



## Regulation 10

# Code of Conduct and Disciplinary Regulations

This Regulation was last updated in **November 2022**.

- 10001 The following code of conduct has been established by the Union's Board of Trustees in accordance with Article 13 and ratified by the Student Council in accordance with Article 59. It sets out the minimum standards of conduct and behaviour expected of all Members, (including all Elected Officers) of Associate Members and of the Union's clubs and societies.
- 10002 The Union's Board of Trustees has its own Code of Conduct reflecting the specific requirements and responsibilities of Trustees.
- 10003 This Code of Conduct has been written with the aim of ensuring that all Members have the best possible experience whilst studying at the University of Warwick.
- 10004 This Code helps us to facilitate an environment where all users of the Union's services, visitors, any member of the University community or any member of the communities in which our Members live are treated with dignity, fairness and respect.

### Applicability

- 10005 The Code of Conduct applies to the Union's Members, as defined in Article 10 of the Union's Articles of Association. This Code of Conduct also applies to Associate Members (as defined in Article 12 of the Union's Articles of Association). For the purposes of this Code of Conduct, any reference to a "Member" shall include a Member and an Associate Member. This Code also applies to the Union's clubs and societies.
- 10006 The Code of Conduct does not apply to the conduct of the Union's staff as there are specific employment policies which fulfil this role negotiated and agreed through formal information and consultation processes.

### Warwick SU Values

10007 All Members will respect and support the values of the Union which are:

- a) **Student Focused**  
We put students at the heart of everything we do.
- b) **Democratic**  
We are representative, transparent, and accountable.
- c) **Welcoming**  
We are supportive, helpful, accessible and value diversity.
- d) **Independent**  
We are the independent voice of Warwick students.
- e) **Enriching**  
We help students develop, we nurture their aspirations.

### **Upholding the Code**

10008 In accordance with Article 13, the Union and its Trustees have a responsibility to all Members to monitor and uphold this Code of Conduct. If a Member's conduct is found to be in breach of any part of this Code, some of their rights and privileges of membership may be suspended, removed, or their membership may be terminated. The disciplinary procedure to be followed if a Member is alleged to be in breach of this Code. The sanctions for breach of the Code by a Member or a club or society are set out below. Any decision to terminate a Member's membership shall be taken in accordance with the procedure set out below

### **General Requirements**

10009 All Members will, particularly when acting in any Union capacity (e.g. as an officer, councillor, Committee member, SSLC representative, society, club or student group member):

- a) Conduct themselves in a reasonable and responsible manner on Union premises, whilst using Union facilities or participating in any Union activity/ event including club and society events or whilst representing or acting on behalf of the Union.
- b) Treat others with respect and dignity; treat them fairly and without unfair or illegal discrimination.
- c) Not offend others with foul language, anti-social behaviour or discriminatory behaviour.
- d) Treat the environment with respect.
- e) Not interfere with other people's enjoyment of Union or University facilities or activities.

- f) Not engage in activity or behaviour likely to bring the University or Union into disrepute.
- g) Comply with the reasonable requests of staff and officers of the Union and the University.
- h) Respect the confidentiality and reasonable privacy of others.
- i) Comply with relevant legislation.
- j) Adhere to the Union's policies on:
  - i. Health and Safety
  - ii. Financial regulations and procedures
  - iii. Equality and Diversity
  - iv. Staff Student Protocol
  - v. Computer Use and Data Security policies
  - vi. Social media policy
  - vii. Governing documents and Bylaws
- k) Use Union resources responsibly and honestly.
- l) Undergo any training required as a result of any roles (voluntary or paid) undertaken.
- m) Not act dishonestly or with intent to commit fraud.

### **Specific Requirements**

- 10010 On entering the Union building, using their Warwick Card to enter another Students' Union, utilising Union services or facilities, or taking part in activities under the auspices of the Union, Members are deemed to have accepted responsibility for complying with the policies of the Union on behalf of themselves and their visitors.
- 10011 All Members of the Union are responsible for acquainting themselves with Union Policies, Union Regulations and Procedures. Ignorance of Union policies and procedures will not be accepted as a defence.
- 10012 A Member must produce their Warwick Card to any Union staff member upon request. This applies when the Member is occupying Union premises, utilising Union services or facilities, or taking part in activities under the auspices of the Union. Inability or refusal to produce a Warwick Card may lead to immediate exclusion from the premises, licensing area, services, facilities or activity.
- 10013 Any Member must produce their Warwick Card at any point when asked to do so by a member of Union staff.

- 10014 Any Member must leave the Venue (or any licensed premises) immediately if asked to do so by a member of Union staff.
- 10015 The Union reserves the right to eject any non-Member from the Venue (or any licensed premises). In this case the non-Member must show the form of ID which they used to gain access to the building. The Disciplinary Procedure may then be invoked against the Member who signed them in. This Member is deemed to have accepted responsibility for the conduct of that person.
- 10016 It is the responsibility of the Licensee to decide what offence has occurred.
- 10017 The Licensee has duties under the Licensing Act 1964. No Officer, Constituent Group or Union Democratic body can therefore overturn a disciplinary decision made by the Licensee.

### **Elected Officers**

- 10018 In addition to the above, Members who hold elected office will:
- a) Actively support the objects and mission of the Union.
  - b) Respect the confidentiality of any meetings where confidentiality is required whilst never using confidentiality as an excuse not to disclose matters that should be transparent and open.
  - c) Not knowingly misrepresent the views of the Union.
  - d) Carry out the duties and responsibilities of their elected role in good faith.
  - e) Seek to be accountable for their role and submit to whatever scrutiny is appropriate and reasonable.
  - f) Make every reasonable effort to be punctual and reliable.
  - g) Uphold the democratic principles of the Union.
  - h) Comply with any relevant conflict of interest policies.
  - i) Participate in induction and training in order to carry out their responsibilities effectively.
  - j) Not behave recklessly in the discharge of their duties.

