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1. Purpose

1.1. The purpose of the Member Disciplinary Policy and Procedure is to provide a transparent framework for managing allegations of misconduct made against members of The SU Bath and for ensuring that disciplinary action, where necessary, is applied fairly and consistently.

2. Principles

2.1. It is expected that members of The SU Bath are honest and act in accordance with the member Code of Conduct.

2.2. Breaches of standards will be treated in a consistent, fair and reasonable manner.

2.3. Our aim is always to encourage improvements in conduct and to help build an understanding of why certain behaviours are not acceptable.

2.4. Where possible, we will try to deal with concerns, issues and complaints in an informal way. This may not always be possible depending on the context or severity of the alleged breach.

2.5. Both the Reporting and Responding Parties can receive impartial and confidential support from The SU Advice Team. Advisors can help to explain the process, offer feedback on statements and attend interviews and hearings. They can also explain sanctions and how to appeal. The SU Advice Team are not involved in any other aspect of the process and will not share sensitive case information with SU colleagues.

3. Roles and Responsibilities

3.1. There are several key roles within this policy:

- **Reporting Party (or Complainant)** – person or persons raising complaint / allegations / concern.
- **Respondent** – person or persons who are alleged to have breached the Code of Conduct / expected standards of behaviour.
- **Complaints Officer** – manages complaints and casework and advises on whether cases should proceed to a disciplinary panel.
- **Disciplinary Panel** – panel of three people appointed to make any disciplinary decision(s) and determine appropriate sanctions (further information in section 11.2.).

4. Scope and Application

4.1. This policy and procedure applies to all members of The University of Bath Students' Union (The SU) including student members and associate members. This includes elected members of The SU committees, Academic Reps, student group leaders, volunteers and/or those that hold a representative position within the Students' Union.

4.2. The policy and procedure can apply to any conduct or action that:

- Happens at The SU Bath venues;
- Is committed while using The SU Bath facilities or attending an SU event / activity;
- Is committed while a member is representing, acting on behalf of or could be perceived to be representing / acting on behalf of The SU Bath at an event, during a trip, online (e.g. via social media) or in correspondence.

4.3. For the avoidance of doubt, this policy and procedure does not apply to SU staff or SU Officers. Procedures relating the staff conduct are held by The University of Bath as the legal employer. It is also not intended to be used to govern conduct within Students' Union elections, where there will be separate protocols as set by the Returning Officer.

5. Referrals to the University of Bath

5.1. Where alleged misconduct is seen as a potential breach of the University's [Disciplinary Regulations for Students](#) or the University's [Dignity & Respect Policy](#) the case will normally be referred to the University for consideration. This will automatically be the case for any allegations that involve serious misconduct including sexual misconduct and that could affect students as students i.e. that potentially impact their fitness to remain a member of the University Community. These cases will normally be investigated by the University rather than The SU.

5.2. Cases referred to the University will be investigated under the University's [Disciplinary Regulations for Students](#) or the University's [Dignity & Respect Policy and Procedure](#).

5.3. The SU will investigate and manage cases where the allegations / concerns relate to the conduct or behaviour of a student group leader / volunteer / representative specifically in relation to their role and;

- The context of the allegations and incident is Students' Union specific and/or does not necessarily have a wider bearing on the fitness of the respondent(s) to be part of the University community, for example minor misconduct that can be addressed at a local level.
- The respondent(s) does not fall within the scope of the University Disciplinary Regulations – for example, an associate member.
- The complainant / reporting party is unable or does not wish to raise their concerns with the University.
- It is appropriate to do so, for another suitable and significant reason.

5.4. The SU will investigate and manage cases where the allegations / concerns relate to conduct or behaviour of a student at SU venues and events where;

- The context of the allegations and incident is Students' Union specific and/or does not necessarily have a wider bearing on the fitness of the respondent(s) to be part of the University community, for example minor misconduct that can be addressed at a local level.
- The respondent(s) does not fall within the scope of the University Disciplinary Regulations – for example, an associate member.
- The complainant / reporting party is unable or does not wish to raise their concerns with the University.
- It is appropriate to do so, for another suitable and significant reason.

5.5. Where cases are referred (or directly made) to the University to investigate and manage, but The SU has some involvement – for example because of the context or because the respondent(s) operate within an SU leadership / volunteer / representative roles, then the following measures may be put in place by The SU:

- Regular communication with the University to ensure a consistent and coordinated approach.
- The implementation of precautionary measures where an individual may temporarily be; removed from student leadership positions; restricted from accessing certain SU events or venues; restricted from participating in student group events or activities.
- A named contact for the complainant(s) to act as a point of contact within The SU. This will normally be the SU Governance lead.

- Assessment of relevant stakeholders and a plan for communication – for example if the complaint / allegations impact on others within The SU.
- An automatic wellbeing referral (for the reporting party and other key parties).
- Proactive referral to The SU Advice & Support Service.

