

Code of Conduct

1.1 The Code of Conduct sets out the expected behaviour of all members and affiliated groups when participating in any activity under the name of uea(su) both in-person or online.

1.2 Where it is found that a member or group of members of the Union have breached this Code of Conduct, they may be subject to disciplinary action and may incur sanctions.

2 Expected Behaviour

2.1 Whether physically or online members should not:

- 2.1.1 Threaten any other person, whether physically or verbally
- 2.1.2 Bully, harass, discriminate against or victimise others.
- 2.1.3 Carry out initiation ceremonies.
- 2.1.4 Behave in a manner which endangers or is anti-social towards other individuals and to abide by uea(su)'s Health and Safety policies at all times.
- 2.1.5 Damage any property, whether deliberately or negligently.
- 2.1.6 Act in a manner that brings a club/society or the Union into disrepute.
- 2.1.7 Conduct themselves contrary to equal opportunities or staff protocol policies.
- 2.1.8 Impart to the press, television or radio, or any agency thereof, any expressly confidential material about the Union or any of its members or Officers, unless prior permission has been granted by the Trustee Board.
- 2.1.9 Incur unauthorised expenditure on behalf of the Union and/or misappropriation of Union funds.

2.2 Members should always

- 2.2.1 Ensure all members feel welcome to participate in non-judgemental and nonthreatening discussions, activities, services or event.
- 2.2.2 Always act responsibly when participating in activities.
- 2.2.3 Adhere to the Bylaws and policies of uea(su).

2.3 A member who acts in contrary to these expected behaviours will be considered to be in breach of this Code of Conduct.

Bullying and Harassment

2.4 uea(su) does not tolerate bullying, harassment, discrimination or victimisation of any kind. It is

expected all members treat each other with respect, dignity, courtesy and consideration.

- 2.5 Allegations of bullying or harassment by a member of uea(su) (student) towards other members (students), Officers, Trustees or our staff team shall be investigated and taken seriously.
- 2.6 Bullying and harassment are not necessarily face to face, it may occur through written communications, visual images, online, over email, social media or over the phone. They may be carried out by individuals or groups and can occur in public or in private.
- 2.7 Passionate speech and comment, and legitimate debate can also be distinguished from bullying behaviour and harassment. However, care should be taken to ensure that others are not made to feel intimidated.
- 2.8 Passionate speech and comment, and legitimate debate cannot be defined by persistently targeting an individual online, and on Social Media and is classed by uea(su) as bullying.

Bullying

- 2.9 Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, or the abuse or misuse of power (which does not always mean being in a position of authority) through means intended to undermine, humiliate, or denigrate a person. Bullying is not necessarily related to a 'protected characteristic'. Examples of bullying and harassment include but are not limited to offensive or intimidating comments; verbal abuse, insults, or jokes; graffiti or vandalism; unwanted sexual comments, groping, touching or stalking; threatening behaviour or physical violence.

Harassment

- 2.10 Harassment is unwanted and unwarranted physical, sexual, verbal or non-verbal behaviour which (intentionally or unintentionally) violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment is unlawful when it targets someone on the grounds of a 'protected characteristic', this includes: age; sex; disability; gender identity or gender transition; marriage and civil partnership; pregnancy and maternity; race; religion or belief; and sexual orientation.

Age

- 2.11 Age related harassment refers to unwanted behaviour relating to a person's age or perceived age. Examples include:
- 2.11.1 Persistently being patronised as being 'too young' to understand or do something;
- 2.11.1.1 Being isolated or excluded from a student group because you're 'too old'.

Disability, Hidden and Learning Disability

- 2.12 uea(su) recognises that not all disabilities are visible or obvious, and that all disabilities are valid and taken seriously.
- 2.13 Disability or hidden disability related harassment refers to unwanted behaviour related to all disabilities, impairment or additional need, and can include perceived disability or hidden disability. Examples include:
- 2.13.1 Persistent demeaning uninvited or un-necessary assistance.
 - 2.13.2 Patronising or 'talking down' to someone with a disability.
 - 2.13.3 Patronising someone by saying that their hidden disability is not real.
 - 2.13.4 Using a hidden disability label as an opportunity to bully someone.

