

Membership Disciplinary Procedure Cardiff Met Students' Union

1. Introduction

- 1.1. Cardiff Met Students' Union, herein known as The SU, operates a Disciplinary Procedure to ensure all stakeholders (members, staff, Cardiff Metropolitan University, visitors) have a safe environment to enjoy the services and facilities it offers.
- 1.2. The following document outlines how The SU will deal with any report of an allegation of misconduct by a member and its affiliated Clubs and Societies.

2. What is misconduct?

- 2.1. Actions that may be considered misconduct include, but are not limited to;
 - 2.1.1. threatening, offensive, indecent, intimidating, bullying, harassing (including sexual harassment) behaviour, or conduct that is otherwise detrimental to the wellbeing of SU members, staff, Cardiff Metropolitan University or its visitors.
 - 2.1.2. violent conduct or assault
 - 2.1.3. causing significant damage, loss or unauthorised removal or use of SU property, that is believed to have been caused intentionally or as a result of reckless behaviour
 - 2.1.4. possession or misuse of prohibited substances or weapons on SU premises
 - 2.1.5. behaviour that constitutes as a criminal offence
 - 2.1.6. failure to report any criminal conviction or any driving licence penalties, for any member that is responsible for driving any vehicle for and on The SU's behalf
 - 2.1.7. breach of current SU policies; including terms laid out by a Service, Club or Society
- 2.2. Acts of misconduct extend to extends to written communication by text, email and social media platforms associated with The SU or an SU member of staff (including Sabbatical Officers, School Representatives, Part Time Officers and Board of Trustees).
- 2.3. Please note, misconduct by a full-time elected officer will be dealt with as a contractual matter through The SU's Staff Disciplinary Procedure.

3. How can I report an incident of misconduct?

- 3.1. If you experience, witness or are informed of an incident you wish to report under The SU's Disciplinary Procedure you should put this in writing to the Confidential Advice Centre (details below) as soon as possible after the incident has occurred. Any incidents reported outside of a timescale deemed reasonable may not be considered.
- 3.2. Reports of misconduct that are found to be vexatious, defamatory or motivated by malice, The SU reserves the right not to proceed with the complaint and to take action against you.

4. What happens once a report has been received?

- 4.1. The Chief Executive and the President of The SU will carry out initial consideration of the reported incident(s) to ensure the allegation is within the scope of this Procedure.
- 4.2. At this point The SU reserves the right to take immediate actions and suspend a member from its services until a full investigation can take place (please see Restriction to Services Procedure). Where appropriate, if an incident of misconduct raises concern for the safety of an individual or the wider community at or external to Cardiff Metropolitan University, The SU reserves the right to report a member for consideration under the University's Student Disciplinary Procedure or report incidents to the police. If an allegation is reported to the University or the police, The SU will suspend our investigation whilst any external investigation is ongoing.
- 4.3. You will receive an acknowledgement, usually within 7 working days, to advise on how the allegation will progress.

5. Privacy and Confidentiality

- 5.1. When a person(s) raises a complaint The SU may need to collect, process and store their information in conjunction with the General Data Protection Regulation (GDPR). This data will only be used for purposes of the complaint and achieving a resolution. This data will be shared amongst relevant parties involved in the investigation of the complaint. Any objection to data being shared may impact on The SU's ability to process the complaint further.
- 5.2. This information will be stored with the Confidential Advice Centre for a period of 6 academic years. If you would your information to be deleted before the scheduled deletion date, please contact us and your request will be reviewed.

6. Investigation (Stage One)

- 6.1. Once an incident of misconduct has been reported, the allegation will be communicated with relevant parties. They will be fully informed of the details of the allegation, the process that will be followed, their rights during the investigation and any sanctions placed during the investigation phase (please see Restrictions to Service Policy).
- 6.2. Any member subject to The SU's Disciplinary Procedure shall have the right to present any statements/evidence they have to give their side. If during the process it is appropriate to call a meeting, the member will be informed of their rights to be accompanied by a person for pastoral support. You are not entitled to be accompanied by a solicitor or barrister acting in a professional capacity, or a remunerated member of The SU.

6.3. In each case, the student will be advised that failure to respond to the allegation will lead to the investigation continuing on the basis of evidence available and may lead to disciplinary sanction being imposed without their input.

