

# DURHAM SU ASSEMBLY

There will be a meeting of Assembly at 1600 on Thursday 3 November, MCS0001, Mathematics and Computer Science Building.

Please try and arrive at the meeting from 1545, for a prompt start at 1600.

## AGENDA

### 1. OPENING OF MEETING (CHAIR, 2 MINUTES)

To receive apologies, conflicts of interest, notification of any other urgent business not on the agenda.

### 2. MINUTES OF THE PREVIOUS MEETINGS ON 26 MAY 2022 (CHAIR, 2 MINUTES) UA/2223/02

To accept the minutes as an accurate record of the previous meetings.

### 3. RATIFICATION OF STUDENT GROUPS (CHAIR, 2 MINUTES) UA/2223/08

To note ratified new student groups from Student Group Committee.

*Routine business items*

### 4. CHAIRS ELECTION (CHAIR, 10 MINUTES)

To elect the Chair of Assembly for academic year 2022/2023.

### 5. ASSEMBLY PROCEDURES COMMITTEE ELECTION (CHAR, 2 MINUTES)

To elect members of Assembly Procedures Committee for academic year 2022/2023.

### 6. OFFICER SCRUTINY COMMITTEE ELECTION (CHAIR, 2 MINUTES)

To elect members of Officer Scrutiny Committee for academic year 2022/2023.

### 7. OFFICER UPDATES (OFFICERS, 10 MINUTES)

To receive an update on team priorities from the SU officer team.

### 8. COMMITTEE UPDATES (COMMITTEE CHAIRS, 10 MINUTES)

To receive updates from committee chairs on activities since the last meeting.

### 9. ASSOCIATION UPDATES (ASSOCIATION CHAIRS, 10 MINUTES)

To receive updates from association chairs on activities since the last meeting.

*\*A comfort break of 10 minutes will be held, before returning to discussion items.*

*Items for discussion:*

### 10. FOSSIL FREE CAREERS (POPPY JOPSON, 15 MINUTES) UA/2223/03

To discuss a motion on Fossil Free Careers.

**11. STANDING ORDERS CORRECTIONS (OPPORTUNITIES OFFICER, 15 MINUTES) UA/2223/04**

To discuss a motion to approve corrections to the new Standing Orders.

**12. PRO-CHOICE STANCE ON ABORTIONS (WELFARE AND LIBERATION OFFICER, 15 MINUTES) UA/2223/05**

To discuss a motion on Durham SU adopting a pro-choice stance on abortions.

**13. DURHAM SU CODE OF CONDUCT (OPPORTUNITIES OFFICER, 15 MINUTES) UA/2223/06**

To discuss a proposed Code of Conduct for members of Durham Students' Union.

***Assembly is committed to making its meetings accessible to persons with disabilities. If you consider yourself to have any access or reasonable adjustment needs, please contact the SU governance account: [dsu.governance@durham.ac.uk](mailto:dsu.governance@durham.ac.uk) at least 2 days in advance of the meeting to make arrangements.***

# DURHAM SU ASSEMBLY

## DRAFT MINUTES OF THE MEETING 26 May 2022

CG85, Chemistry Building, Lower Mountjoy

### 1. OPENING OF MEETING

NE opened the meeting, welcoming members and attendees, explaining zoom etiquette, outlining that no offensive or unacceptable behaviour would be accepted and would result in being removed from the meeting.

### 2. MINUTES OF THE PREVIOUS MEETINGS ON 17 MARCH 2022

There were no amendments to minutes of the last meetings. Minutes from the last meetings were approved.

#### *Routine business items*

### 3. OFFICER UPDATES

Updates were provided from the SU Officer Team on their priorities for the year. Updates were provided by:

Seun Twins, SU President  
Charlie Procter, Undergraduate Academic Officer  
Declan Merrington, Postgraduate Academic Officer  
Jack Ballingham, Opportunities Officer  
Jonah Graham, Welfare and Liberation Officer

### 4. COMMITTEE UPDATES

SU Rep Committee  
Student Groups Committee  
Governance and Grants Committee  
JCR PresComm  
Academic Affairs Committee

(Apologies from, DUCK, MCR PresComm )

### 5. ASSOCIATION UPDATES

Women's Association

(Apologies from Trans Association, International Students' Association, LGBT+ Association, Durham People of Colour Association (DPoCA), Students with Disabilities Association (SwDA), Working Class Students' Association, Mature Students' Association (MATSA).

