7. CODE OF CONDUCT, COMPLAINTS & DISCIPLINARIES BYELAW

This Byelaw outlines the expected behaviours of students' union members and the procedures and sanctions available to the Union and students should a member breach this Code, as well as the appeals process for anyone accused of such a breach.

PURPOSE

1. The Union has a Code of Conduct to ensure that all members understand the behaviours that are expected of them and what steps will be taken should these behaviours not be met. The Union is a membership organisation that seeks to resolve differences between members via early resolution and encourages debate and discussion. There are however times when this cannot occur.

2. Oversight, Application & Publication of the Code.
    - 2.1. The Board of Trustees has oversight over this Code and will appoint from among its members a "Supervising Trustee" to ensure it is followed. The Supervising Trustee shall be an External Trustee of the Union.
    - 2.2. The Code applies to all Members of the Union including Student Members, the Trustees and Associate Members. The Code shall be made available on the Union website.
    - 2.3. For the avoidance of doubt, issues relating to employment, including for Student Staff and Sabbatical Officers are dealt with through the staff disciplinary process.
    - 2.4. For the avoidance of doubt, issues relating to the role of Full-Time Officers should be dealt with through the democratic processes outlined in the Constitution and Byelaws.
    - 2.5. For the avoidance of doubt, issues relating to elections should be dealt with by the Returning Officer in the first instance.
    - 2.6. For the avoidance of doubt, the Code of Conduct is an internal process related to the Union and not a legal process.
    - 2.7. "Days" in this Code refers to Working Days (Monday to Friday during the University Term times and not including Bank Holidays). However, the Union will attempt to resolve issues as quickly as possible and may seek to resolve issues during breaks where the Supervising Trustees believe they are of significant concern.

EXPECTED BEHAVIOURS OF MEMBERS

3. All members of the SU are expected to:
    - 3.1. Not act dishonestly or with intent to commit fraud.
    - 3.2. Treat others with respect and dignity and without unfair or illegal discrimination.
    - 3.3. To uphold the principles of LJMU's policy framework and code of conduct behaviours within JMSU related activity.
    - 3.4. To not engage in any Sexual Violence, Misconduct and Harassment.
    - 3.5. Not offend others with foul language, anti-social, racist or discriminatory behaviour.
    - 3.6. Not interfere with other people's enjoyment of JMSU facilities or activities.
    - 3.7. Adhere to the JMSU policies including this Code of Conduct
    - 3.8. Not to engage in activity or behaviour likely to bring JMSU into disrepute.
    - 3.9. Use JMSU resources responsibly and honestly.
    - 3.10. Treat the environment with respect.
    - 3.11. Comply with the reasonable requests of staff and Trustees of JMSU.
    - 3.12. Adhere to any specific additional behaviours related to their role or any responsibilities that members might have assumed in the Union.
    - 3.13. Respect other members' confidentiality, including in relation to this Code of Conduct.

4. Elected Representatives and Trustees will be held to a higher expected level of behaviour than other members.

RAISING A COMPLAINT

5. There is a complaints process which outlines how to raise a complaint, under what circumstances, the sanctions available and the appeals process.

6. The general principles behind the complaints process are:
    - 6.1. We will treat anyone who complains with courtesy and respect.
    - 6.2. Each complaint will be dealt with using the principles of fairness, impartiality, confidentiality, and proportionality.
    - 6.3. The issue will be taken seriously, and every effort will be made to try and resolve the complaint.

6.4. It is hoped that most issues can be resolved quickly and informally, however where the complaint is particularly serious or confidential, the complaint will be escalated to the formal process.

6.5. Every effort will be made to keep to the timescales stated for each part of the process. However, it is noted that some complaints may require additional time to gather evidence, for example, some services do not operate during certain weeks.

COMPLAINTS PROCEDURE

7. There is a three-stage resolution process, but all complaints start at the same point with an individual making the decision to lodge a complaint. In order to allow the Union to effectively address the concern, complaints should always be made as soon as feasible.

8. Stage 1 – Early Resolution

8.1. In the first instance, any problems or complaints should be referred directly to the appropriate manager responsible for the area of dissatisfaction, to allow for the problem to be resolved immediately wherever possible, and normally within 7 days. Where the complaint is in regard to the staff/ executive officer, this should be raised with the CEO.

8.2. The staff member/ executive officer addressing the complaint at this stage will log the complaint and ensure that the complainant receives the notification of the actions taken.

8.3. Where possible complaints should be dealt with informally by the individuals concerned.

8.4. All parties will actively engage with a view to providing a solution and acceptable outcome, and support can be sought from JMSU Support Services or an appropriate alternative advice group.

8.5. If the Complainant believes that their concerns have not been properly addressed, or where the complaint is particularly serious or confidential, the complaint will progress to the formal process.