## Warwick Students' Union Trustees Code of Conduct

- 10019 I will respect and uphold the values of Warwick Students' Union:
- a) **DEMOCRATIC**  
We are student-led, member-focused and representative.
  - b) **INDEPENDENT**  
We are the independent voice of Warwick students.
  - c) **ETHICAL**  
We are fair, principled, transparent and environmentally sound.
  - d) **FUN**  
We are friendly, vibrant and entertaining.
  - e) **INFORMATIVE**  
We are supportive, knowledgeable, responsive and useful.
  - f) **ENRICHING**  
We help students develop, we nurture their aspirations.
  - g) **ACCESSIBLE**  
We are diverse, welcoming, tolerant and inclusive.

### General

- 10020 I will act within the governing document of Warwick Students' Union and the law, and abide by the policies and procedures of the organisation. This includes having a knowledge of the contents of the Memorandum and Articles of Association and relevant policies and procedures.
- 10021 I will support the objects and mission of Warwick Students' Union championing it, using any skills or knowledge I have to further that mission and seeking expert advice where appropriate.
- 10022 I will be an active trustee, making my skills, experience and knowledge available to Warwick Students' Union and seeking to do what additional work I can outside trustee meetings, including sitting on sub-committees.
- 10023 I will respect organisational, board and individual confidentiality, while never using confidentiality as an excuse not to disclose matters that should be transparent and open.

- 10024 I will develop and maintain a sound and up-to-date knowledge of Warwick Students' Union and its environment. This will include an understanding of how Warwick Students' Union operates, the social, political and economic environment in which it operates and the nature and extent of its work.
- 10025 I will uphold the democratic principles of Warwick SU and ensure that I understand the interactions between the voice of the student body and the governance of the Students' Union.
- 10026 I will use Warwick Students' Union's resources responsibly and when claiming expenses will do so in line with Warwick Students' Union procedures.
- 10027 I will seek to be accountable for my actions as a trustee of Warwick Students' Union, and will submit myself to whatever scrutiny is appropriate.
- 10028 I accept my responsibility to ensure that Warwick Students' Union is well run and will raise issues and questions in an appropriate and sensitive way to ensure that this is the case.

### **Managing Interests**

- 10029 I will not gain materially or financially from my involvement with Warwick Students' Union unless specifically authorised to do so.
- 10030 I will act in the best interests of Warwick Students' Union as a whole, and not as a representative of any group – considering what is best for Warwick Students' Union and its present and future beneficiaries and avoiding bringing Warwick Students' Union into disrepute.
- 10031 Unless authorised, I will not put myself in a position where my personal interests conflict with my duty to act in the interests of the organisation. Where there is a conflict of interest I will ensure that this is managed effectively in line with Warwick Students' Union policy.
- 10032 I understand that a failure to declare a conflict of interest may be considered to be a breach of this code.

### **Meetings**

- 10033 I will attend all appropriate meetings and other appointments at Warwick Students' Union or give apologies. If I cannot regularly attend meetings I will consider whether there are other ways I can engage with Warwick Students' Union.
- 10034 I will prepare fully for all meetings and work for the organisation. This will include reading papers, querying anything I do not understand, thinking through issues before meetings and completing any tasks assigned to me in the agreed time.

- 10035 I will actively engage in discussion, debate and voting in meetings; contributing in a considered and constructive way, listening carefully, challenging sensitively and avoiding conflict.
- 10036 I will participate in collective decision making, accept a majority decision of the board and will not act individually unless specifically authorised to do so.

### **Governance**

- 10037 I will actively contribute towards improving the governance of the Trustee Board, participating in induction and training and sharing ideas for improvement with the board.
- 10038 I will help to identify good candidates for trusteeship at Warwick Students' Union and, with my fellow trustees, will appoint new trustees in accordance with agreed selection criteria.

### **Relations With Others**

- 10039 I will endeavour to work considerately and respectfully with all those I come into contact with at Warwick Students' Union. I will respect diversity, different roles and boundaries, and avoid giving offence.
- 10040 I recognise that the roles of trustees, volunteers and staff of Warwick Students' Union are different, and I will seek to understand and respect the difference between these roles.
- 10041 Where I also volunteer with the organisation I will maintain the separation of my role as a trustee and as a volunteer.
- 10042 I will seek to support and encourage all those I come into contact with at Warwick Students' Union. In particular I recognise my responsibility to support the chair and the Chief Executive.
- 10043 I will not make public comments about the organisation unless authorised to do so by the President or their nominated deputy. Any public comments I make about Warwick Students' Union will be considered and in line with organisational policy, whether I make them as an individual or as a trustee.

**Leaving the Board**

- 10044 I understand that substantial breach of any part of this code may result in procedures being put in motion that may result in my being asked to resign from the Trustee Board.
- 10045 Should this happen I will be given the opportunity to be heard. In the event that I am asked to resign from the Board, I will accept the majority decision of the Board in this matter and resign at the earliest opportunity.
- 10046 If I wish to cease being a trustee of Warwick Students' Union at any time, I will inform the chair in advance in writing, stating my reasons for leaving.

**Signed** .....  
**Name** .....  
**Date** .....

## Disciplinary Procedure for Members, Clubs and Societies

### Introduction

- 10047 All Members of the Union are subject to the rules and regulations of the Union. The aim is to promote fairness and order in the treatment of individuals, in line with the governing documents and policies of the Union, which include the Memorandum and Articles of Association, Code of Conduct, Bylaws, Union Regulations and Principles, Procedures and Policies.
- 10048 This disciplinary procedure applies to any Member, Associate Member or any club or society of the Union. For the purposes of this Bylaw, any reference to a "Member" shall include Member and Associate Member (unless the context requires otherwise).
- 10049 For the avoidance of doubt, this disciplinary procedure does not apply to a Member who is also an Elected Officer, including a Sabbatical Officer. The disciplinary procedure for Elected Officers is set out below.