**\*\*ACCESS BREAK\*\***

*Items for discussion:*

## **6. STUDENT CONSULTATION: COMMERCIAL REDEVELOPMENT**

JB opened the discussion and said that Durham SU are currently looking at redeveloping the spaces in Dunelm House including moving current bar/café from Riverside to Kingsgate and opening this as a commercial space instead and using Riverside as a common area/social space for students to use.

Consultation on what should be done with these spaces will take place and the hope is to get as many students as possible involved.

## **7. DURHAM UNIVERSITY TO TERMINATE CONTRACT WITH MITIE**

LP spoke for the motion and stated that Mitie currently hold a £5m contract with Durham University. This motion seeks to lobby Durham University to not renew their contract with Mitie and have staff in house instead to improve treatment of staff and greater transparency of processes. Student fees are going to a company that treat staff very poorly.

There were no speeches against the motion.

NE moves to vote.

The motion passes.

## **8. AMENDMENTS TO THE STANDING ORDERS OF DURHAM STUDENTS' UNION**

JB presented the motion and stated the motion reflects 2 years of work, 1 year of the democracy review and then this year going back and forth with amendments. The motion has previously been voted to approve by Assembly and shows a good overhaul of the standing orders and makes them make more sense than the current version.

A number of amendments were submitted by Assembly members prior to the meeting for discussion, Assembly discussed and voted to approve or reject each of the amendments:

Amendment 1: Amendment passed.

Amendment 2: Amendment did not pass.

Amendment 3: Amendment did not pass.

Amendment 4: Amendment passed.

Amendment 5: Amendment did not pass.

Amendment 6: Amendment did not pass.

Amendment 7: Amendment did not pass.

Amendment 8: Amendment did not pass.

NE moves to the motion debate.

AW noted that the amendment to 3.4 should be in believes section of the motion and not notes.

JG spoke for the motion and said it was time for Assembly to move on from this and not talk about who sits on assembly.

ST added that Assembly needed to move on and do good work.

Procedural motion VIII (to vote on a question in specific parts) was proposed by AW.

AW proposed to vote on appendix B separately from the rest of the motion (Standing order D)

Assembly members supported to vote on the procedural motion.

AW spoke for the procedural motion and said that most people support some of the motion but not all of it and this is a big change and is two separate issues and should be treated as such.

JB spoke against the procedural motion and said this had been well debated and looked at more than once and differences have been worked out and amendments have now been passed.

NE moves to vote.

The procedural motion does not pass.

NE moves to the motion discussion.

There were no speeches against the motion.

NE moves to motion vote.

The motion passes.

**\*This vote was not quorate so decisions are only advisory. Assembly ratified the motion passed by members after the meeting via electronic vote.**

TO: Assembly  
FROM: Student Groups Committee  
RE: Ratified New Student Groups  
DATE: 3 November 2022

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### **Ratified student groups as of 25/10/2022**

Student Groups Committee have approved the below new student groups for ratification:

Alt-Protein Society
BEAT Society
Campaign for Nuclear Disarmament
Cocktail
Coffee Society
Corporate Social Responsibility Society
Data Science Society
Digital Animation Society
Forecasting Team
International Study Centre
Medico-Legal Society
Percy Jackson Society
Rubik's Cube
Society for Solicitors
Travel Society
Ultrarunning

Assembly is asked to note the ratification of each new student group presented by Student Groups Committee.

TO: Assembly  
FROM: Poppy Jopson  
RE: Fossil Free Careers  
DATE: 3 November 2022

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**Assembly notes:**

1. The operations of the oil, gas, and mining industries<sup>1</sup> cause immense environmental harm, by accelerating the climate and ecological crisis<sup>2</sup>, polluting the water<sup>3</sup> and permanently destroying landscapes<sup>4</sup>. Extractive operations also cause direct social harm, by displacing people from their homes and lands<sup>5</sup>, destroying livelihoods<sup>6</sup>, demolishing sacred indigenous sites<sup>7</sup>, and leaving workers and communities with severe health problems<sup>8</sup>. Continued investment in and promotion of the high emission infrastructure of oil, gas and mining industries will make limiting warming to 2°C impossible<sup>9</sup>.
2. For this reason, graduates are increasingly turning away from the oil and gas sector. A 2017 study showed the number of graduates taking jobs in the industry had dropped by 60% in four years<sup>10</sup>. Young people see oil and gas as the most unappealing sector to work in<sup>11</sup>. They associate it with responsibility for the climate crisis and believe there is no future for jobs in the industry<sup>12</sup>.
3. The university has made a public ethical and sustainability commitment. They claim to be working to enable “students to be global citizens & leaders who will ensure delivery of the SDGs [sustainable development goals] either through their career choices or entrepreneurial ventures”<sup>13</sup>. The University has also committed to divest from investments in fossil fuel companies.
4. However, despite there being precedent for such actions<sup>14</sup>, the University Careers Service does not have a publicly accessible policy that excludes the promotion of careers in the oil, gas and

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<sup>1</sup> For a precise definition of the companies we refer to when we say ‘oil, gas, and mining companies see the [Fossil Free Careers Targets](#) page.