8.6. Early resolution may be bypassed where the complaint is serious, sensitive, or where informal resolution would be inappropriate.

9. Stage 2 – Formal Complaint

9.1. A formal complaint should be submitted using the complaint form on the website to the CEO who will assign an appropriate Manager to be the Investigating Officer. The assigned Manager will not have any actual or perceived conflict of interest and will not be the Manager of the associated department if the complaint is about a Union service or activity.

9.2. Depending upon the nature of the complaint, it may be necessary to immediately refer the complaint to an alternative policy, byelaw, body, or procedure. If the complaint has been taken to the University or an external body, we will stop our process while that is ongoing. This may mean that we do not deal with the complaint through this process.

9.3. The complaint form should be submitted as soon as possible after the issue has been identified so that the Union can take swift investigation and take any remedial actions as necessary. It must be submitted within 30 working days of the alleged issue taking place.

9.4. The complainant will provide evidence to substantiate the complaint to allow for a full investigation. Where evidence is not available, the case will be considered on its merits.

9.5. The CEO will normally acknowledge receipt of the complaint within 5 working days to the complainant and inform them of the procedure that will be followed and who the Investigating Officer will be.

9.6. If the complaint is about the CEO, the complaint should be submitted to the JMSU President.

9.7. The Investigating Officer dealing with the complaint should ask if the complainant requires any additional support, in which the staff member will endeavour to provide. i.e., by signposting to other services within the university or externally.

9.8. In the case of complaints around discrimination, harassment, or abuse by another student: The Investigating Officer with the permission of the complainant will inform any relevant academic or professional services staff to ensure the complainant is supported through the adverse experiences.

10. Stage 3 – Appeal

10.1. A Complainant can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process. There are no other grounds for their appeal.

10.2. A Respondent can appeal the outcome of an investigation or panel hearing based upon a perceived irregularity in the process, new information arising or disproportionate sanction.

10.3. Appeal requests should be addressed to the CEO within 5 working days of receiving the outcome of the stage they are appealing against.

10.4. The CEO (or in their absence the most senior member of staff unrelated to the case) or nominee and a member of the Trustee Board will carry out a desktop review of the complaint investigation and panel process to consider if the decision is consistent and appropriate and if they have followed due procedure normally within 10 working days. Appeals are a review of process and proportionality only and do not normally involve re-investigation of the complaint.

10.5. The CEO or nominee will write to the Complainant or Respondent normally within 3 working days to inform them of their decision and any actions that are being taken as a result.

11. INVESTIGATING THE COMPLAINT

12. The Investigating Officer will take all reasonable steps to fully investigate and evaluate the complaint, gathering as much evidence together as possible which may include CCTV, witness statements, further information from the complainant, etc.

13. Where the complaint relates to an individual/department or group, evidence, and an opportunity to respond will be gathered from all these parties in order to understand any alternative perspective.

14. The Complainant's name may be withheld from the respondent if deemed appropriate by the Investigating Officer for the basis of student safety and wellbeing following a risk assessment approach. The rationale, consideration and impact will be documented by the panel when making this decision. Anonymity may not be feasible in all cases.

15. The Investigating Officer will decide on the merits of the evidence available, whether to proceed with the complaint and take one of the following actions:

15.1. No evidence to uphold the complaint; The Complainant and Respondent will be notified with an explanation of the decision and details of the Appeals Process; or

15.2. Enough evidence to proceed; Complaints about an individual will proceed to a Panel Hearing. Complaints about a service/activity will be passed to the CEO to deal with appropriately as per the relevant policy.

15.3. Where the Investigating Officer determines that a complaint is low risk, uncontested, and proportionate to resolve without a panel hearing, they may recommend an outcome directly to the CEO, subject to the right of appeal.

15.4. Any complaint that may result in suspension, expulsion, or referral externally must proceed to a panel hearing.

15.5. The Investigating Officer outcome will be communicated to the CEO who will then issue the next steps.

16. The Investigating Officer will endeavour to conduct the investigation within 14 working days, with due regard for the particular circumstances.

17. If a serious allegation had been made against an individual(s), the Investigating Officer can seek immediate precautionary suspension from the CEO in order to protect the validity of the investigation, and with due care for the wellbeing of all concerned.

18. Any such suspension is without prejudice and not an indication of any perceived guilt and is valid until the outcome of the investigation and any subsequent panel hearing.

19. Reasonable adjustments - JMSU will ensure that reasonable adjustments are made where applicable throughout the process, including accessible formats.

PANEL

20. A panel will normally be convened comprising two trained decision-makers, at least one of whom shall be a JMSU Manager, and supported by a Full-Time Officer where appropriate. The panel chair has the right to invite appropriately skilled members to aid the panel such as a member of LJMU staff or another SU staff member.

