

## 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](mailto: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 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](mailto: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](mailto: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 <b>protected characteristic</b> ( <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
Breaching a ban	Breaching an SU ban or precautionary separation measures	10-20 week ban