5.6. Where cases are referred to the University, The SU reserves the right to implement precautionary measures where a Safeguarding Officer has determined there is sufficient risk to justify the measures.

6. Safeguards and Confidentiality

6.1. An appropriate level of confidentiality is important to the operation of an effective disciplinary process. To ensure the integrity of the process, all parties involved in disciplinary procedures will be expected to maintain an appropriate level of confidentiality.

6.2. We recognise that it may be necessary and therefore appropriate for those involved in disciplinary cases to share certain confidential information with third parties, potentially including:

- The University Wellbeing Service.
- The SU Advice & Support service.
- To family members (on the basis that those family members maintain confidentiality).
- To relevant external bodies such as the police, Office of the Independent Adjudicator (OIA) or the Office for Students (OfS).
- To a Director of Study for the purpose of submitting an IMC (Individual Mitigating Circumstances) claim.

6.3. The SU may also disclose information and when disclosure occurs the student(s) the information relates to should be informed where possible. Occasions where The SU may disclose information includes:

- To those who need to know in order to discharge their responsibilities at work; where we consider it in the interests of health and safety at work or the welfare of other staff, students or the public interest.
- To the University, where it is required to take a coordinated approach to the management of the case.
- Where disclosure is required by law.
- To witnesses and/or attendees at any meetings relating to the complaint.
- To our professional advisers for the purposes of obtaining advice.
- To other relevant external bodies such as the police, OIA or the OfS.

6.4. We aim to promote a culture in which students and staff feel confident to raise their concerns.

Therefore, anyone raising a formal report is usually expected to identify themselves. We do reserve the right to initiate an investigation without a formal reporting party, however, no action will be taken against a student about any matter that has been reported anonymously unless it is possible to verify the matter reported.

6.5. The investigation process will usually require that the reporting party provides a statement and/or attends an investigatory interview. The reporting party may also be required to attend any disciplinary hearing as a witness. It is normally expected that such information is given without being anonymised. Unless there are exceptional circumstances, a reporting party should expect to be identified in the investigation process.

7. Involvement of the Police and Criminal Courts

7.1. This section applies where the alleged misconduct may also constitute an offence under criminal law.

7.2. If allegations of misconduct have been reported to the police, any Students' Union investigation will be adjourned pending the outcome of the police investigation.

7.3. The SU can only investigate whether there has been a breach of the Students' Union's Member Code of Conduct as set out here. We cannot make a determination of criminal guilt or determine whether a student has breached the University standards of behaviour. Any sanctions in relation to a Students' Union disciplinary investigation, therefore, are limited to an individual's membership of, and ability to access, the Students' Union (see appendix 2).

7.4. The SU may report any allegation of a criminal offence to the University and/or the police following an assessment of risk.

7.5. If the police decide not to proceed with a case or that criminal proceedings have returned a 'not guilty' verdict does not preclude The SU from taking action under this policy as there is a different burden of proof.

7.6. If a student has been convicted of a criminal offence or accepts a police caution in relation to behaviour that falls within the scope of the definition of misconduct in Section 4., The SU will accept this as definitive evidence that the behaviour took place.

8. Reporting misconduct

8.1. Allegations of misconduct can be reported online via the [Students' Union Complaints Form](#). Students may also submit reports by directly contacting the relevant SU department: [SU: Contact Us](#)

8.2. Where a disclosure of misconduct is received by a member of staff, in person or via other means such as telephone or digital communication such as Teams or email, the staff member will take notes of the disclosure to ensure they have a record of important information. This information should then be shared with the Complaints Officer for consideration.

8.3. When a report is made, we will seek to understand the circumstances and desired outcome(s) of the reporting party and will also explore options around how concerns can be handled i.e. formally or informally. If it is clear the concerns should be dealt with formally, the reporting party may be encouraged to provide a written statement of their concerns via the SU complaints form. However, in circumstances where disclosing more than once is likely to re-traumatise, we will make all reasonable attempts to support the reporting student to avoid this.

- 8.4. If there is a concern about immediate risk to the University community or if the Students' Union has a safeguarding obligation to consider the risk, safeguarding procedures may be utilised before a formal report is submitted by the reporting party.
- 8.5. Students can make an anonymous disclosure of misconduct via the University's Support and Report online reporting tool. However, no formal action will be taken about any matter that has been reported anonymously unless it is possible to verify the matter reported. Anonymous information may be used to identify trends and shape our prevention and support provision.
- 8.6. If a disclosure is made to a Students' Union member of staff but the reporting party does not wish to file a formal complaint, the recipient will give careful consideration as to whether to report / escalate the allegation (in consultation with the Director of Student Leadership & Support). It is always our preference to support the wishes and preferences of the reporting party. However, in certain circumstances we have a duty of care that may mean we should investigate an allegation even if that is not the reporting party's preference – for example in situations where the disclosure may mean there is a serious risk to others.