<sup>2</sup> [Revealed: the 20 firms behind a third of all carbon emissions](#)

<sup>3</sup> [Impacts of copper mining on people and nature](#)

<sup>4</sup> [Revealed: Trump officials rush to mine desert haven native tribes consider holy](#)

<sup>5</sup> [The Dark Side of Coal](#)

<sup>6</sup> [CUT AND RUN:How Britain's top two mining companies have wrecked ecosystems without being held to account](#)

<sup>7</sup> [Rio Tinto blasts 46,000-year-old Aboriginal site to expand iron ore mine Cerro de Pasco: The city built around a mine](#)

<sup>8</sup> [Rio Tinto blasts 46,000-year-old Aboriginal site to expand iron ore mine](#)

<sup>9</sup> [IPCC, 2022](#)

<sup>10</sup> [The oil industry has a millennial problem as talent pipeline trickles](#)

<sup>11</sup> [Millennials at work](#)

<sup>12</sup> [How do we regenerate this generation's view of oil and gas?](#)

<sup>13</sup> [Durham University commitments](#)

<sup>14</sup> [Birkbeck University's Ethical Careers Policy](#)

mining industry through its website, careers fairs, emails to the student body and other recruitment events.

5. 20% of university Career Departments already restrict one or more of the tobacco industry, adult/sex industry, or gambling industry from accessing their services. Moreover, Oxford, Edinburgh and Sheffield SUs have already passed this motion in support of Fossil Free Careers<sup>15</sup>.

**Assembly believes:**

1. Inviting oil, gas, and mining companies to advertise with the careers service adds legitimacy to the idea that these companies are an acceptable part of our society and our future.
2. The University Careers Service should ensure that its recruitment activities and events are in line with the University's publicly stated ethical principles of sustainability.
3. The University's careers service has a responsibility to its students to promote jobs with a future.
4. Ending this University's complicity in career pipelines into the oil, gas, and mining industry is an effective method of showing solidarity with communities affected by these companies' operations.

**Assembly resolves:**

1. To publicly support the Fossil Free Careers campaign<sup>16</sup>, and demands that our university career's department:
  - a. Refuses all new relationships with oil, gas, or mining companies.
  - b. Declines to renew any current relationships with oil, gas, or mining companies after the contractually obligated period ends.
  - c. Adopts a publicly available Ethical Careers Policy that explicitly excludes oil, gas, and mining companies from recruitment opportunities.
2. To mandate the relevant SU officer(s) to actively work with the Fossil Free Careers campaign group and relevant student groups to ensure that Union work is linked up with grassroots campaigners.
3. To mandate the relevant SU officer(s) to help set up meetings relating to the Fossil Free Careers campaign with relevant University staff and include student campaigners where relevant.
4. To use relevant SU social media channels to amplify petitions, statements, and other calls to action from the Fossil Free Careers campaign.
5. To send out a press release and website statement announcing the passing of this motion and the support of the SU for this campaign.
6. To refuse to work with, or promote, oil, gas, or mining companies.

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<sup>15</sup> [Edinburgh, Oxford, Sheffield](#)

<sup>16</sup> [People & Planet's Fossil Free Careers Campaign](#)

TO: Assembly  
FROM: Jack Ballingham  
RE: Standing Order Corrections  
DATE: 3 November 2022

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In the 21-22 academic year, a major overhaul of the SU's Standing Orders was passed through Assembly. The lengthy and complex nature of this process meant spelling, grammatical and wording inconsistencies were likely to occur. The 22-23 academic year is the first year that the new Standing Orders will be in effect.

We have noticed a number of inconsistencies in the approved new Standing Orders and would like to request Assembly give permission to make minor alterations to correct any inconsistencies.