### Procedure

- 10050 Any person, including the Union acting through its Chief Executive or a Trustee, can make a complaint against a Member, club or society whose behavior contravenes the Union's Code of Conduct or Bylaws or amounts to general misconduct. The Complaints Policy and Procedure describes the process that will be followed.
- 10051 Complaints should be submitted to the complaints form at Complaints Form ([warwicksu.com](http://warwicksu.com)).
- 10052 Once a complaint has been submitted the complaint will be acknowledged. It will then be screened and the Complaints Process will be followed.
- 10053 If the initial information submitted suggests that there may have been a serious breach of the Code of Conduct, the matter will be dealt with under the Disciplinary Procedure as described below. The decision to refer the matter to the Disciplinary Procedure will be made by the VP for Democracy and Development or President should there be a conflict of interest.
- 10054 If, during the investigation of a complaint, new information comes to light that suggests that the matter may represent a serious breach of the Code of Conduct, the Complaints Panel may refer the matter to be dealt with under the Disciplinary Procedure as described below.

### **Disciplinary Panel**

- 10055 A Disciplinary Panel shall be convened and shall be selected by the Vice President for Democracy and Development in consultation with relevant staff advisers (subject to paragraph 1056 below).
- 10056 The Disciplinary Panel shall normally be convened within 5 working days of the decision by the Vice President for Democracy and Development to refer the matter to the Disciplinary Procedure.
- 10057 No person shall sit on the Disciplinary Panel if they are related to the case, e.g. if they are a witness, complainant, are directly connected with the Member, club or society being charged or have any substantive involvement in the case.
- 10058 The Chair of the Disciplinary Panel shall be a Sabbatical officer (but not the President).
- 10059 In addition to the Chair, there will be two further members of the Disciplinary Panel who will be members of Student Council. At least one of these members will not be a Sabbatical Officer. One of the Panel members will be appointed as the Investigating Officer.
- 10060 The role of the Investigating Officer will be to establish the facts of the case promptly, obtain written evidence, interview witnesses and keep written records. In conducting interviews the Investigating Officer will state the issues as known; ask for information and explanations, and inform the person of the next steps and timelines. They will consult with staff advisors as necessary, prepare a written summary of findings and discuss these with the Chair of the Disciplinary Panel.
- 10061 A staff member, as agreed by the Chief Executive, shall act as secretary to the Disciplinary Panel and shall be responsible for convening the Disciplinary Panel.
- 10062 The Investigating Officer will conduct an investigation into the issue raised and shall endeavor, as far as possible, to complete their investigation within a reasonable period of time. For the purposes of the Hearing, the Investigating Officer does not have the right to act as prosecutor nor to question witnesses.
- 10063 The Disciplinary Panel may stay the disciplinary procedure at its discretion, for example if there are pending criminal or civil investigations or proceedings which relate to the disciplinary issue.

### **Disciplinary Hearing**

- 10064 The Hearing shall normally be held between 5 and 10 working days after the Disciplinary Panel is convened, unless there are extenuating circumstances or it is delayed by mutual agreement.

- 10065 It may be necessary to discipline a club, society or group of the Union. In this instance, it will be the club or society President (or equivalent) of the group who is called to appear. In the remainder of this Appendix, a reference to “Member” shall include the club or society President (or equivalent).
- 10066 At least 5 working days before the Hearing, the member shall be sent written notification of the alleged misconduct, breach or offence, and notification of the Hearing. This written notification will:
- a) outline the alleged offence.
  - b) give the date, time and place of the Hearing.
  - c) inform the Member that they have the right to bring a friend.
  - d) inform the Member that they may provide written statements for themselves and/or witnesses to the Chair at least 24 hours in advance of the Hearing.
  - e) inform the member that they have the opportunity to call witnesses but must inform the Chair of any intention to do so at least 24 hours in advance of the Hearing.
  - f) inform the Member that copies of the witness statements and incident report will be available for collection from Warwick SUHQ reception, at least 24 hours in advance of the Hearing.
  - g) detail the membership of the Disciplinary Panel, and inform the Member that if they wish to object to the membership of the panel, that they must do so in writing within 48 hours of receiving the written notification.
  - h) inform the Member that if they fail to appear, the Disciplinary Panel may allow for a postponement.
  - i) inform the Member that they can choose to have the case heard in their absence, providing that this is confirmed in writing within 48 hours of receiving the written notification.
  - j) inform the Member that they may request to have the hearing recorded and that they must inform the Chair of this within 48 hours of receiving the written notification.
  - k) include a copy of the Disciplinary Procedures for Members, Clubs and Societies.
- 10067 If both the Member concerned and the Chair agree then the date of the hearing may be postponed to a specified later date. The Member must communicate their request for a postponement within 48 hours of receiving the notification of the Hearing. A postponement may happen only once.
- 10068 The Chair shall make the final decision about whether to uphold any objection over the membership of the Disciplinary Panel and replace a member of the Panel. In the event that the objection relates to the Chair’s membership, the President shall make the final decision as to whether to uphold the objection.
- 10069 In any circumstance where the President judges themselves to have a conflict of interest they may choose to turn to the VP Democracy & Development to take a decision in their place.