9. Local/Informal processes and resolutions

- 9.1. Before considering formal disciplinary proceedings, every effort should be made to resolve the matter informally, where appropriate.
- 9.2. Informal resolutions are to be managed by staff in the relevant area (e.g. staff from Student Voice would support informal resolutions with academic representatives or staff within Sport would support informal resolutions within SU Clubs).
- 9.3. The informal process could include discussing the matter, with the objective of helping the member to make appropriate improvements to their conduct. At this stage the member will be made fully aware of the expectations, what steps need to be taken to address the conduct issue and when this will be reviewed. Additional coaching or training may also be recommended.
- 9.4. The University has an informal process which may offer solutions not available to the SU such as facilitating no-contact agreements or mediation where appropriate and both parties agree to take part.
- 9.5. Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this policy will be applied.

10. Investigation

- 10.1. Any action taken under these procedures will be concluded as quickly as possible and normally within 30 days from the start of the investigation.
- 10.2. Both the Reporting and Responding Parties can receive impartial and confidential support from The SU Advice Team. Advisors can help to explain the process, offer feedback on statements and attend interviews and hearings. They can also explain the sanction and how to appeal. The SU Advice Team are not involved in any other aspect of the process and will not share sensitive case information with SU colleagues.

- 10.3. When a formal complaint or disclosure, that falls within scope, is referred to The SU for action, the Complaints Officer will investigate the allegation(s).
- 10.4. The SU will inform the respondent of the allegations, provide a summary of the nature of the allegations made and inform the respondent they can receive impartial advice and support throughout the process from an SU Advisor.
- 10.5. The Complaints Officer has the power to carry out the investigation as they deem appropriate, including interviewing the reporting party and respondent, any other witnesses and collecting any available evidence.
- 10.6. The Complaints Officer may provide further details of the allegations to the respondent and will give the respondent the opportunity to respond to the allegations. This response may be in writing and/or the Investigating Officer may meet with the respondent.
- 10.7. When the Complaints Officer is satisfied that sufficient evidence has been obtained, they will prepare a report containing all of the available evidence and summarising the facts and the potential misconduct under Appendix 1.
- 10.8. The Complaints Officer will share their report with an assigned SU Director (assigned based on remit and availability) for consideration.
- 10.9. The assigned SU Director will review the report and may:
- Request that further investigation be carried out;
 - Decide that no further action should be taken, in which case both parties will receive a letter informing them of this and highlighting the support available to them;
 - Decide that the matter should be dealt with informally by issuing an informal warning letter to the respondent;
 - Require other informal action to be taken including an informal conversation, training, guidance, mediation and/or requesting an apology;
 - Decide that the matter should be dealt with formally by a SU Disciplinary Panel
- 10.10. Where deemed appropriate, the responsibilities of the Complaints Officer outlined in sections 10.1. – 10.8. and 11.1 may be delegated to another appropriately trained member of staff.

11. Disciplinary Panel

- 11.1. If the assigned SU Director decides to refer the matter to a disciplinary panel, the Complaints Officer will convene a panel and arrange a hearing as soon as possible.
- 11.2. The Panel will be made up of three people who have had no prior involvement with the case and will be drawn from a pool that includes senior staff at The SU and SU Officers. All panel members will have appropriate training and every panel will normally include a member of the Senior Leadership Team.
- 11.3. Both Reporting and Responding Parties can receive impartial and confidential support from The SU Advice Team. An Advisor can help to prepare for the hearing by explaining the process and

reviewing a draft statement. They can attend the hearing and offer support with the outcome. SU The SU Advice Team are not involved in any other aspect of the process and will not share sensitive case information with SU colleagues.

- 11.4. The respondent will be invited to attend the hearing. The hearing may take place via digital conferencing and not in person. The reporting party / complainant may be invited to attend the hearing as a witness and asked to give evidence; they are not a party to the proceedings. The reporting party will not attend all of the hearing and may give evidence via video link if appropriate. If two or more respondents are involved in related misconduct, the Panel may at its discretion deal with their cases together.
- 11.5. The reporting party and respondent can bring someone for support them to the hearing. Both parties are normally expected to answer any questions put to them, unless they have a good reason for not doing so.
- 11.6. The Panel will rely only on evidence presented at the hearing, either orally or in the hearing disciplinary report.
- 11.7. The Panel may find misconduct to have occurred based on the civil standard, the balance of probabilities. This means if on the balance of probabilities misconduct occurred. Once a finding of misconduct has been established, the Panel can impose any of the penalties listed in Appendix 2.
- 11.8. If the members of the Panel cannot agree, the decision of the Panel will be that of the majority of its members.
- 11.9. All disciplinary proceedings under this section and documents relating to the proceedings are confidential.
- 11.10. The respondent will receive an outcome letter detailing the decision and sanction imposed usually within 14 days of the hearing. The respondent has a right of appeal, as set out in Section 13.
- 11.11. The reporting party will receive a letter stating that the matter was dealt with by a Disciplinary Panel and the outcome decided. The reporting party will normally be informed of sanctions imposed on the respondent where the penalty has a direct impact on the reporting party, such as a non-contact order or letter of apology. The disclosure of further penalty information will be considered on a case-by-case basis.