Gender Identity or Gender Transition

- 2.14 Trans' is an inclusive term used to describe people who identify as someone with a gender identity different from the gender/sex they were ascribed at birth (including intersex individuals); this includes, those who have undergone, are undergoing or will undergo medical treatment as a means of transition (commonly called 'gender affirmation surgery' and previously referred to as a 'sex change'), and those who have decided not to undergo medical treatment as a means of gender affirmation; and/or someone engaged in other forms of social transitioning e.g. dressing in clothing typically worn by a person of another gender.
- 2.15 Harassment on the grounds of gender identity or transition refers to unwanted behaviour related to transgender, transsexual, transvestite, non-binary, or other gender nonconforming identities. Examples include:
- 2.15.1 Inappropriate moralising about a person's gender identity;
 - 2.15.2 Intrusive questioning about a person's gender identity and transition
 - 2.15.3 Being ridiculed for engaging in social transitioning e.g. wearing clothing traditionally associated with another gender;
 - 2.15.4 Persistently using the wrong pro-noun and/or incorrect name when addressing a trans person or non-binary person (misgendering).

Marriage and Civil Partnership

- 2.16 Discrimination on these grounds refers to unwanted behaviour relating to your marital or civil partnership status. An example might be but is not limited to:
- 2.16.1 Being isolated or excluded from a student group because you are married or in a civil

partnership.

Pregnancy and Maternity

2.17 Discrimination on these grounds refers to unwanted behaviour relating to being pregnant or having recently (within 26 weeks) given birth. An example might be but is not limited to:

2.17.1 Being told to stop breastfeeding in public.

Race

2.18 Racial harassment refers to unwanted behaviour related to race or ethnic background, which can include nationality, citizenship, and language. Examples could include:

2.18.1 Essentializing or to make sweeping negative generalizations about a given population.

2.18.2 Ridiculing racial, ethnic or cultural differences.

2.18.3 Defining an individual or group based upon racial stereotypes.

2.18.4 Using racist symbols (for example Nazi swastikas).

2.18.5 Ridiculing someone for their use of language.

2.18.6 Excluding someone from participation in an event, activity or group, based upon their race.

2.19 Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish): The following are some examples of Antisemitism. This definition should be considered alongside the 2020 *Jerusalem Declaration on Antisemitism* and any other policy uea(su) holds on Antisemitism and other forms of racism:

2.19.1 Causing, calling for, aiding, or justifying the killing or harming of Jews (or those they perceive to be Jews), for example in the name of a radical ideology or an extremist view of religion.

2.19.2 Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such, or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

2.19.3 Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.

2.19.4 Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust) and accusing Jews or Jewish States of

exaggerating those atrocities.

- 2.19.5 Accusing non-Israeli Jews of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- 2.19.6 Denying the Jewish people their right to self-determination, including the right for Jews living in contested areas the right to live in accordance with the principle of equality.
- 2.19.7 Applying double standards by requiring of it [The State of Israel] a behaviour not expected or demanded of any other nation.
- 2.19.8 Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis.
- 2.19.9 Drawing a baseless or inaccurate comparison of contemporary Israeli policy to that of the Nazis.
- 2.19.10 Holding Jews collectively responsible for actions of the state of Israel.

Islamophobia

- 2.20 Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness. Examples include:
 - 2.20.1 Being harassed, or blocked from engaging in religious practices such as, but not limited to, fasting, prayer, the wearing of a Hijab, the growing of a beard, or any other visible symbols that demarks its wearer as 'other' from an orientalist lens.
 - 2.20.2 Causing, calling for, aiding, or justifying the killing or harming of Muslims or those perceived to be Muslim due to their religious identity, in the name of a radical ideology or an extremist view of religion.
 - 2.20.3 Making mendacious, dehumanising, vilifying, demonising, or stereotypical allegations about Muslims.
 - 2.20.4 Using the symbols and images associated with classic Islamophobia (e.g. claims of Muslims spreading Islam by the sword or subjugating to characterize Muslims as being dangerous, inherently violent, intolerant, inferior to other social or religious groups, or incapable of living harmoniously in plural societies
 - 2.20.5 Using the symbols and images associated with classic Islamophobia (e.g. claims of Muslims spreading Islam by the sword or subjugating to characterize Muslims as being dangerous, inherently violent, intolerant, inferior to other social or religious groups, or incapable of living harmoniously in plural societies).
 - 2.20.6 Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.
 - 2.20.7 Accusing Muslim citizens of being more loyal to the 'Ummah' (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
 - 2.20.8 Applying double standards by requiring of Muslims behaviours that are not expected or demanded of any other groups in society, eg loyalty tests.
 - 2.20.9 Denying Muslim populations, the right to self-determination e.g., by claiming that the