- 10070 The Hearing will be ordered as follows:
- a) Introductions
  - b) Investigating Officer presents their findings
  - c) Member followed by panel can ask questions of the Investigating Officer.
  - d) Member presents their case
  - e) Investigating Officer followed by the panel can ask questions of the Member.
  - f) Panel calls on witnesses of the alleged misconduct or offence
  - g) Panel asks questions of parties and witnesses as they see fit
  - h) Member has the opportunity to respond to evidence
  - i) Member is asked to leave the room while the Panel discusses and reaches a decision as to their findings and, if necessary, decides upon a suitable sanction
  - j) Member is called back into the room and informed that the Panel's decision will be communicated in writing within 5-6 working days.
  - k) The Chair informs the member of their right to appeal against any decision
- 10071 Neither the Panel nor the Member has the authority to compel the attendance or contribution of a witness against their will. It will normally be the responsibility of the Member to notify any witnesses they wish to attend and to inform them of this fact.
- 10072 The Member does not have the right to question witnesses but may submit to the Panel a list of written questions for each witness following his/her evidence. At its discretion, the Panel may ask the witness any of these questions.
- 10073 In exceptional circumstances, on the request of a witness, the Panel may direct that the Member leaves the room for the whole or part of the evidence of the witness.
- 10074 The Panel shall call upon staff advisors in matters for which they require legal or professional clarification or in such instances where the Union's legal responsibilities may require them to take account of employment law issues or employee/employer rights. These advisors will normally be present throughout the Hearing.
- 10075 The Disciplinary Panel shall have the power to adjourn, continue or postpone a hearing at its discretion.
- 10076 The findings of the Panel and the imposition of any sanctions shall be decided by a simple majority vote of the Panel, notwithstanding that every effort will be made to reach a unanimous decision in the first instance.
- 10077 The Panel reserves the right to inform the University of any sanction imposed on an individual.
- 10078 After the Hearing, the Chair will notify all parties in writing of the outcome. Unless doing so would in any way breach the Data Protection Act or any other legal obligation relating to defamation or Duty of Care, the finding of the Hearing will be placed on the Democracy Hub Notice Board.

10079 In line with the Data Protection Act 1998 the Member has the right to make a Subject Access Request for any record of the hearing kept on computer or in an intelligible and accessible filing system. In cases where an intelligible recording of the proceedings has been made the Union will not be under an obligation to provide a written record as well. If the record is written it will not normally be a verbatim record. The final decision in that matter will lie with the President. The Union's Privacy Statement ([Privacy Statement \(warwicksu.com\)](http://warwicksu.com)) sets out how personal information is treated.

### **Decision of the Disciplinary Panel**

10080 The decisions which the Disciplinary panel may take are:

- a) Imposition of a sanction on the Member, club or society from the list in paragraphs 5.8 or 5.9 below (as appropriate)
- b) Referral of the matter to the University for assessment and final verdict; or
- c) Dismissal of the allegations and charges brought against the Member, club or society.

10081 In making its decision, the threshold to be reached by the Panel in any contested allegations is an assessment on the balance of probabilities, and not proof beyond reasonable doubt.

10082 The Disciplinary Panel will be made aware of any previous offences in which the Member has been involved at the stage when sanctions (if any) are to be imposed.

10083 A sanction may be suspended or deferred at the discretion of the Panel.

10084 When setting sanctions the Panel will take into account any time or penalty already spent.

10085 Within 5 working days of deciding the appropriate disciplinary action, the Disciplinary Panel shall notify the Member, club or society in writing of its decision and this notification shall normally set out the reasons for the Panel's decision and the imposition of any sanctions.

### **List of Grounds for Disciplinary Action**

10086 The following (which is not an exhaustive list) shall be considered misconduct and grounds for disciplinary action:

- a) violence or threat of violence.
- b) using, dealing or possessing illegal drugs on Union premises.
- c) drunk and disorderly conduct.
- d) damage to the Union's property, or property belonging to a Member or guest.
- e) refusal to leave the Union's premises.
- f) misbehaviour of a Member's guests.
- g) harassment of any kind.

- h) abusive language to students or staff members.
- i) contravention of the Memorandum and Articles of Association, Code of Conduct, Bylaws, Union Regulations and Principles or Policy.
- j) lewd or offensive behaviour.
- k) breach of the Union's Equality and Diversity Bylaw.
- l) any illegal behaviour.
- m) failure to follow required health and safety provisions that have or are likely to have put someone in danger of serious injury, illness or death.
- n) failure to comply with data protection provisions and provisions relating to secure use of the internet or email.
- o) behavior which exposes the Union to potential or actual financial risk or loss or legal action.
- p) behavior which causes difficult working relationships or damages the Union's reputation.
- q) Conduct which disrupts or prejudices the work of the Union, other Members, officers or employees of the Union or the carrying out of the Union's business.
- r) Conduct in breach of University of Warwick policies.

### List of Sanctions for Groups

10087 The following sanctions may be imposed by the Disciplinary Panel upon any club, society or group of the Union:

- a) financial penalty up to £350 (unrelated to specific financial loss as in b).
- b) financial restitution in full or in part of the cost of making good any damage or loss suffered by the Union or other Members or persons.
- c) total or partial ban from some or all of the Union for a specified period of time.
- d) removal of rights to use some or all of the Union's facilities for a specified period of time.
- e) closure of the group, club or society.
- f) any combination of the above sanctions.
- g) requirement to attend training
- h) any other sanction deemed appropriate by the Panel.

### List of Sanctions for Individual Members

10088 The following sanctions may be imposed by the Disciplinary panel upon any Member of the Union:

- a) verbal or written apology.
- b) total or partial ban from some or all areas of the Union, and access to services, facilities or activities for a specified period.
- c) withdrawal of rights to participate in or benefit from specified Union services, facilities or activities for a specified period.
- d) permanent or temporary suspension of some of the rights and benefits of membership of the Union (except that a Member's right to receive notice of, attend, speak and vote at a Company General Meeting cannot be suspended).

- e) financial penalty up to £50 (unrelated to specific financial loss as in f).
- f) financial restitution in full or in part of the cost of making good any damage or loss suffered by the Union or other Members or persons.
- g) any combination of the above sanctions.
- h) requirement to attend training
- i) any other sanctions deemed appropriate by the Panel.