6.4. The Chief Executive and the President of The SU will carry out an initial consideration and appoint a nominee to investigate further. These Investigating Officers will view all statements and evidence provided to them by relevant parties, and interview relevant witnesses where appropriate. They will produce a report and recommend any sanctions they believe should be imposed as a result of their findings.

6.5. Sanctions that may be imposed include, but are not limited to:

6.5.1. Take no further action

6.5.2. Take appropriate action as a result of findings from the investigation

- i. verbal warning
- ii. first or final written warning
- iii. written apology
- iv. reparation payment for costs incurred
- v. restriction of services
- vi. suspension or permanent exclusion from any or all activities run by The SU,
- vii. including its clubs and societies
- viii. ban from SU premises
- ix. revoke membership

6.5.3. If the nature of the incident exceeds the sanctions of The SU Disciplinary Procedure, a member will be referred to the University's Student Disciplinary Procedure

6.6. We aim to complete this process usually within 30 working days, any delay to the proceedings will be communicated.

7. Review (Stage Two)

7.1. If you remain dissatisfied with the response from the investigation during stage one, you may request that the Chief Executive and the SU President review the outcome.

7.2. A request to escalate an allegation for review should be submitted in writing within 10 working days of receipt of outcome. At this time any sanctions imposed as part of the investigation at stage one will remain active while under review. Sanctions will only be lifted if the review agrees to changes of the original stage one outcome.

7.3. The Chief Executive and SU President will have access to all prior correspondence and the results of the stage 1 investigation. They will extend an invite to meet with relevant parties involved in order to clarify any points raised. If you are unable to meet in person, you will be given the opportunity to present further statements or evidence in writing.

7.4. The review stage will usually be completed within 30 working days, any delay to the proceedings will be communicated.

8. Right to Appeal (Final Stage)

- 8.1. Any members unhappy with the outcome of the Review Stage Two can submit an appeal to the Board of Trustees. Any appeal must be submitted in writing within 10 working days of the Review outcome being received.
- 8.2. Any sanctions imposed as part of the first stages of the procedure will remain active while under review of appeal. Sanctions will only be lifted if a member is successful at the appeals stage and the sanctions are reviewed.
- 8.3. A member can make an appeal under the following grounds:
 - 8.3.1. The SU have not followed procedure when investigating the allegation
 - 8.3.2. There is evidence that could not have been presented during the time of the investigation
- 8.4. This appeal will be taken to The SU's Board of Trustees for review. The Board will review all materials to ensure appropriate procedures were followed and that the decision made was reasonable.
- 8.5. To ensure fairness, the Board will include a minimum of 3 members that have not been involved in the previous stages of the disciplinary process.
- 8.6. The appeal review stage will usually be conducted within 30 working days, any delay to the proceedings will be communicated.

9. Conclusion

- 9.1. The Right to Appeal completes the internal stages of the Membership Disciplinary Process. Following the appeal panel, the member will be finally and promptly issued with a Completion of Procedures letter to confirm:
 - 9.1.1. all internal procedures have been exhausted
 - 9.1.2. the issues involved and dealt with
 - 9.1.3 the outcome
- 9.2. The SU will take no further action after this stage.
- 9.3. Cardiff Metropolitan University subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome provided within your Completion of Procedures letter you may be able to apply for a review with the Office of the Independent Adjudicator for Higher Education (OIA).

9.4. Should you decide to make a complaint to the OIA, your OIA Complaint Form **must be received by the OIA** within **12 months** of the date of the Completion of Procedures letter.

9.5. You can fill in the OIA's complaint form online or download a copy from the OIA website. <http://oiahe.org.uk/making-a-complaint-to-the-oia/oia-complaint-form.aspx>. The OIA also publishes *An Introduction to the OIA Scheme for Students*, which can be downloaded from http://oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf. Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.**

9.6. Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>.

9.7. Please note that the OIA will normally only review issues that have been dealt with through the provider's internal procedures.

10. Contacts

If you experience, witness or are informed of an incident and you wish to seek advice on the matter you can contact The SU using the following confidential email address:

Email – suadvice@cardiffmet.ac.uk
www.cardiffmetsu.co.uk