12. Sanctions / Penalties

- 12.1. The potential penalties for misconduct are set out in Appendix 2.
- 12.2. When determining sanctions, consideration will be given to the seriousness and circumstances of the misconduct and any mitigating circumstances raised by the respondent or their representative.
- 12.3. If it is established misconduct has occurred, details of the misconduct and the sanction(s) imposed will be sent to the respondent.

- 12.4. The Students' Union will keep a record of student misconduct and sanctions imposed and will share with the University where appropriate.

13. Appeals

- 13.1. A respondent may appeal against a finding of misconduct or against a sanction imposed following a finding of misconduct imposed under section 11 and 12 of this Policy and Procedure. The appeal must be made to the Students' Union within 10 University working days of the outcome letter being issued. Appeals should be made via email (su-cda@bath.ac.uk). The respondent must set out in writing the grounds on which the appeal is based.
- 13.2. Both the Reporting and Responding Parties can receive impartial and confidential support from The SU Advice Team. Advisors can help to explain the process, offer feedback on statements and attend interviews and hearings. They can also explain the sanction and how to appeal. The SU Advice Team are not involved in any other aspect of the process and will not share sensitive case information with SU colleagues.
- 13.3. The appeal will be heard by a Panel made up of three people who have has no prior involvement with the case and will be drawn from a pool that includes: SU senior managers, Trustees and SU Officers. All potential appeal panel members will have appropriate training.
- 13.4. The potential grounds of appeal are:
- That the decision was not reasonable;
 - That the procedure was not correctly followed when making the decision;
 - That new evidence has come to light that was not available to the original decision maker which may have materially affected the decision.
- 13.5. The panel will aim to provide an outcome to the student within 20 University working days after receipt of the appeal.
- 13.6. The panel considering the appeal may:
- Reject the appeal and confirm the original penalty;
 - Uphold the appeal and revoke the original decision and penalty;
 - Partially uphold the appeal and confirm the finding of misconduct but amend the penalty to impose a lesser or greater penalty.

Appendix 1: Example of Misconduct

- a) Any behaviour that breaches the Member Code of Conduct;
- b) Any conduct which constitutes a criminal offence;
- c) Any conduct which constitutes sexual misconduct;
- d) Disruption of, or improper interference with, the educational, administrative, sporting, social or other activities of the Students' Union or University;
- e) Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff;
- f) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether expressed verbally or in writing, including online behaviour;
- g) Bullying, harassment or unacceptable behaviour of any student or member of staff of the University, or any visitor to the University, including on the grounds of sex, race, religion or belief, disability, sexual orientation, gender reassignment, age or other grounds, including online bullying and harassment;
- h) Fraud, deceit, deception or dishonesty in relation to the Students' Union, University or its staff, students or visitors;
- i) Theft, misappropriation or misuse of Students' Union property, or the property of staff, students or visitors, including computer misuse;
- j) Misuse or unauthorised use of Students' Union / University premises;
- k) Damage to Students' Union / University property, or the property of staff, students or visitors, caused intentionally or recklessly;
- l) Action likely to cause injury or risk the safety of others on Students' Union premises, at SU events or on any activity associated with the Students' Union;
- m) Failure to respect the rights of others to freedom of belief and freedom of speech;
- n) Failure to comply with a reasonable instruction relating to discipline, issued by the Students' Union or University including failure to comply with precautionary measures.

Appendix 2: Potential Sanctions

Potential sanctions for breaches of the Student Disciplinary Regulations. Where it is found misconduct has occurred, a student may be given one or more of the following penalties:

- A formal written warning;
- Absolute discharge, which means that although the student may have technically been involved in alleged misconduct no blame should be attached to their actions;
- Caution, which means that no further penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months, or some other specified period, they will then be dealt with for both offences;
- Required to attend a specified course or programme and to pay the reasonable cost as determined at the relevant time by the Students' Union;
- No-contact order - required to have no contact, or restricted contact, with a specified person or persons;
- Suspension from specific Students' Union activities for a fixed period of time;
- Suspension from all Students' Union membership activities for a fixed period of time;
- Permanent exclusion from specific Students' Union activities;
- Membership removed - permanent exclusion from all Students' Union activities (with the exception of Academic Advice);
- Any other reasonable penalty deemed to be appropriate by a Disciplinary Panel.