## Appeal Process

- 10089 An appeal may be made against the decision of the Disciplinary Panel. Appeals may be submitted on the following grounds:
- a) That there was a material irregularity or failure in procedure in the conduct of the original Disciplinary Hearing.
  - b) That there appears to be evidence of prejudice or bias in the preparation for or during the original Disciplinary Hearing.
  - c) That relevant and apparently credible evidence has come to light which could not have been obtained with reasonable diligence for the original Disciplinary Hearing and which would probably have had an important influence on the Hearing.
  - d) That in the light of such new evidence, the penalty imposed by the Disciplinary Panel is excessive in relation to the offence committed.
- 10090 An appeal may be made by the Member in writing to the President within 10 working days of the Member receiving notification of the Disciplinary Panel's decision. If the individual lodging the appeal is awaiting a written record of the Hearing this will be taken into consideration when enforcing the appeal deadline. The appeal letter must briefly state the grounds for the appeal.
- 10091 If either party is dissatisfied with their dealings with the Union, they may refer their complaint to the University Registrar. The Registrar may delegate an alternative University Officer to respond at their discretion. It should be noted, however, that recourse to the Registrar does not constitute a further appeals procedure and as such the appellant cannot delay complying with the decision of the Appeals Panel on the grounds that the Registrar has yet to adjudicate.
- 10092 The President shall then convene an Appeals Panel that will consist of a Sabbatical Officer as Chair, and two other members of Student Council. The Appeals Panel members must not have been involved in the original hearing, not be directly connected with the Member bringing the appeal, nor have any other conflict of interest.
- 10093 The Chair shall ensure that all relevant papers pertaining to the Appeals Panel have been circulated to the appellant, the complainant, and the members of the Appeals Panel.
- 10094 The Appeals Panel will be held between 3 and 8 working days after the appeal has been lodged (subject to 1090 above).

- 10095 If both the appellant and the Chair agree then the date of the Appeals Panel may be postponed to a specified later date. However, this may happen only once.
- 10096 The function of the Appeals Panel will be to consider whether there is a ground for the appeal, in accordance with 6.1 above. If so, the function of the Appeals Panel will be to consider the case again and as such the Appeals Panel should follow the same procedure as the original Disciplinary Panel, with the exception that the original witnesses will not be called again unless the Appeal Panel decides that their attendance is merited. The appellant should be able to speak first, and have the final word in mitigation.
- 10097 The Appeals Panel may permit the appellant to call additional witnesses or present additional evidence, and may call further witnesses itself.

10098 The Appeals Panel may:

- a) uphold the decision of the Disciplinary Panel
- b) overturn the decision made by the Disciplinary Panel; or
- c) change the sanctions imposed by the Disciplinary Panel 6.10 The decision of the Appeals Panel shall be final.

### **Complaints about the Disciplinary Procedure**

10099 If either party is dissatisfied with their dealings with the Union, they may refer their complaint to the University Registrar. The Registrar may delegate an alternative University Officer to respond at his discretion. It should be noted, however, that recourse to the Registrar does not constitute a further appeals procedure and as such the appellant cannot delay complying with the decision of the Appeals Panel on the grounds that the Registrar has yet to adjudicate.

### **Disciplinary Action by the University**

10100 Where the University makes a recommendation to the Union to impose a Precautionary Suspension or sanction(s) on a Member of the Union, at the approval of the President or nominated deputy the Union may enact that recommendation without the need to reference the alleged or proven offense. This is under the knowledge that at least one Full-Time Officer will be on all University Disciplinary Panels and that the University has an obligation to inform the Member of the alleged or proven offense. The Member will also have been informed of the University's recommendations to the Union.

## Licensed Area Disciplinary Regulations

### Introduction

- 10101 All Members and visitors to the University of Warwick Students' Union are subject to the rules and regulations of the organisation. The aim is to promote fairness and order in the treatment of individuals, in line with the policies of the Students' Union, which include the Constitution, Appendices, Regulations, Procedures and Policies, and in particular the Equal Opportunities Appendix and the Union's Door Policy.
- 10102 On entering the Union building, using their Warwick Card to enter another Students' Union, utilising Union services or facilities, or taking part in activities under the auspices of the Union, Members are deemed to have accepted responsibility for complying with the policies of the Union on behalf of themselves and their visitors.
- 10103 All Members of the Union are responsible for acquainting themselves with Union policies, Union Regulations and Procedures. Ignorance of Union policies and procedures will not be accepted as a defence.
- 10104 A Member must produce their Warwick Card to any Union staff member upon request.
- 10105 This applies when the Member is occupying Union premises, utilising Union services or facilities, or taking part in activities under the auspices of the Union. Inability or refusal to produce a Warwick Card may lead to immediate exclusion from the premises, licensing area, services, facilities or activity.
- 10106 Any Member must give up their Warwick Card at any point when asked to do so by a member of Union staff.
- 10107 Any Member must leave the venue immediately if asked to do so by a member of Union staff.
- 10108 The Union reserves the right to eject any non-Member from the venue (or any licensed premises). In this case the non-Member must show the form of ID which they used to gain access to the building. The Disciplinary Procedure may then be invoked against the Member who signed them in. This Member is deemed to have accepted responsibility for the conduct of that person.
- 10109 It is the responsibility of the Licensee to decide what offence has occurred.
- 10110 The Licensee has duties under the Licensing Act 2003. No Officer, Constituent Group or Union Democratic body can therefore overturn a disciplinary decision made by the Licensee.