existence of an independent Palestine or Kashmir is a terrorist endeavour.

2.20.10 Holding debates and discussions about Muslims with which they could not join in.

Religion or Belief (including Non-belief)

2.21 Harassment on grounds of religion or belief refers to inappropriate and unwanted behaviour related to someone's religion, or lack of religion, or any religious or philosophical belief including a lack of belief. Examples include:

2.21.1 Ridiculing items worn for religious reasons;

2.21.2 Denigrating cultural customs;

2.21.3 Derisory comments against an individual's beliefs;

2.21.4 Assuming a person's view on a social issue because of their spiritual belief.

Sex

2.22 Sexual harassment can occur in a variety of ways but always has a distinctive feature: the inappropriate and unwanted introduction of sexual comments or comments that relate to a person's sex (including intersex people). Examples include:

2.22.1 Comments that emphasise the gender or sexuality of an individual or a group;

2.22.2 Sexually provocative remarks or jokes;

2.22.3 Persistent unwelcome requests for social or sexual encounters and favours;

2.22.4 Display of, or electronic transmission of, pornographic, degrading or indecent pictures;

2.22.5 Unnecessary and unwelcome physical contact with non-intimate areas of the body.

2.23 Harassment on these grounds refers to unwanted behaviour relating to a person's known or presumed sexual orientation. For uea(su)'s purposes, sexual orientation means attraction towards people of the same sex or gender; attractions towards people of another sex or gender, attraction towards people of all genders, and all minority sexual orientations including those who feel no or limited sexual attraction (e.g. asexual). Examples include:

2.23.1 Intrusive questioning about a person's domestic circumstances and/or sexual preferences;

2.23.2 Excluding same-sex partners from social events and student groups;

2.23.3 Actual or threatened unwanted disclosure of sexuality, i.e. 'outing'

Initiations and Peer-Pressured Situation

- 2.24 uea(su) has a zero-tolerance policy position on initiations and does not permit “initiation ceremonies”. For this purpose, an initiation ceremony is any event at which members of a group are expected to perform an activity as a means of gaining credibility, status or entry into that group. This peer pressure is normally (though not explicitly) exerted on first year students or new members and may involve the consumption of alcohol, eating various food stuffs, nudity and behaviour that may be deemed humiliation.
- 2.25 The organiser of the event, club/society committees or the group as a whole may be held responsible for an initiation ceremony and face disciplinary action under this Code.
- 2.26 Any knowledge of or attendance at an initiation ceremony by a member who does not attempt to intervene to prevent the ceremony may also face disciplinary action under this Code.

Social Media and Electronic Communication

- 2.27 Members are reminded that their behaviour and actions online can affect the image of the Students’ Union and the University. However, uea(su) believes that all students have the right to “Freedom of Speech” and recognise that Higher Education and UEA is a place to challenge other opinions, and likewise expect their own to be challenged.
- 2.28 Members should acknowledge that Social Media is a space in the public domain, and must also recognise that any statements or remarks made within it can and will be scrutinised by others, including other members of the SU.
- 2.29 It is not the responsibility of the Students’ Union to vet all comments made on personal posts across Social Media platforms.
- 2.30 uea(su) will not take action against the views of another member, however unpopular, unless persistent, and/or deemed to be bullying/harassment and if it meets one of the three items of criteria outlined in “What happens if the code of Conduct has been breached?” section below.