21. An additional JMSU staff member will be in attendance to take notes but will not form part of the panel.

22. The Panel shall consider all the information and evidence about the complaint and determine, on the balance of probability, whether an individual or group has acted in a

manner that is inappropriate/contrary to expected behaviour, taking into account relevant circumstances, and reach a decision and any appropriate sanction.

23. The individual against whom the allegation is made shall be invited to attend the hearing and given a copy of all the evidence that will be used by the panel to help it reach its decision, at least 5 working days prior to the hearing. They may submit any additional evidence to the panel no later than 3 working days prior to the hearing date, with reference to complaints principles. The panel or its nominee will acknowledge receipt.

24. In the case of a complaint made against a society/club, its chair (or nominee) shall act as a spokesperson for the society/club.

25. Any individual attending the Panel has the right to be accompanied by another individual for support. This person must not be a legal professional and must be agreed to in advance by the Panel Chairperson.

26. If an individual (or representative of a student group) named by the complainant fails to attend the meeting without good cause, it may be deferred only once. Further failure to attend will result in the Panel making a decision in their absence.

PANEL OUTCOMES

27. The panel may conclude, having considered appropriate representations from all parties, that a complaint is dismissed, partly upheld, or fully upheld. As a result of a complaint being partly or fully upheld, the panel may apply one or more sanctions against the individual or group involved:
    - 27.1. a written reprimand; and/or
    - 27.2. fine to cost cover of repairs or replacements; and/or
    - 27.3. necessary training or refresher sessions undertaken to prevent the recurrence of specific actions or behaviours that led to the complaint and/or
    - 27.4. a temporary suspension of any or all of the privileges of membership of the Union, which, for the avoidance of doubt shall not include the removal from office of any person elected by means of a cross-campus ballot; and/or
    - 27.5. a life ban which shall entail a total ban from Union premises and activities at all times. This shall not interfere with academic commitments taking place in the Union; and/or

27.6. where the complaint is upheld against a student group, a suspension or privileges of affiliation; and/or

27.7. where the complaint is upheld against a student group, individuals in positions of responsibility or the wider membership may be subject to action as an individual; and/or where necessary refer the matter to the University and/or police; or dismiss the allegations.

28. The panel will write to the complainant within 5 working days to inform them of their decision in writing. The complainant will also be informed of the appeals procedure.

REFERRAL

29. At any stage of the process, the CEO (in consultation with the Investigating Officer and/or Panel Chairperson as appropriate) reserves the right to refer the matter to the University and/or police depending upon the nature and severity of the allegation.

30. During this time, any ongoing Union processes will be suspended pending the outcome of any related external investigations and resume once the outcome of any such investigation has been determined.

31. The complaints procedure should be suspended if a complainant is actively seeking legal redress. The procedure can resume once the legal redress process is concluded, and the complainant wishes to continue with their complaint. In cases where the accused faces legal consequences, such as imprisonment, leading to uncertainties in the complaint resolution process, the Students' Union may revisit the option of suspension and consider situations involving orders prohibiting University attendance or custodial sentences. The Union reserves the right to request written representations when possible; if not feasible, decisions will be made based on the available evidence.

INDEPENDENT REVIEW

32. If the complainant feels the matter remains unresolved, you may refer the matter to the University Secretary who will ensure your complaint is considered by an independent person appointed by the University Board of Governors (and agreed by the JMSU Trustee Board), in accordance with the Ordinance 22 of the 1994 Education Act.

33. Their decision will be final and will be fully complied with by the Students' Union and will be reported to the SU Board of Trustees and the University's Board of Governors. The Union's senior manager and President shall report formally to the Student's Union Trustee Board and the Board of Governors on progress made to implement the final outcome and any associated actions.

34. Complaints Relating to Data Protection - Where a complaint relates to the processing of personal data or an alleged breach of data protection legislation, it will be considered in accordance with JMSU Data Protection Policy. If you remain dissatisfied following the completion of the complaints process, you have the right to raise your concerns with the Information Commissioner's Office (ICO), the UK's independent authority for upholding information rights.

WITHDRAWAL OF A COMPLAINT

35. An individual may choose to withdraw a complaint at any stage of the process. A decision to withdraw the complaint must be made in writing and submitted to the staff member dealing with the complaint. In these circumstances, the Students' Union will assess the information submitted to identify any potential risks or legal responsibilities.

36. In the event that a complaint is assessed to have a level of severity that could potentially endanger the well-being of a student or pose a significant organizational risk to the Students' Union, it will be escalated to the Trustee Board. In this context, the Students' Union has the option to proceed with further investigation while ensuring the proper handling and retention of information within the framework of data protection regulations.

APPROVED BY TRUSTEE BOARD:	10/07/2026
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