The main inconsistencies to make you aware of are:

1. In Appendix E1, 'College Reps Committee' is stated as being the committee to contribute to the 'effectiveness of SU campaigns' and 'provide a forum for the SU President and relevant Officers to update Students' Union Reps regarding the activities of the SU and University-wide issues', among other things.
  - 1.1 The remit of the College Reps is to be elected by all members of each of the 17 colleges, to sit on Assembly and vote on behalf of all members of that college.
  - 1.2 The remit of the 'Students' Union Reps' is to be the campaigning and mobilising force connecting all colleges, to work on tackling the big issues facing students.
  - 1.3 This committee should therefore be named 'SU Reps Committee' to reflect the difference in remit.
2. In line with the above, in Appendix E1, the membership of the 'College Reps Committee' is 'Each of the holders of the College Places on Assembly'.
  - 2.1 As explained above, the members of this committee are SU Reps, with the remit of campaigning and mobilising students on the big issues, not College Reps, whose remit is to take votes at Assembly on behalf of members of their college.
  - 2.2 The membership of this committee should state the 'SU Rep from each of the Colleges'.
3. In Standing Order E17, 'Governance and Grants Committee' is referred to as being the committee for complaints to be deferred to. 'Governance and Grants Committee' no longer exists and this should be replaced with the new 'Assembly Procedures Committee', which has the remit of dealing with all governance matters relating to Assembly.

**Assembly resolves:**

1. In Appendix E1, to replace 'College Reps Committee' with 'SU Reps Committee'
2. In Appendix E1, to replace 'Each of the holders of the College Places' with 'SU Rep from each of the Colleges'
3. In Standing Order E17, to replace 'Governance and Grants Committee' with 'Assembly Procedures Committee'
4. To correct any other spelling, grammatical or wording inconsistencies throughout the new Standing Orders.

TO: Assembly  
FROM: Laura Curran  
RE: Pro-choice Stance on Abortions  
DATE: 3 November 2022

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**Assembly notes:**

1. That, in line with the Abortion Act 1967, people in England, Scotland, and Wales can legally have an abortion if it is performed by a registered medical practitioner (a doctor) and it is authorised by two doctors acting in good faith, on one (or more) of the four grounds within the Act (with each need to agree that at least one and the same ground is met):
  - a. This includes pregnancies that have not exceeded their twenty-fourth week.<sup>1</sup>
2. That some abortions can be carried out after their twenty-fourth week in very limited circumstances.<sup>2</sup>
3. That abortions which do not meet the requirements of the Abortion Act 1967 are still considered a criminal offence in England, Scotland, and Wales.
4. That two women are currently awaiting criminal trial in England for abortion-related offences; both are facing charges that carry a maximum sentence of life.<sup>3</sup>
5. That abortion is the only medical procedure in the UK that requires the approval of multiple doctors before being allowed to proceed.
6. That abortion laws vary across the globe, and they continue to change as a direct consequence of legislative decisions (e.g., the Supreme Court overturning Roe vs Wade in the United States via Dobbs v. Jackson Women's Health Organization)<sup>4</sup>.
7. That, both before and after the Covid-19 pandemic, Durham has seen numerous pro-life protests throughout the city, with protesters persistently and intentionally using harmful and disturbing images as part of these protests.
8. That the above pro-life protests have occurred both at random times in the year and during scheduled events targeted at students (e.g., Freshers' Fair).

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<sup>1</sup> Abortion Act 1967. Available at: <https://www.legislation.gov.uk/ukpga/1967/87/contents>

<sup>2</sup> NHS Overview: Abortion. Available at: <https://www.nhs.uk/conditions/abortion/>

<sup>3</sup> The Guardian: Think abortion is legal in Great Britain? Ask the two women currently facing life sentences. Available at: <https://www.theguardian.com/commentisfree/2022/aug/19/abortion-legal-great-britain-women-life-sentences-roe-v-wade>

<sup>4</sup> Supreme Court of the United States. Available at [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

9. That Durham students have been responding to the above pro-life protests with legal, peaceful, pro-choice counter-protests on an ad-hoc basis.
10. That Durham Students' Union have had a pro-choice policy, which expired on 19<sup>th</sup> June 2021 due to the two-year lifespan of "Policy under the old Standing Orders".<sup>5</sup>

**Assembly believes:**

1. That individuals should have control and autonomy over their own bodies, and thus should include the individual's decision on whether they wish to continue or terminate a pregnancy.
2. That safe, free, and legal abortions should be accessible healthcare, available to all, without the requirement for multiple doctors to authorise the procedure.
3. That students should be aware of their legal right to abortion and know how to access one if they wish.
4. That pro-life protests actively target University campuses, including Durham University, and their intimidating campaign tactics are distressing and harmful to members of the Durham community.
5. That, after noting the activity of the pro-life protesters over the past few years, it is safe to say that these pro-life protests are likely to continue, both in this academic year and beyond.
6. That, although there are students who hold pro-life views, and we acknowledge the right people have to keep such opinions, these views and the expression of them through lawful protest should not infringe on an individual's legal right to access safe abortions or intentionally negatively impact an individual's well-being.