Freedom of Speech

- 2.31 uea(su) recognises the right to a member’s freedom of speech. Members are reminded that “being offended” by a person’s opinion and freedom of expression, is not the same as bullying and/or harassment.
- 2.32 Any member who holds a democratic position will be considered as to always represent that position.

3 What happens if the Code of Conduct has been breached?

Engage, Educate, Enforce

- 3.1 With all breaches of the Code of Conduct, uea(su) will take an Engage, Educate and Enforce approach. This means that uea(su) will first look to work with those who have breached this Code to understand why their behaviours are problematic and work to modify this behaviour. This may involve voluntary or compulsory attendance at a meeting with a member of staff, a course, training, or other educational activity.
- 3.2 Should a member fail to or be unwilling to engage with staff or participate in educational activity or that the breach is severe, enforcement action may be taken.

Informal action

- 3.3 If it is safe and appropriate to do so, uea(su) staff will work with students to resolve the issue. This might include recommending support services, mediation, or training for those who have breached the Code of Conduct or been affected by a breach of the Code of Conduct.
- 3.4 Student Leaders (e.g club and society committees) should not investigate a breach of the Code of Conduct on their own and should not remove group members at their own discretion. However, student leaders are always encouraged to support students to resolve minor disagreements when safe to do so and should work with uea(su) staff to resolve specific breaches of the Code of Conduct before escalating to formal action where possible.

Formal action

- 3.5 Responsibility for the administration of the Code of Conduct sits with the Trustee Board who annually appoints a lay trustee to supervise the Code of Conduct. The Supervising Trustee is operationally supported by a member of uea(su) staff known as the Code of Conduct Lead.
- 3.6 Allegations of breaches of the Code of Conduct will be considered at either level one or two.
- 3.7 The determination as to which level allegations will be considered will be made by the Code of Conduct Lead in conjunction with uea(su) management and or/Supervising Trustee as appropriate.
- 3.8 The consideration will be based upon:
- 3.8.1 The type of allegation.
 - 3.8.2 The severity of the allegations.
 - 3.8.3 The impact upon any potential victims.
 - 3.8.4 The reputational impact on uea(su) and its structures.
- 3.9 All allegations of breaches of the Code of Conduct will be confidentially recorded and non-identifiable reports will be made on a bi-monthly basis to the Supervising Trustee and Management Committee.

Level one breaches

- 3.10 Alleged level one breaches will ordinarily be dealt with by a uea(su) Head of Department or Venue Duty Manager as appropriate. They will discuss the complaint with all those involved and will

have the authority to issue a sanction appropriate to the level of breach.

- 3.11 Where there is a concern for the welfare of a member responding to allegations of breaches of this code, the Head of Department or Duty Manager may ask a member of the Union's Advice, Community and Welfare department to attend discussions with the member to provide them support. The member has the right to refuse this support.
- 3.12 Alleged level one breaches of the Code of Conduct should ordinarily be dealt with within 10 working days of the Union being notified of the alleged breach. However, should there be an unavoidable delay this may be extended. All members involved will be informed of any delays.
- 3.13 All members directly involved in the complaint will receive communication detailing a summary of the complaint and appropriate outcomes.
- 3.14 It is important to note that the nature and severity of a level one breach may necessitate it to be considered at level two.

Examples of level one breaches:

- 3.15 Examples of level one breaches are, but not limited to:
- 3.15.1 Attempting to gain entry to licenced premises by false means.
 - 3.15.2 Possession of illegal substances of a personal quantity.
 - 3.15.3 Physical aggression and/or assault.
 - 3.15.4 Bullying, harassment or discrimination.
 - 3.15.5 Verbal aggression towards staff, members or the public.
 - 3.15.6 Vandalism of Union property.
 - 3.15.7 Refusal to comply with a reasonable request made by staff in the performance of their duty.
 - 3.15.8 Knowingly attend an initiation event.
 - 3.15.9 Ticket Touting.
 - 3.15.10 Knowingly incur unauthorised expenditure on behalf of the Union and/or misappropriation of Union funds.
 - 3.15.11 Theft.