## Procedure

- 10111 The Disciplinary Officers are the Licensees, the Security Manager and their nominated representatives.
- 10112 Any behaviour that causes a student, guest or staff member to lodge a complaint will be sufficient grounds for an investigation.
- 10113 Where an alleged breach of the regulations occur, a staff member shall have the authority to exclude the Member from the venue or to take any other reasonable action to prevent further immediate breaches of the regulations. This action, shall at the earliest opportunity, be reported to a nominated Disciplinary Officer who shall endorse, amend or withdraw the restrictions pending a meeting with the accused.
- 10114 Members who have been asked to leave, or removed from the building, will be informed of why they have been excluded. They will then be told to contact a Disciplinary Officer at a specified time on the following working day. If the Member fails to do this, the failure will be taken into consideration when the Disciplinary Officer makes their decision.
- 10115 When the Member contacts the Disciplinary Officer they will be asked to provide a statement of their version of events and those of any witnesses they may choose. The Disciplinary Officer will keep a record of this meeting for future consideration.
- 10116 If the Disciplinary Officer decided that the offence is of a minor nature, then they may impose a ban of up to four weeks, in consultation with a licensee.
- 10117 If the Disciplinary Officer deems the offence to warrant more than a four-week ban, then they will give the Member written notice of a Disciplinary Meeting with a Licensee. After considering the evidence, the Licensee will advise the Member of their decision.
- 10118 The Vice President for Democracy and Development will be informed of all offences resulting in a ban. A summary of all outcomes and the banned persons list will be produced annually for a Trustees meeting.
- 10119 The Disciplinary Officer reserves the right (in consultation with the Vice President for Democracy and Development) to inform the University Licensees of any decision to ban an individual from the Union Building.
- 10120 The Disciplinary meeting shall have the power to adjourn, continue or postpone a meeting at its discretion.

## Appeal Process

- 10121 There is no right of appeal against a ban when dealing with misconduct in Licensed Areas.

- 10122 If the appellant wishes to raise any concerns about the ruling of the Licensee in a Disciplinary meeting, they must do so in writing not more than 48 hours after the meeting. This should be addressed in the first instance to the President.
- 10123 In a case where the President has a conflict of interest, the matter will be passed to another Sabbatical Officer.
- 10124 The President shall then discuss the matter with a Licensee after which the Licensee will have the final decision as to whether to uphold the penalty, reduce it or remove it.
- 10125 If the appellant is dissatisfied with their dealings with the Union, they may refer their complaint to the University Registrar. The Registrar may delegate an alternative University officer to respond at his discretion. It should be noted however that recourse to the Registrar does not constitute an appeals procedure and as such the appellant cannot delay complying with requirements of the disciplinary on the grounds that the Registrar has yet to adjudicate.

### Sanctions

- 10126 Sanction may be suspended for a given period, subject to the behaviour of the Member for the period identified. A decision of this nature should be communicated to the Member in writing, clearly stating that the sanction shall be imposed if there is any further breach of Union Regulations. Additionally, further conditions governing the imposition of any such penalty may be specified.
- 10127 Penalty may be deferred at the discretion of the Licensee.
- 10128 When setting penalties, the Licensee will take into account any time or penalty already spent.
- 10129 List of Grounds for Disciplinary Action
- a) Violence or threat of violence.
  - b) Using, dealing or possessing drugs on Union premises.
  - c) Drunk and disorderly conduct.
  - d) Damage to Union property or property belonging to a Member or guest.
  - e) Refusal to leave the Union premises.
  - f) Misbehaviour of a Member's guest's.
  - g) Harassment of any kind.
  - h) Abusive language to students or staff members.
  - i) Lewd or offensive behaviour.
  - j) Taking glass on the dance floor.
  - k) Deliberate breaking of glass.
  - l) Smoking in non-smoking areas.
  - m) Any behaviour deemed unacceptable by the licensee.

10130 List of Sanctions

- a) Verbal or written apology.
- b) Total or partial ban from some or all areas of the Union for a specified period of time.
- c) Withdrawal of rights to participate in or benefit from specified Union services or facilities for a specified period.
- d) Permanent or temporary suspension of some of the rights and benefits of membership of the Union (except that the Member's right to receive notice of, attend, speak and vote at a Company General Meeting cannot be suspended).
- e) Financial restitution in full or in part of the cost of making good any damage or loss suffered by the Union or other Members or persons.
- f) Financial penalty up to £50.
- g) Any combination of the above penalties.
- h) Any other sanction deemed appropriate by the Licensee.

## Procedures relating to Elected officers including Sabbatical Officers

### Introduction

- 10131 All members of the Students' Union may stand for election to office. Once elected these officers have committed to discharge their responsibilities to the best of their ability. As these individuals carry additional responsibilities there are additional processes for holding them to account.
- 10132 Sabbatical Officers are democratically accountable to the membership and they are also employees of the Students' Union. This means that the disciplinary process for sabbatical officers has additional stages in order to ensure fair treatment and comply with employment law.

### Procedures relating to Elected Officer's Political Performance (including Sabbatical Officers)

- 10133 Elected officers are held accountable to the members through the political processes. Where the political performance of an Officer is in question the following procedure will be followed.
- 10134 Under Article 38, an elected Officer can be removed from Office by:
- a) A motion of no confidence in the Elected Officer passed by a two thirds majority vote at a quorate All Students Meeting. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 1% of members.
  - b) A motion of no confidence in the Elected Officer is passed by a two thirds majority in a vote of the Student Council. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 0.5% of Members.
- 10135 The motion must contain details of the way in which the Officer is deemed to have failed in their duties.

### Investigation

- 10136 A sub-committee of Student Council will be set up to investigate the allegation in order to gather factual information.
- 10137 The Investigation Sub Committee will consist of two members of Council.
- 10138 In the case where No Confidence is a possible outcome, there will be an independent presence, likely to be the Human Resources Manager or another member of the Human Resources Department although there may be another suitably qualified member of staff.

### **Student Council/All Student Meeting**

- 10139 In the interest of fairness, the meeting will be presented with:
- a) The motion (of no confidence or censure)
  - b) The findings of the Investigation Sub Committee
  - c) Any representations from the Elected Officer A vote will be taken in compliance with the Bylaws and Memorandum and Articles of Association.
- 10140 There is no right of appeal against a motion of No Confidence .

