

HASU – Membership Disciplinary Procedure

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| Responsible for implementation: | Union Director |
| Responsible for interpretation: | Chair of the Board of Trustees |

Harper Adams Students' Union is a registered charity (charity number 1157391). It is a Charitable Incorporated Organisation registered in England and Wales (company number CE002077), whose registered office is at TF10 8NB, Harper Adams University, Edgmond, Shropshire, TF10 8NB



Membership Disciplinary Procedure

1. Introduction

- 1.1 Harper Adams Students' Union (HASU), herein known as The SU, operates a Disciplinary Procedure to ensure all stake holders (members, staff, Harper Adams University, visitors) have a safe environment to enjoy 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, Harper Adams 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 or HASU's Inclusive and Respective Culture statement including term laid out be a service, club or society.
- 2.2 Actions of misconduct extend to written communication by text, email and social media platforms associated with the SU, or an SU member of staff (including sabbatical officers, course 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 any incident you wish to report under The SU's Disciplinary Procedure you should put it to the Union Director or via the SU reporting systems 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 the report has been received?

- 4.1 The Union Director 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. Where appropriate, if an incident of misconduct raises concern for the safety of individuals or the wider community at or external to Harper Adams University, The SU reserve 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 allegations 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 Regulations (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 The information will be stored for a period of 6 academic years. If you would like 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 SU Director will review the case and consider whether or not there are grounds for an investigation. If the decision taken that there are no grounds to investigate the matter the complainant will be informed in writing within five working days.
- 6.2 If the case is deemed to be warranted 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.
- 6.3 Any member subject to The SU's Disciplinary Procedure shall have the right to present any statement/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.
- 6.4 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.
- 6.5 The Union Director and the President of The SU will carry out an initial consideration and appoint a nominee to investigate further. The Investigating Officers will view all statements and evidence provided to them by relevant parties, and interview relevant

witness where appropriate. They will produce a report and recommend any sanctions they believe should be imposed as a result of their findings.

6.6 Sanctions that may be imposed include, but not limited to:

6.6.1 Take no further action

6.6.2 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 for any or all activities run by The SU,

vii. Including its clubs and societies

viii. Ban from SU premises

ix. Revoke SU membership

6.6.3 if the nature of the incident exceeds the sanctions the SU Disciplinary Procedure, member will be referred to the University's Student Disciplinary Procedure.

6.7 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 Union Director 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 change of the original stage one outcome.

7.3 The Union Director 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 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 if 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 couldn't 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 decisions 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 stage of the disciplinary process.
- 8.6 The appeal review stage will usually be conducted within 30 days, and delay to the proceedings will be communicated.

9. Conclusion

- 9.1 The Right to Appeal completed 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 an 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 Harper Adams 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, you 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.

<https://www.oiahe.org.uk/students/how-to-complain-to-us/>

The OIA also published '*An Introduction to the OIA Scheme for Students*' which can be downloaded from - <https://www.oiahe.org.uk/media/2264/intrototheoia-students-jan-2019.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 website
- 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

- 10.1 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 – studentsunion@harper-adams.ac.uk

Website. - www.harpersu.com