Examples of level one sanctions:

- 3.16 Should an individual or club/society be found to have committed a level one breach of the Code of Conduct they may be issued with one or more of the following sanctions.
- 3.16.1 Engagement and Education intervention with a member of staff
 - 3.16.2 Issued with a verbal or written warning
 - 3.16.3 Up to 4 weeks suspension from participation in Union related activities, including those

organised by sports clubs/societies.

3.16.4 Up to 4 weeks suspension from licenced premises

3.16.5 Referral to disciplinary hearing

Sports Fixtures/Facilities

In the event of a complaint, incident or concern being raised about behaviour at or in transit to a UEA Sports Fixture or training session, the following procedure will apply.

3.16.6 Where an alleged breach of the code occurs that is minor, authorised staff of the UEA Sports Department shall have the authority to investigate and the Director of Sport the authority to issue sanctions of suspension from club activity for up to 4 weeks.

3.16.7 Members will be informed of why they have been issued with a sanction and all allegations and sanctions will be recorded with the Democracy and Governance Coordinator.

3.16.8 Any member wishing to contest the decision of the Director may have their case referred to level 2.

3.16.9 If the Director (or Supervising Trustee) deems an offence to warrant more than a four-week ban, then they will refer the member into the formal procedure below.

3.16.10 Where an incident involves a member of the Trustee Board or Student Officer Committee or any sub-committee of either of these groups or any member of the Sports Executive, the Director will automatically refer the member into the high-level procedure below.

3.16.11 Any member wishing to contest the decision of the Director as to the length of the ban may have their case referred to the level two procedure below.

Licensed Premises

3.17 In the event of a complaint, incident or concern being raised within SU licenced premises, the following procedure will apply

3.18 Authorised staff will always have the right to refuse admission and to exclude members on the basis of their intoxication in pursuit of the conditions of the license.

3.19 When an alleged breach of the code occurs beyond the standard right to refuse admission

detailed above, authorised staff 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 code. This action, shall at the earliest opportunity and wherever practicable, be reported to a nominated Duty Manager who shall endorse, amend or withdraw the restrictions pending a meeting with the member in question.

3.20 Members who have been asked to leave, or removed from the building, will be, wherever practicable, informed of why they have been excluded. They may then contact a Duty Manager 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 Duty Manager makes their decision.

3.21 The Duty Manager will then meet with the Member under 1.10 - 1.16.5 of this code as detailed above.

Level two breaches

3.22 Should an alleged breach of the Code of Conduct be considered serious in nature the Supervising Trustee will appoint a trained and impartial staff member to investigate the matter (where impartial means someone not involved with the member(s) affected in the case).

Investigations

3.23 The investigation should establish the facts and where appropriate obtain statements from any available witnesses. The investigation will seek to establish whether in the view of the investigator there is a case to answer and if so, gather evidence to that end.

3.24 At the start of the investigation, the reporter(s) and responder(s) will receive a letter of formal notification outlining the nature of the complaint being investigated and the name and contact details of the person dealing with the investigation.

3.25 The responder(s) are encouraged to submit a written statement in response to the allegations. The deadline for doing so is five working days after the date of formal notification of the investigation. This may be extended if the investigator is not able to supply full details of allegations until an investigation interview. The statement should attach copies of any other documents on which the responder wishes to rely.

3.26 The investigator may decide to conduct interviews with the reporter(s), witnesses, or responder(s) as appropriate. Interviews may include robust exploration of the allegations involved in the case. Anyone taking part will be informed of their right to bring a friend to support (but not take part in) the interview. Statements summarised or transcribed from an interview will be sent to participants for approval.

- 3.27 Should the responder(s) not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.
- 3.28 uea(su) aims to confirm the outcome of its investigation to the reporter(s), the responder(s), within 14 working days of the date of the formal notification of the investigation, subject to having been able to contact all relevant parties within this time.
- 3.29 If it is not practicable to comply with these deadlines, for example due to relevant parties being on holiday, they may be extended by discretion, normally up to a maximum of 5 further working days.
- 3.30 A copy of the investigation report will be provided to the Supervising Trustee. The Supervising Trustee will then decide whether to refer the case to a disciplinary hearing, refer the case to be considered under the level one procedure or that there is no case to answer.
- 3.31 It should be recognised that being the subject of a complaint can be a difficult time for an individual, and so uea(su) will undertake the investigation with appropriate discretion, care and consideration. uea(su) will endeavour to ensure all steps in the process remain fair and in line with equal opportunities policy and procedures.
- 3.32 No member involved in a matter covered by this code should comment publicly on the incident. Failure to observe this requirement will result in disciplinary action being taken under this code.