**Assembly resolves:**

1. That Durham Students' Union adopts a pro-choice stance on abortions, which should include at least the following:
  - a. Durham Students' Union believes that individuals should have control and autonomy over their own bodies and thus should include the individual's decision on whether they wish to continue or terminate a pregnancy.
  - b. Durham Students' Union believes that safe, free, and legal abortions should be accessible healthcare, available to all, without requiring multiple doctors to authorise the procedure.
  - c. Durham Students' Union prioritises the well-being of Durham students, visitors, and members of the community and thus opposes the deliberate and unnecessary use of

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<sup>5</sup> Support access to free, safe and legal abortions. Available at <https://www.durhamsu.com/policy-hub/support-access-to-free-safe-and-legal-abortions>

harmful and disturbing images as a means to cause distress and harm via intimidation to students, visitors, and members of the community.

- d. Durham Students' Union supports students who engage in legal, peaceful counter-protests in response to pro-life protests that occur on our campus.
  - e. Durham Students' Union will signpost students to resources and services relating to safe and legal abortions, both upon request and on the Durham SU Website.
2. To mandate the Welfare and Liberation Officer to lobby the University to ensure that the necessary support is available for students in respect of safe abortion access. This should include at least the following:
- a. Implementing measures or guidance for students and student leaders who wish to respond to pro-life protests with legal, peaceful counter-protests that occur alongside events run by and/or for students.
  - b. Signposting students to resources and services relating to safe and legal abortions on appropriate Durham University webpages.

TO: Assembly  
FROM: Jack Ballingham  
RE: Durham SU Code of Conduct  
DATE: 3 November 2022

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## Durham SU Code of Conduct

### 1. Why a Code of Conduct?

- 1.1 Durham SU wants every person to feel welcome and respected in every space or activity associated with our students' union. We have a Code of Conduct so that we're clear about the standards of behaviour we've decided we want to encourage and support in order to be the welcoming, respectful, organisation.
- 1.2 We expect our people and our organisation to behave in a way that we're all proud of, consistent with the Code of Conduct. We'll share the Code of Conduct widely, so that every person knows their responsibilities and rights. We'll help people meet our expectations but, if there's a failure to meet the standards of behaviour we all expect, then the Code of Conduct may inform disciplinary action.

### 2. Who does the Code of Conduct apply to?

- 2.1 The Code of Conduct applies to all Student Members of Durham SU, including all volunteers and elected volunteers, and all those in positions of responsibility such as student group leaders and student representatives.
- 2.2 Student group leaders have a collective responsibility for their own student groups, and are expected to put their best efforts into making sure the student group and its members act in line with the Code of Conduct, for example when dealing with students online from a group account or email address.
- 2.3 Visitors, customers, and guests in Durham SU spaces, physical or online, including non-student members of student groups, are expected to behave in line with the Code of Conduct.
- 2.4 The Durham SU sabbatical Officers are expected to behave in a way consistent with the standards of behaviour set out in the Code of Conduct, but are employed staff of the students' union and a different disciplinary procedure applies to them.
- 2.5 Durham SU employees a number of student members as staff, and while they are expected to behave in a way consistent with the standards of behaviour set out in the Code of Conduct, a different disciplinary procedure applies to them.

### 3. When does the Code of Conduct apply?

- 3.1 The Code of Conduct applies to any person or group:
- Acting or perceived to be acting on behalf of or authorised by Durham SU.
  - When attending or travelling to a Durham SU event or a Durham SU student group event.
  - When using Durham SU facilities or undertaking Durham SU business.
  - In social media spaces both public and private when associated with Durham SU activity.
  - When interacting with any Durham SU Student Member, staff member, or volunteer.
- 3.2 When a person or group also has a relationship with another organisation, such as a visitor from a student group at another University or a Durham SU student group using the brand of another organisation, an incident related to the Code of Conduct will usually be referred to the other organisation for appropriate action.

