

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 a welcoming, respectful, organisation. Sections 2, 3, 4, and 5, are 'the Code of Conduct' and are endorsed by the Durham SU Assembly and the Durham SU Board of Trustees.
- 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. Sections 6 to 12 are the disciplinary process for Durham SU's members, and this has been approved by the Durham SU Board of Trustees.

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 employs 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 This Code of Conduct applies to all Student Members as they hold an office or role within Durham SU 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 This Code of Conduct sets expectations for the conduct of candidates and campaigners in Durham SU elections and referendums, and is to be used by the Returning Officer as a reference point for 'reasonable expectations' as in Standing Order C.
- 4.3 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 The model student group constitution, sets out at 3.5 the 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 and dignity of other people and groups.
 - Act lawfully, reasonably, and civilly.
 - 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 and Durham SU, and not bring them into disrepute. For the avoidance of doubt, this does not mean 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, organisation, being open and responsive to direct feedback from our members is a reputation we want!

Disciplinary process

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 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 to the disciplinary panel and which, in the Chief Executive's 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, or their nominee, 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 or other committee is within the capacity of a student group or other committee 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 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 described in 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.
- 9.3 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, consist of a Durham SU manager and a Durham SU Officer.

10. 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.
- 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.
- 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. How will records be maintained?

- 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.