through the staff disciplinary process.
- 2.4 For the avoidance of doubt, issues relating to the role of representatives should be dealt with through the democratic processes outlined in the Articles and Byelaws.
- 2.5 For the avoidance of doubt, issues relating to elections should be dealt with by the Returning Officer in the first instance.
- 2.6 For the avoidance of doubt, the Code of Conduct is an internal process related to the Union and not a legal process.
- 2.7 "Days" in this Code refers to Working Days (Monday to Friday during the University Term times and not including Bank Holidays). However, the Union will attempt to resolve issues as quickly as possible and may seek to resolve issues during breaks where the Supervising Trustees believes they are of significant concern.

3. Expected Behaviours of Members

- 3.1 All members of the SU are expected to
- Not act dishonestly or with intent to commit fraud.
 - Treat others with respect and dignity and without unfair or illegal discrimination.
 - Not offend others with foul language, anti-social or discriminatory behaviour.
 - Not interfere with other people's enjoyment of LMSU facilities or activities.
 - Adhere to the LMSU policies including this Code of Conduct

- f) Not engage in activity or behaviour likely to bring LMSU into disrepute.
- g) Use LMSU resources responsibly and honestly.
- h) Treat the environment with respect.
- i) Comply with the reasonable requests of staff and Trustees of LMSU.
- j) Adhere to any specific additional behaviours related to their role.
- k) Respect other members' confidentiality, including in relation to this Code of Conduct

3.2 Elected Representatives and Trustees will be held to a higher expected level of behaviour than other members.

4. Raising a complaint

4.1 Any member of the Union or an employee of the Union (including contractors) can raise a complaint under this Code of conduct by filling out our complaint form at <https://suforms.londonmet.ac.uk/view.php?id=50800>. In raising a complaint, they should identify the person or persons who they wish to make a complaint about and (if possible) the behaviour raised under 3.1 that they feel has been breached.

4.2 Should a complaint be raised against the Supervising Trustee, the Board Chair shall act as Supervising Trustee in resolving the matter.

4.3 The Supervising Trustee shall appoint a staff member "The Investigating Officer" to progress the complaint.

4.4 Complaints cannot be made anonymously, however the name of person raising the complaint will not normally be raised to the person who it has been alleged has breached this Code.

5. Informal Resolution

5.1 Where possible the Union will seek an informal resolution to end disputes. The Investigating Officer will usually have a conversation with the member who raised the complaint ("The complainant" and listening to their version of events. If the grounds for complaint seem reasonable, recommendations may be provided in writing on how to mediate a complaint and conduct a process aimed at resolution without a formal disciplinary process. If, during discussion, it appears that informal action will not satisfactorily address the complaint, the formal process may be used.

6. Formal Investigation

6.1 If the Investigating Officer believes that an informal resolution is not possible or they believe the complaint or allegation is deemed serious, or where repeated concerns about behaviour have arisen a formal investigation will take place. It will also take place where a complainant requests the use of the formal process.

6.2 The Investigating Officer will seek to listen to the person or persons against whom a complaint has been made and seek evidence about the situation being investigated.

A decision to investigate does not indicate support for a complaint, merely that further enquiry is necessary.

- 6.3 The Supervising Trustee may, at their absolute discretion, suspend the person or persons against whom the complaint is being made from some or all Union activities including access to the Union's premises during the investigation and any disciplinary processes. A decision to suspend does not indicate guilt, merely that reasonable precautions are being taken to reduce risk to the Union and its members.
- 6.4 The Investigating Officer will aim to finish their investigation within 14 days of the complaint being raised by the Union. The time to investigate may be extended by up to another 14 days by agreement with the Supervising Trustee and if all parties in the complaint are informed of this extension.
- 6.5 A member does not need to give evidence for the investigation if they do not wish to, but this will not stop the investigation taking place.
- 6.6 At the end of the investigation the Investigating Officer will make one of the following recommendations to the Supervising Trustee
 - 6.6.1 That there is sufficient evidence to reasonably believe that breach of the Code of Code may have occurred and the complaint should proceed to a disciplinary committee (that there is a "Case to Answer").
 - 6.6.2 That there is not sufficient evidence to reasonably believe that breach of the Code of Code may have occurred and the complaint should not be taken further.
- 6.7 On receipt of the recommendation the Supervising Trustee will decide whether the complaint should be taken to a disciplinary committee or not be taken further and inform the complainant and the person or persons against whom the complaint has been made.
- 6.8 Should the decision be for the complaint not to be taken further the Complainant may raise a concern with the University under section 22.2 m (i) of the 1994 Education Act.

