

THE STUDENTS' UNION (*THE SU*) STUDENT MEMBERS DISCIPLINARY POLICY

Vision: For The SU to be an inclusive and safe community for its Student Members.

Rationale: The SU has a responsibility for ensuring its Student Members maintain appropriate standards of behaviour for all activities organised by The SU or its Student Groups.

Where a Student Member's behaviour is not of an acceptable standard The SU can administer disciplinary sanctions.

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Confidentiality

Information gathered during a disciplinary will be handled confidentially and kept in a restricted access folder.

This will only be shared with SU and University staff involved in administering and monitoring disciplinary.

All named individuals will be erased from the disciplinary record after 4 academic years.

Reporting misconduct

Any person or group (*reporting party*) may email su-cda@bath.ac.uk to report misconduct committed by a Student Member (*respondent*) at any activity organised by The SU or its Student Groups.

Before making a report they may wish to discuss it first in confidence with The SU [Advice & Support team](#).

Responding to a report of misconduct

The SU will review the evidence provided within 5 University working days of acknowledging the report of misconduct and either:

- determine that there isn't sufficient evidence that a misconduct has been committed;
- determine that there is scope to resolve the matter informally;
- determine that there is sufficient evidence to issue a sanction in accordance with this policy;
- determine that the report be referred to the University in accordance with this policy;
- determine that further investigation is required before making a decision.

Separate emails will be sent to both the reporting party and respondent giving details of the:

- allegation that has been made and any evidence to supports this;
- decision reached regarding the report and how to appeal this;
- advice & support services available to them.

If further investigation is required statements may be sought and/or meetings held with any person provided:

- they are informed of the purpose of the investigation;
- they are offered the opportunity to bring a companion who may be an adviser if invited to a meeting;
- that if a meeting takes place there are at least two impartial staff members present for it.

Stage 1 Appeal: Chief Executive

Both the respondent and reporting party will each have 5 University working days to request an appeal to the Chief Executive (*or Deputy Chief Executive*) by emailing su-cda@bath.ac.uk.

They can only request an appeal if they can provide sufficient evidence to challenge:

- the decision reached regarding whether a misconduct has or has not been committed;
- the decision reached regarding what type of misconduct has been committed.

The Chief Executive (*or Deputy Chief Executive*) will review the evidence provided for an appeal within 5 University working days and either:

- inform the person who appealed that they believe sufficient evidence has not been provided to justify an appeal and provide details on how to appeal this decision; or
- meet to hear the appeal within 5 University working days.

If the Chief Executive (*or Deputy Chief Executive*) decides to hear the appeal they:

- can, at their discretion, temporarily suspend a sanction till they have reached a decision;
- will offer to meet (*physically or virtually*) the respondent and reporting party separately;
- will ensure that for any meetings that take place another impartial staff member is present taking notes;
- will offer for any person attending the opportunity to bring a companion or adviser to support them;
- may still make a decision if any person does not attend a meeting;
- can uphold, dismiss or amend any sanction given to the respondent;
- will inform both the respondent and reporting party of their decision within 3 University working days and provide details on how to appeal this.

Stage 2 Appeal: Complaints & Disciplinary committee

Both the respondent and reporting party will each have 5 University working days on receiving the outcome of stage 1 to appeal to the Complaints & Disciplinary committee by emailing su-cda@bath.ac.uk.

They can only request an appeal if they can provide sufficient evidence to:

- challenge the decision reached regarding whether a misconduct has or has not been committed;
- challenge the decision reached regarding what type of misconduct has been committed;
- demonstrate a deviation from this policy which might have unfairly affected the previous decision.

The Chair of the Complaints & Disciplinary committee (*who will always be an Independent Trustee*) will review the evidence provided for an appeal within 5 University working days and either:

- inform the person who appealed that they believe sufficient evidence has not been provided to justify an appeal; or
- arrange for the Complaints & Disciplinary committee to meet to hear the appeal within 10 University working days.

If the Complaints & Disciplinary committee meet to hear the appeal it:

- will comprise two Independent Trustees and an Officer;
- will be formally minuted;
- can, at their discretion, temporarily suspend a sanction till they have reached a decision;
- will offer to meet (*physically or virtually*) the respondent and reporting party separately;
- will offer for any person attending the opportunity to bring a companion or adviser to support them;
- may still make a decision if any person does not attend a meeting;
- can uphold, dismiss or amend any sanction given to the respondent;

- will inform both the respondent and reporting party of their decision within 3 University working days of the meeting.

A decision made by the Chair or the Complaints & Disciplinary committee will be the final decision of The SU.

University Disciplinary

The SU can refer any report to the University to investigate but usually this will be if they determine that:

- the misconduct did not occur at an activity organised by The SU or its Student Groups;
- the allegation concerns either drugs, discrimination, sexual misconduct or harassment.

Where a Student Member is referred to the University The SU reserves the right to suspend them from The SU as a precautionary measure until an outcome is received from the University.

The University can recommend that The SU issue a sanction that is in accordance with this policy to any Student that they have conducted a disciplinary for.

Any sanction recommended by the University can only be appealed under their disciplinary procedures.

Sanctions

A ban will normally be from all activities organised by The SU or its Student Groups with the exception of The SU Advice & Support team.

Bans issued will normally be in accordance with or proportionate to those within this policy and may exclude holiday periods.

The SU takes a firm stance against misconduct directed at staff and will normally issue longer bans where this occurs.

Under exceptional circumstances, where the severity of the misconduct justifies it, a lifetime ban may be issued for any misconduct.

Misconduct	Definitions	Sanction
Unauthorised entry	Attempting to or entering an SU venue/event without permission	2 week ban
Disruptive behaviour	Causing unreasonable low level disruption to others	2-4 week ban
Loss of property	Damage to or causing loss of property (less than £100)	4-6 week ban
Risking harm	Unintentionally risking harm through careless behaviour	6-8 week ban
Bullying	Offensive and/or intimidating behaviour	8-10 week ban
Violent Behaviour	Attempting to or intentionally harming another person	10-14 week ban
Discrimination	Unjust treatment of another person based on a protected characteristic (<i>age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation</i>)	14-18 week ban
Sexual misconduct	Inappropriate sexual behaviour that violates personal boundaries	18-26 week ban
Harassment	Bullying, discrimination or sexual misconduct that has occurred over a sustained period of more than a week	26-34 week ban
Neglect of duties.	Neglecting or failing to carry out duties in the interests of student members	Removal from committee
Abuse of power	Abuse of a position or responsibilities delegated to a student member	Removal from committee +

		12 months ban from holding any position
Breaching a ban	Breaching an SU ban or precautionary separation measures	10-20 week ban