### **No Confidence in a Sabbatical Officer**

- 10141 In the specific case where a motion of No Confidence in a Sabbatical Officer is passed after this process, the following procedure must be followed:
- 10142 The Trustees will determine whether it is appropriate to suspend the Sabbatical Officer from their employment duties whilst the processes relating to their employment are carried out. Suspension is not a form of disciplinary action.
- 10143 Following a vote of No Confidence, the Officer will no longer be an office holder and as such will not be required to represent the SU or its members in any formal capacity. They will be eligible to continue as an Officer Trustee under Article 34 of the Memorandum and Articles. In the event that the Trustees meet to discuss any issues relating to the vote of No Confidence , the Officer would need to declare a conflict of interest and take no part in the discussion or participate in any vote.
- 10144 As an investigation has already been carried out, there will not normally be a requirement to carry out a further investigation. The facts of the removal from office will be a matter of record.
- 10145 If an investigation is required, the Trustees will determine who should conduct the investigation. It would normally be a member of the Trustee Board.
- 10146 The Chief Executive or their delegated representative will support the Trustees throughout in respect of procedure.
- 10147 A Disciplinary Hearing will be convened. (Refer to the SU's Staff Disciplinary Procedure for details relating to informing the Officer and administration of the hearings, before, during and afterwards).
- 10148 The Disciplinary Panel will normally be:
- a) A Lay Trustee
  - b) A Sabbatical Officer Trustee (normally the Chair)
  - c) A Student Trustee
- 10149 No member of the Panel can have participated on the motion of No Confidence.

- 10150 Where this means that no Sabbatical Officer or Student Trustee can participate in the panel, a Sabbatical Officer Trustee and/or a Student Trustee from another Students' Union can be called upon.
- 10151 The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
- 10152 The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
- 10153 In the circumstances of an Officer being No Confidenced, the reason for consideration of dismissal as an employee would normally be that of dismissal by reason of "some other substantial reason". The Elected Officer has to be a member of the Students' Union and an Officer holder to be employed as a Sabbatical Officer. If these are no longer the case, the Officer can no longer remain an employee.

### **Appeals Procedure**

- 10154 If the Officer is dismissed from employment, they can appeal that decision.
- 10155 The Appeals Panel would consist of:
- a) A Chief Executive/General Manager and Sabbatical
  - b) Officer of another
  - c) Students' Union
  - d) A full member of Warwick SU who is not a member of Student Council or a Trustee
  - e) A representative of the University of Warwick

### **Disciplinary Processes relating specifically to Sabbatical Officers**

- 10156 Where a Sabbatical Officer breaches the SU Code of Conduct or is accused of misconduct relating to their employment (see below for examples of misconduct and gross misconduct in employment), the following procedure will be followed:
- 10157 Investigation
- a) The Board of Trustees will set up an Investigation Panel. This would normally be a nominated and suitably experienced member of the Board of Trustees but may, at the discretion of the Trustees, comprise up to three members of the Board. In this case, there will be one Student Trustee, one Lay Trustee and One Sabbatical Officer Trustee.
  - b) The Investigation will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive
  - c) The Investigation will be carried out in accordance with the Staff Disciplinary procedure unless specified otherwise in this procedure

- d) Suspension may be considered. This is not disciplinary action. Where immediate suspension is required due to a serious issue, suspension may be carried out by the President or another member of the Sabbatical team accompanied by a member of the Senior Management Team.

10158 Disciplinary Hearing

If, following investigation, the panel deem there to be grounds for a Disciplinary Hearing, the following procedure will be followed:

- a) The Board of Trustees will set up a Disciplinary Panel. The Panel will include:
  - i. A Lay Trustee
  - ii. A Sabbatical Officer Trustee (normally the Chair)
  - iii. A Student Trustee
- b) No member of the Panel can have participated in the Investigation
- c) Where this, along with any potential conflicts of interest means that there is no Sabbatical Officer or Student Trustee who can participate in the panel, a Sabbatical Officer Trustee and/or a Student Trustee from another Students' Union can be called upon.
- d) The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
- e) The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
- f) The Hearing will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.
- g) The sanctions following a hearing are set out in the Staff disciplinary procedure.

10159 Appeals Process

Any Sabbatical Office who has received any disciplinary sanction following a hearing can appeal that decision. The following procedure will be followed:

- a) The Board of Trustees will set up an Appeals Panel. The Panel will include:
  - i. A Chief Executive/General Manager of another Students' Union
  - ii. A Sabbatical Officer of another Students' Union
  - iii. A full member of Warwick SU who is not a member of Student Council or a Trustee
- b) The panel will be supported and advised by a suitably experienced member of Students' Union staff, nominated by the Chief Executive.
- c) The Elected Officer has the right to be accompanied in the same way as any other member of staff. Refer to the Staff Disciplinary Procedure.
- d) The Hearing will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.

10160 Grounds for Appeal

An appeal may be made against the decision of the Disciplinary Panel. Appeals may be submitted on the following grounds:

- a) That there was a material irregularity or failure in procedure in the conduct of the original Disciplinary Hearing.
- b) That there appears to be evidence of prejudice or bias in the preparation for or during the original Disciplinary Hearing.
- c) That relevant and apparently credible evidence has come to light which could not have been obtained with reasonable diligence for the original Disciplinary and which would probably have had an important influence on the Hearing.
- d) That in the light of such new evidence, the penalty imposed by the Disciplinary panel is excessive in relation to the offence committed.