7. Disciplinary Panel

- 7.1 Should it be determined that there is a case to answer the Supervising Trustee shall convene a Disciplinary Panel within 3 days of the conclusion of the investigation. The purpose of the panel shall be to determine if the Code of Conduct has been breached and what action should be taken.
- 7.2 The Disciplinary Panel shall consist of the Supervising Trustee (Chair) and two other persons appointed by from among the Board of Trustees or members of the University community (including University staff) who are not connected to the complainant or the person or persons against whom the complaint has been made.

It will not include the Chair of the Board of Trustees. The Supervising Trustee shall also appoint a person who they deem to be suitable to act as secretary to the Panel.

- 7.3 The Disciplinary Panel and person or persons against whom the complaint has been made will be given a report from the Investigating Officer that sets out the evidence they have found that indicates a breach of the Code has occurred. They will receive this at least 3 days before the meeting of the Disciplinary Panel.
- 7.4 The Disciplinary Panel shall meet to discuss the complaint within 7 days of the conclusion of the investigation. The meeting can be in person or remotely provided that all members can communicate with each other via sound.
- 7.5 The person or persons against whom the complaint has been made will be invited to attend the Panel Meeting to put their case forward and answer any questions of the Disciplinary Panel. They do not need to do so but this will not stop the Disciplinary Panel making a decision. Any person attending may be joined by one representative to support them during the Panel. As this is not a legal process this person may not be a legal representative.
- 7.6 Once the persons or persons against whom the complaint has been made have given their evidence they shall leave and the Disciplinary Panel shall decide on whether there has been a breach of the Code of Conduct and what the actions should be (see section 8).
- 7.7 Once a decision has been made the Disciplinary Panel shall inform the complaint and the person or person against whom the complaint has been made. There will be a 7 day period under which an Appeal can be made (see section 9).
- 7.8 The minutes of the Disciplinary Panel and Investigating Officers report shall be kept confidential and remain on file in the Union for 7 years after the meeting has taken place.

8. Possible Sanction

- 8.1 The Disciplinary Panel may set such sanctions as they think are reasonable. They may include the following which is not an exhaustive list:
 - a) Actions aimed at remedying the behaviour such as training or development.
 - b) Full Suspension of the individual or group from Union activities and membership privileges for a specified period of time.
 - c) Part Suspension of the individual or group from selected Union activities and membership privileges for a specified period of time including the right to represent the university in competitive sporting activity for a specified period of time.
 - d) Order payment of incurred damages.
 - e) Full and permanent revocation of Union membership
 - f) Refer the incident to the University or other relevant body.

8.2 The Disciplinary Panel may apply different levels of sanctions to those holding higher level levels of responsibility within the Union.

9. Appeals

9.1 Should the complainant be unhappy with the decision of the Disciplinary Panel they may raise a concern with the University under section 22.2 m (i) of the 1994 Education Act.

9.2 Should the person or persons against whom the complaint has been made are unhappy with the Disciplinary Panel they may write to the Chair of the Board of Trustees requesting an Appeal of the decision. They must do this within 7 days of being notified of the outcome of the Disciplinary Panel Meeting,

9.3 The request to Appeal must be made on one of the following grounds

- a) The correct procedures for conducting a disciplinary panel were not followed
- b) The Disciplinary Committee reached an inappropriate finding of fact
- c) The Disciplinary Committee applied an inappropriate level of sanction

9.4 The Chair of the Board of Trustees shall consider the Appeal alongside any representation from the Supervising Trustee within 7 days of receiving the Appeal. They will then decide either that the Disciplinary Panel's findings are correct or that the Appeal should be upheld.

9.5 Should the Appeal be upheld the Chair of the Board of Trustees shall convene a new Disciplinary Panel as outlined under section 7.

9.6 If an Appeal is raised against a Disciplinary Panel on which the Chair of the Board of Trustees was a member then the person or persons against whom the complaint was made can raise a concern with the University under section 22.2 m (i) of the 1994 Education Act.

10. Policy Review

This policy will be reviewed every three years, or in light of any legal or other developments.

Date of policy creation: September 2021

Review date: September 2024