### 4. How does the Code of Conduct relate to other policies and procedures?

- 4.1 Further to 2.1, this Code of Conduct will apply to all Student Members as they hold an office or role under other regulations. This includes, but is not limited to, Academic Representatives, Assembly members and members of other Durham SU Committees, and Durham SU members appointed to institutional Committees, further to the Standing Orders.
- 4.2 Further to 2.1, this Code of Conduct is a relevant document for use in setting expectations for the conduct of candidates and campaigners in Durham SU elections, and is to be used by the Returning Officer as a reference point for 'reasonable expectations' as in Standing Order C.
- 4.3 Further to 2.2, the Student Group Agreement at 5.1.d (iv) refers to a "code of conduct applicable to all Durham SU Student Groups" and this Code of Conduct is the relevant document. Some specific responsibilities which apply to student groups, and thereby its leadership, are set out in the rest of section 5 of the Student Group Agreement.
- 4.4 Further to 2.2, the model student group constitution, sets out at 3.5 the membership responsibility to "comply with...the relevant Rules and Regulations" and this Code of Conduct is a relevant document. At 6.3, the model student group constitution provides that the Officers (Committee) of a student group are "responsible for the Student Groups' compliance with the Rules and Regulations".
- 4.5 Other Durham SU policies that set expectation as to reasonable standards of behaviour by student members will use this Code of Conduct in their reasoning.

### 5. What standards of behaviour do we expect?

- 5.1 Durham SU expects that all people and groups will:
- Behave in a manner worthy of mutual respect and understanding.
  - Respect the rights, dignity, and values of other people and groups.
  - Act lawfully, reasonably, and politely.

- Promote Durham SU activity as open, inclusive, and supportive of all participants, in which no harmful or discriminatory behaviour is tolerated.
  - Uphold the good reputation of Durham students, Durham student activity, and Durham SU.
- 5.2 Durham SU expects that all people and groups will observe the rules and regulations relevant to their activity, including the Articles of Association, the Standing Orders, and appropriate policies and procedures. Adherence to policies and procedures relating to health and safety at student group events and in Durham SU spaces, including the use of alcohol, is especially important.
- 5.3 Durham SU expects that all people and groups will uphold the good reputation of Durham students, Durham student activity, and Durham SU, and not bring them into disrepute. For the avoidance of doubt, this does not seek to limit any student seeking to disagree, criticise, scrutinise, or persuade their peers to change policies or actions of the students' union through our democratic processes, to make things better for all students in the future: as a membership, representative, organisation, this is a reputation we want to have!

## 6. What do I do if I have a concern about standards of behaviour?

- 6.1 Any person may make a complaint by email to [su.admin@durham.ac.uk](mailto:su.admin@durham.ac.uk) or by drawing the concern to the attention of a member of the Durham SU staff team. Anonymous complaints will be considered but are not guaranteed to be accepted, and an appropriate course of action will be decided by the Chief Executive or their nominee on a case-by-case basis. There will, of course, be a limited extent to which action can be taken and the opportunity to gather further evidence or give feedback will be restricted.
- 6.2 Durham SU may decide to investigate concerns as to appropriate behaviour on its own initiative, on a reasonable understanding that it is aware of a concern and ought not to wait until a person makes a formal complaint. A member of the senior staff will authorise any such investigation.
- 6.3 Durham SU may decide to undertake an investigation in response to disciplinary action by another party, in particular Durham University, where there is reasonable basis to believe that a failure to do so may result in an unacceptable risk to people or the organisation.

### *Referral to or action by other organisations*

- 6.4 Almost all instances of a failure to meet the standards of behaviour will involve a student who is enrolled at Durham University. On that basis, it may be appropriate to refer a suspicion, allegation, or finding of misconduct to Durham University or another organisation, for investigation under their own policies and procedures.
- 6.4.1 The Chief Executive or their nominee will authorise each referral to Durham University, or any other external organisations such as the police, with appropriate regard to other Durham SU policies such as the Safeguarding Policy and the data protection rights of each person involved in the process. A referral may be made at any appropriate point of the process.
- 6.5 Durham University may wish to investigate *as well as* Durham SU, but this should not be *instead of* Durham SU. The students' union is required to put all reasonable endeavours

into its investigations within its own competence, and cannot outsource its responsibilities to another organisation. There is, however, a recognition that Durham SU and Durham University may share an interest in ensuring that information is shared and agreed actions are implemented to ensure a mutually satisfactory outcome.

## 7. What happens when standards of behaviour aren't met?

- 7.1 When behaviour is observed which does not meet Durham SU's expectations, it's always appropriate to remind a person or group of the behaviours we expect. It may also be appropriate to consider an investigation into misconduct.

### *Disciplinary process*

- 7.2 This disciplinary process should be understood as the Durham SU Disciplinary Process for student members, further to Article 114, and is used in all instances except where specific alterations are made in a relevant Standing Order, as described in section 4. For the avoidance of doubt: where there is conflict between any other Standing Order and this Code of Conduct, this Code of Conduct will take priority.