Examples of level two breaches:

- 3.33 Examples of level two breaches are, but not limited to:
- 3.33.1 Sexual Harassment/Assault
 - 3.33.2 Racial Harassment
 - 3.33.3 Serious physical assault
 - 3.33.4 Possession of illegal substances of greater than what could reasonably be considered for personal use
 - 3.33.5 Administering a substance to another person by any means without their knowledge or consent, regardless of intent (Spiking)
 - 3.33.6 Possession of an offensive weapon
 - 3.33.7 Organising an initiation event
 - 3.33.8 Multiple breaches of the Code of Conduct in any single academic year

Disciplinary Hearings

- 3.34 When a Supervising Trustee refers an allegation of a breach of the Code of Conduct to a hearing, the allegations will be considered by a Disciplinary Panel.

3.35 The panel will consist of three student members of the Union with no conflict of interest and will include:

3.35.1 One elected officer of the Union (acting as Chair)

3.35.2 Two lay student leaders (ratified club or society committee members or elected academic representative).

3.36 Measures will be put into place to ensure a diverse membership of panels including, where possible to do so, to ensure that there is at least one panel member from the same or similar cultural background and one panel member studying at the same academic level as the responder(s).

3.37 The panel will be supported by a member of staff, usually the Code of Conduct Lead acting in an advisory capacity.

3.38 A schedule of hearings and all evidentiary documents will be provided to panel members and the responder(s) not less than five working days before a disciplinary hearing.

3.39 The panel will review the investigation report and hear evidence from both the investigating officer and the responder(s) to the allegation. It may choose to hear evidence from other related parties as it sees fit, and responder(s) may call witnesses to speak on their behalf.

3.40 The responder should inform the Code of Conduct Lead no less than five working days before the disciplinary hearing their intention to call a witness.

3.41 After all verbal evidence has been heard, the responder(s) and investigating officer will be given the opportunity to provide a closing statement should they wish.

3.42 At the close of the hearing, the responder(s), any witnesses and the investigating officer will be asked to leave, at which time the panel will consider their decision.

3.43 The panel will then consider:

3.43.1 Whether there has been a breach of the code of conduct.

3.43.2 The appropriate sanction that should be applied.

Level two sanctions.

3.44 The disciplinary panel have the authority to give the following sanctions.

- 3.44.1 Issued with a written warning.
 - 3.44.2 Issued with a final written warning.
 - 3.44.3 Suspension membership entitlements including participation sports club and society activities for a period up to one full calendar year.
 - 3.44.4 Suspension from licence premises for a period up to one full calendar year.
 - 3.44.5 Termination of all membership entitlements or some act of partial suspension or termination, which in the case of employed elected officers could result in contract termination.
- 3.45 For the avoidance of doubt, the Panel has discretion to impose sanctions on individual members, members of a club or society committee collectively or on a club or society as a whole.
- 3.46 The responder(s) will be informed of the outcome of the disciplinary panel within 5 working days of the hearing date. This will be in writing and will state:
- 3.46.1 Summary of the allegation made;
 - 3.46.2 Summary of the evidence;
 - 3.46.3 Summary and rationale of the decision of the panel;
 - 3.46.4 Details of sanction, if any, and their implications;
 - 3.46.5 If appropriate the length of time any warning will last before it is disregarded;
 - 3.46.6 Details of the appeal procedure.

Suspension of member's entitlements as a precautionary measure.