**Definitions of a Breach of SU's Code of Conduct or Misconduct in Employment**

10161 Misconduct - The following gives examples of conduct deemed to be unacceptable, warranting disciplinary action but not instant dismissal for a first offence. This list is not exhaustive and is intended to give guidance, negligent breaches of organisational regulations or procedures or misconduct, e.g.:

- a) Failure to adhere to Financial Regulations
- b) Failure to follow Health and Safety Regulations
- c) Misuse or wastage of organisational resources
- d) Failure to comply with the Equal Opportunities Bylaw
- e) Falsification of expense claims
- f) Failure to adhere to the Computer Use Policy
- g) Being intoxicated or under the influence of drugs whilst carrying out required duties (in circumstances where subsequent behaviour is unacceptable or where health and safety of themselves or others is put at serious risk, this may be deemed to be Gross Misconduct)
- h) Poor timekeeping or attendance
- i) Behaviour towards colleagues, members or other stakeholders which cause difficult relationships or damages the organisation's reputation
- j) Failure to make the most cost effective travel arrangements
- k) Distortion of records of personal or organisational performance
- l) Breaches of confidentiality (except in cases under the remit of the Public Interest Disclosure Act, refer to "Whistleblowing Policy)
- m) Breach of the Conflict of Interest Policy
- n) Breach of the Anti-Bribery Policy
- o) Failure to carry out actions required by Warwick SU policy
- p) Coercion for proxy votes for use at General Meetings

10162 Gross Misconduct - The following list sets out examples of Gross Misconduct, behaviour that may result in the summary dismissal for a first offence. The list is not exhaustive: Deliberate or flagrant breaches of regulations or serious misconduct:

- a) Theft or fraud
- b) Failure to adhere to Financial Regulations
- c) Failure to follow Health and Safety Regulations/Procedures that have or could have resulted in serious consequences
- d) Failure to comply with the Equality and Diversity Bylaw
- e) Acts of sexual impropriety
- f) Illegal acts during work or whilst clearly identifiable as an Officer or Trustee of the Students' Union
- g) Falsification of expense claims
- h) Breach of the Conflict of Interest Policy
- i) Breach of the Anti-Bribery Policy
- j) Failure to adhere to the Computer Use Policy
- k) Distortion of records of personal or organisational performance
- l) Fighting on the premises, including assault of any other person
- m) Bullying of colleagues, members or other stakeholders
- n) Harassment of colleagues, members or other stakeholders
- o) Abusive behaviour towards a colleague, visitor or member
- p) Committing an act of unlawful discrimination
- q) Malicious damage of company property, colleagues' property or members' property
- r) Possession of illegal drugs on the premises
- s) Committing an act of gross misconduct or criminality outside the Students' Union whilst representing Warwick SU
- t) Serious negligence which causes or might cause unacceptable loss, damage or injury

#### **Procedure if University of Warwick withdraws a Sabbatical Officer's Student Status**

- 10163 Sabbatical Officers of the Students' Union are granted student status by the University of Warwick. If this status is withdrawn for whatever reason, the Officer is no longer a member of the Students' Union and thus can no longer continue as an Elected Officer. Refer to Article 11 of the Memorandum and Articles of Association.
- 10164 Once student status is removed, the Elected Officer is also removed from any ex officio positions such as Director of any subsidiary companies. They will be eligible to continue as an Officer Trustee under Article 34 of the Memorandum and Articles. In the event that the Trustees meet to discuss any issues relating to the removal of Student Status, the Officer would need to declare a conflict of interest and take no part in the discussion or participate in any vote.
- 10165 Such an occurrence has implications for their continued employment.

10166 Investigation

- a) The Trustees will determine whether it is appropriate to suspend the Sabbatical Officer from their employment duties whilst the processes relating to their employment are carried out. Suspension is not a form of disciplinary action.
- b) They will no longer be an office holder and as such will not be required to represent the SU or its members in any formal capacity.
- c) The Board of Trustees will set up an Investigation Panel. This would normally be a nominated and suitably experienced member of the Board of Trustees but may, at the discretion of the Trustees, comprise up to three members of the Board. In this case, there will be one Student Trustee, one Lay Trustee and one Sabbatical Officer Trustee.
- d) The Investigation will be supported and advised by a suitably experienced member of Students' union staff, nominated by the Chief Executive.
- e) The Investigation will be carried out in accordance with the Staff Disciplinary Procedure unless specified otherwise in this procedure.
- f) The Chief Executive or their delegated representative will support the Trustees throughout in respect of procedure.

10167 Appeal Procedure

- a) If the Officer is dismissed from employment, they can appeal that decision.
- b) The Appeal Panel will consist of:
  - i. A Chief Executive/General Manager and Sabbatical Officer of another Students' Union
  - ii. A full member of Warwick SU who is not a member of Student Council or a Trustee
  - iii. A representative of the University of Warwick
- c) Refer to the Staff Disciplinary Procedure for details relating to informing the Officer and administration of the hearings, before, during and afterwards.

**Procedure Relating to the Capability of an Officer  
(where not raised under Political Performance)**

10168 Objective Setting

- a) Officers will be required to provide their objectives for their Term of Office to the Student Council
- b) These should be submitted to the first Student Council meeting of each academic year
- c) Support will be given to Officers to enable them to meet this requirement.

10169 Student Council will review these objectives at least once a term or as often as they feel is appropriate.

10170 Procedures if Performance is Unsatisfactory:

- a) Where there is concern expressed by the Student Council following review of objectives, they will appoint an Investigating Officer to meet with the Officer concerned with a view to developing an Officer Development Plan. This process will be supported by a member of staff of the Officer under scrutiny's choice.
- b) In the case of a Sabbatical Officer, this will normally be their staff mentor and in the case of a non-Sabbatical Union Officer, this will be either a member of the Advice Centre staff team or the HR staff team.
- c) The role of this person will be to support the Officer under scrutiny and ensure fairness of the process.
- d) Progress against the Officer Development Plan will be carried out by the Investigating Officer, again, in the presence of a member of staff.
- e) If progress continues to be unsatisfactory, the Disciplinary Procedure will be invoked as above.
- f) This process does not usurp the process of censure or no confidence.