- 7.3 The general principles of this process are:

7.3.1 An independent person will find out what has happened, and consider whether there's reasonable evidence of misconduct such that an allegation should be considered by a disciplinary panel.

7.3.2 An independent disciplinary panel will consider the allegation and review the evidence, hear the response from the person or group facing the allegation, and decide if there is sufficient evidence to uphold the allegation on the balance of probabilities. If the allegation is upheld, a sanction may be applied. The disciplinary panel's report will be shared with all parties.

7.3.3 An independent appeal panel may, if there are sufficient grounds for appeal, review the report of the disciplinary panel. The appeal panel will decide whether the disciplinary panel behaved in a reasonable and fair way, but will not repeat the hearing of the allegation by the disciplinary panel. The appeal panel may, if there is sufficient evidence to uphold the appeal on the balance of probabilities, set aside the disciplinary panel's decision or change the sanction applied. The appeal panel's reasoning will be shared with all parties, and the appeal panel's decision is final.

- 7.3.3.1 The only grounds upon which the Chief Executive will convene an appeal panel will be if there is evidence of procedural irregularity, or if new evidence becomes available which could not reasonably have been available by the disciplinary panel and which, in their view, means that a different outcome is probable.

### *Examples of misconduct*

- 7.4 Misconduct may include, but is not limited to:

- Misuse, unauthorised use, or careless damage of property, facilities, or premises.
- Non-compliance with policies and procedures where the impact can be assessed and predicted, or is known, and is minimal.

- Disorderly, threatening, bullying or offensive behaviour or harassment whether verbally or physically, online or not, whilst representing or purporting to represent Durham SU.
- Breach of confidentiality.

7.5 Significant breaches of this policy may be considered as gross misconduct, and these may include, but are not limited to:

- Deliberate damage to property, facilities, or premises.
- Malicious, abusive, or defamatory statements, including on social media.
- Non-compliance with policies and procedures where the impact could be, is, or is believed to be, significant.
- Violence, or the threat of violence, which may include physical, mental, sexual or any other kind of violence.
- Committing, or intending to commit, theft, fraud, deceit, deception, or dishonesty in relation to Durham SU.
- Discrimination, harassment, bullying, or victimisation of others.
- Bringing Durham SU into disrepute.

## 8. What will happen with my complaint?

### *Decision to investigate*

8.1 The Chief Executive on receipt of a complaint will decide:

- 8.1.1 Whether a minor allegation of misconduct is best dealt with through advice, guidance or development.
- 8.1.2 Whether a minor allegation of misconduct in a student group is within the capacity of a student group volunteer to investigate.
- 8.1.3 Whether an allegation is of sufficient gravity or complexity that a member of Durham SU staff must be appointed to investigate.

8.2 The view of the person or group making the complaint will be sought, and will be influential to the decision but the Chief Executive is not required to proceed to an investigation if there is no reasonable belief that the outcome will be other than advice, guidance or development.

8.3 There is an assumption that each student group is able to manage its own disciplinary matters, but the Chief Executive has delegated authority to decide on the risk profile of the complaint, and has authority to refer the investigation as appropriate where there is reasonable concern about the capability or capacity of the student group to meet the expectations of a fair disciplinary process.

### *Investigation*

8.4 A person without an interest in the complaint will conduct an investigation, normally within 10 working days. The investigator should offer an opportunity to the complainant to discuss their complaint but may proceed without a conversation if necessary. The investigation will determine findings of fact, consider mitigation, review relevant policies and procedures, and make a recommendation as to whether the complaint should be considered by a disciplinary panel, normally within a further 10 days.