- 3.47 In certain circumstances for example cases involving allegations of sexual or racial harassment, where relationships have broken down or where it is considered there are risks to property or the Union's responsibilities to other parties, the Supervising Trustee may authorise the suspension of membership rights with or without entitlements whilst an unhindered investigation is conducted.
- 3.48 Where an allegation has safeguarding implications and it is not possible for the Supervising Trustee to authorise a precautionary suspension in a timely manner, the Safeguarding Lead for uea(su) may authorise such action in consultation with a member of the Union's Senior Management Team (SMT).
- 3.48.1 The Supervisory Trustee will be notified of and precautionary suspension authorised by the Safeguarding Lead within two working days and has the authority to over turn such action should they deem it disproportionate to the allegation.
- 3.49 Such a suspension should only be imposed after careful consideration and should be reviewed regularly to ensure that it is not unnecessarily protracted.
- 3.49.1 Excluding a member from participation in Union activities is not in itself a form of disciplinary action whilst the investigation is progressing. The member will be entitled to seek advice, for

example legal advice, the cost of which will be met by the member.

- 3.49.2 Because the ability to hold elected office in the Union is dependent upon membership status and one of the rights and privileges of membership, suspension of entitlements would represent a suspension of that holding of office.

Appeals

- 4 A member(s) who has been found in breach of the code of conduct have the right to appeal.

Level one appeals.

- 4.1 A member who wishes to appeal a level one breach of the Code and Conduct and/or the sanction provided including breaches taking place within the Union's licensed premises, can do so by requesting the allegations against them are heard by a disciplinary panel.
- 4.2 This request should be made in writing to the Code of Conduct Lead within five working days of receiving a level one breach outcome.

Level two appeals.

- 4.3 A member who wishes to appeal the finding of the Disciplinary Panel and/or the level of sanction imposed can do so by writing to the Code of Conduct Lead within ten working days of being notified of the outcome of the Disciplinary Hearing.
- 4.4 The appeal should be made in writing stating the grounds upon which the appeal is to be made.
- 4.5 A level two appeal will only be considered if one or more of the following grounds is demonstrated:
- 4.5.1 That evidence put to the Disciplinary Panel was not fully considered and that this evidence was of such significance that it would cast doubt over the validity of the decision made by the Panel;
 - 4.5.2 That there was procedural irregularity in the conduct of the Disciplinary Panel that was sufficient as to render the outcome unfair;
 - 4.5.3 That there was prejudice and/or bias or the appearance of prejudice and/or bias in the conduct of the hearing by Disciplinary Panel;
 - 4.5.4 That the penalty or penalties imposed was excessive;
 - 4.5.5 That there is new information that should be considered that was not known to the Disciplinary Panel and that the responder could not reasonably have obtained that evidence at the time of the original decision and that this evidence is of such significance that it would cast doubt over the validity of the decision made by the Panel.

4.6 An appeal meeting will normally be held within ten working days of receipt of the letter of appeal. At this meeting the Appeal Panel will consider the written appeal.

4.7 The Appeal Panel will be made up of persons who have previously had no involvement in the case and shall consist of the following:

4.7.1 A Student Trustee;

4.7.2 An External Trustee;

4.7.3 A member of University staff.

4.8 Members should note that an appeal is designed to remedy any defects in the disciplinary process rather than repeat the investigation of the disciplinary process.

Outcomes of level two appeals.

4.9 The Appeal Panel will provide one of the following outcomes:

4.9.1 To uphold the decision and penalty or penalties imposed by the Disciplinary Panel

4.9.2 To uphold the decision but substitute a lower penalty.

4.9.3 Refer the allegations to be considered by an new Disciplinary Panel to be considered afresh.

4.9.4 Reject the appeal.

4.10 The member will be notified of the outcome of the appeal in writing within five working days of the hearing.

4.11 A member has no further right to appeal.

Recording Disciplinary Procedures

5 Accurate records will be kept detailing:

5.1.1 Any breach of disciplinary rules or unsatisfactory performance;

5.1.2 The Member's defence or mitigation;

5.1.3 The action taken and the reasons for it;

5.1.4 Whether an appeal was lodged, its outcome and any subsequent developments;

5.2 These records are to be kept confidential and retained in line with the above disciplinary procedure and the General Data Protection Regulation (GDPR). Copies of any meeting records will normally be given to the individual concerned (in certain circumstances information shall be withheld, for example to protect a witness).