### *Suspension*

- 8.5 At any stage of an investigation, a person or group may have the rights or privileges of membership suspended (or volunteer responsibilities where this applies to non-members in volunteer roles) for a specified period of time, for a specified reason. The decision to suspend will not be taken lightly or without careful consideration of all the circumstances. Suspension is not a form of disciplinary action. Most disciplinary situations will not require suspension and it should be considered exceptionally, if:
- There are reasonable grounds to believe that the integrity of the investigation is at risk.
  - There are reasonable grounds to believe that there is a risk to other people or groups or to Durham SU.
  - There are reasonable grounds to believe that a person or group is seeking to improperly influence the investigation.
  - A person or group is the subject of other investigatory or criminal proceedings which may affect their effectiveness in role.
- 8.6 The Supervising Trustee, or in their absence to the Chair of the Board of Trustees, or in their absence the Vice-Chair of the Board of Trustees, may approve a recommendation from the Chief Executive and request that they use the authority of the trustees to authorise a suspension. There may be exceptional circumstances where the Chief Executive or a member of the senior staff decide to immediately enforce a suspension, but this must be reported to one of the named trustees, above, and confirmed by them within 24 hours.
- 8.7 Suspension means that a person or group may not undertake any work as a volunteer, either elected or appointed, participate in any democratic process, or act on behalf of Durham SU in any way.
- 8.8 The period of suspension should be as short as practical to achieve the desired outcome, and be a specific and proportionate response, for a specified reason, to a specific end. It may not be necessary, for example, for a suspension to cover all of the areas describe din 8.7. The investigating manager should review the terms of the suspension regularly and at each review should consider again whether an alternative to suspension is possible. All periods of suspension must be confirmed in writing to the person or group and will include an outline of the nature of the investigation. It also should be made clear that suspension does not constitute a disciplinary sanction.

### **9. How do we decide if an allegation is upheld?**

- 9.1 Any disciplinary process conducted at Durham SU is a lay process, not a legal process. A disciplinary panel will decide, on the balance of probabilities, whether an allegation of misconduct is upheld, and decide an appropriate outcome.
- 9.2 Durham SU will seek to make any reasonable adjustments to be made for access needs. There isn't any automatic right to be accompanied to any meetings by a colleague or friend, but Durham SU will consider a request to be supported by another student if necessary.

### **10. The membership of a disciplinary panel will be consistent with any particular other regulations, for example the student group regulations, or, where there is no other**

**regulation, of a Durham SU manager and a Durham SU Officer. What could be the outcome of an allegation being upheld?**

- 10.1 At any point, Durham SU may recommend that advice, guidance or development is an appropriate requirement, and these may also be the outcome of a formal investigation.
- 10.2 An allegation of misconduct may, if upheld, result in an outcome of:
  - 10.2.1 A formal written warning sent to those concerned, warning about future conduct and the consequences of any further disciplinary issues.
  - 10.2.2 A requirement to write a letter of apology for their conduct.
  - 10.2.3 Suspension of a volunteer or committee member (s) from the activities of the committee which may or may not be limited to a particular opportunity or committee.
  - 10.2.4 Suspension of a volunteer or committee member/s from the activities of a student group, which may or may not be limited to a particular opportunity or group.
  - 10.2.5 Requirement to make good any damages, including any payment as appropriate.
  - 10.2.6 Suspension of activities when a student group's behaviour is in breach of the standards expected. This will include freezing of the student group's financial account.
  - 10.2.7 Cancellation of a particular activity or a series of activities.
  - 10.2.8 Removal of a volunteer or committee member from their position, which may or may not be limited to a particular committee.
  - 10.2.9 Removal of membership to a student group, which may or may not be limited a particular committee.
- 10.3 An allegation of gross misconduct may, if upheld, result in an outcome of:
  - 10.3.1 Suspension of membership of Durham SU, further to Article 116.
  - 10.3.2 A recommendation of expulsion from membership of Durham SU, further to Article 17.
- 10.4 In the event of recommendation of expulsion from membership of Durham SU, as in 8.3.2, it will be necessary for a resolution of the Board of Trustees to affect the outcome. The Chief Executive will make necessary arrangements further to Article 17.

**11. What is the disciplinary appeals process?**

- 11.1 The subject of a disciplinary outcome unhappy with the outcome of the investigation can appeal within ten working days of the outcome via email to [su.admin@durham.ac.uk](mailto:su.admin@durham.ac.uk).
- 11.2 Durham SU will only accept an appeal on grounds that new evidence which was not previously available has now become clear, or because there has been a procedural irregularity. There is no right to appeal on grounds of disagreement with the findings of

the previous stage. The grounds for the appeal should be clearly communicated in the appeals email and any new evidence should be included.

- 11.3 The appeals panel will be comprised of a Durham SU senior manager and a Durham SU Officer trustee.
- 11.4 The appeals panel will review the disciplinary investigation and the hearing, consider any new evidence submitted with the appeal. The appeals panel has power to either dismiss the appeal, or uphold the appeal and either change or set aside the outcome.
- 11.5 An appeal against a resolution of the Board of Trustees to expel a person from membership of Durham SU is managed in a process set out in Articles 86 to 89.

## **12. Records:**

- 12.1 Durham SU will keep a record of all complaints received, and the action taken, and keep appropriate records until the end of the academic year following the year the complaint was received for audit and evaluation purposes. All records will be kept in line with Durham SU's data protection policies.