

Student Member Code of Conduct

1. Introduction	1
2. Scope	1
3. Principles	1
4. Breaches of Standards	2
5. Informal resolution	2
6. Immediate Disciplinary Process	2
7. Licensed Premises	2
8. Police Investigations	3
9. Investigation	3
10. Suspension from the Union	3
11. College Investigations	4
12. Disciplinary Hearing	4
13. Appeals	5
14. Confidentiality	6
15. Further information	6
Appendix 1: Disciplinary Standards	7
Appendix 2: Investigation	8
Appendix 3: Disciplinary Procedure	9
Appendix 4: Disciplinary Outcomes and Sanctions	10
Appendix 5: Appeals Process	12
Appendix 6: Risk Assessment Procedure	13

Draft

1. Introduction

- 1.1. Royal College of Art Students' Union (RCASU) (“**the Union**” or “**we**”) is committed to creating a student-led and inclusive environment, where everyone is treated fairly and with consistency. We believe that our spaces, both online and physical, should be free from harassment, bullying and hate, and should be safe for all those using them. It is therefore important that all our Student Members understand the standards of conduct that are expected of them in maintaining that environment.
- 1.2. This procedure outlines our approach to ensuring that issues concerning the conduct of individual Student Member(s) are resolved in a fair, consistent and timely manner.

2. Scope

- 2.1. Throughout this procedure, “**Student Members**” are defined in accordance with the Union’s constitution as being students at the Royal College of Art that have not ‘opted out’ of their membership of the Union. For the purposes of this procedure.
- 2.2. “**Clubs and societies**” are defined, in line with the Union’s Clubs and Society Regulations, as clubs and societies that have had their affiliation approved by the Union.
- 2.3. This procedure does not apply to Union staff, trustees, or sabbatical officers.
- 2.4. Where a Student Member who is also a student staff Member is alleged to have breached our standards of conduct or behaviour, the process followed will normally depend on whether the alleged breach occurred while the Student Member was ‘on duty’ as an employee, however this will depend on the circumstances. If the Student Member was ‘on duty’, the RCASU Complaints Procedure should apply.

3. Principles

- 3.1. We believe our spaces, events, communities and activities, both online and physical, should be free from harassment, bullying and hate. The Union should be a safe space for all those using it, and everyone who participates in Union activities and events, or that uses our spaces has a responsibility to help us achieve this.
- 3.2. Any breaches of standards will be treated in a consistent, fair and reasonable manner. Our aim is always to resolve issues wherever possible and for Student Members, clubs and societies to remain active parts of the Union community.
- 3.3. We may begin disciplinary procedures against a Student Member, club or society without a formal complaint being made against them if there is sufficient evidence to suggest that a breach of standards or regulations has taken place.
- 3.4. In circumstances where the Union believes that a Student Member, club or society poses a risk to the Union community or the public, or where a Student Member, society or club is accused of a disciplinary offence that may also constitute a crime, we may put in place precautionary measures before a full investigation has taken place. The procedure for deciding on the appropriate precautionary measures is outlined in [Appendix 6: Risk Assessment Procedures](#).
- 3.5. The disciplinary procedure can be started at any stage, and we will issue the most appropriate disciplinary outcome depending on the circumstances.
- 3.6. If an allegation is likely to be in breach of College regulations, we may refer the matter to the College for investigation. Once their investigation is complete, we will review their findings and recommendations and consider whether to apply any sanctions based on their findings, or whether we need to investigate further.

- 3.7. Where timescales are referred to within this procedure, they are provided as a guide only. We will always let you know if things are going to take longer than expected, and keep you updated throughout.
- 3.8. All e-mail communication sent to Student Members, clubs or societies as part of this procedure will be sent to their registered College e-mail addresses, unless otherwise agreed.

4. Breaches of Standards

- 4.1. Disciplinary action may be taken because of any breach of discipline that:
 - happens on the Union premises;
 - is committed while using the Union's facilities or attending a Union event;
 - is committed while a Student Member is representing, acting on behalf of or could be perceived to be representing or acting on behalf of the Union at an event, during a trip, online (e.g., via social media) or in correspondence;
 - takes place whilst participating in an activity supported by the Union or whilst on Union business;
 - takes place in person or in writing, online, or by a physical act or gesture.
- 4.2. Some examples of the types of misconduct and gross misconduct which may constitute breaches of discipline are listed in [Appendix 1: Disciplinary Standards](#).

5. Informal resolution

- 5.1. Before considering formal disciplinary proceedings, every effort will be made to resolve the matter informally, where appropriate. This could include a discussion with a member of Union staff, who will try their best to help you understand the standards or behaviour expected and give you the opportunity to put things right. At this stage you will be made fully aware of the expectations, what steps need to be taken to address the issue and when this will be reviewed. We might also recommend that you attend training or make changes to how your club or society works.
- 5.2. Sometimes an informal discussion may not resolve the issue or be appropriate. In this case, the relevant procedures outlined in the remainder of this procedure will be applied.
- 5.3. An informal resolution will not be taken if:
 - Your conduct has not improved following a previous informal discussion or formal warning;
 - It is more appropriate to deal with the situation formally, due to the potential seriousness of the issue.

6. Immediate Disciplinary Process

- 6.1. Union staff and representatives can require a Student Member to immediately leave a virtual or physical space pending an investigation.
- 6.2. If a situation arises that cannot be resolved there and then, and/or there is a risk to others, a staff member, or nominated Student Member responsible for an event or activity (e.g., an elected Officer or an elected committee Member of a club or society) may require a student to leave a space immediately.
- 6.3. The staff member or responsible Student Member should then refer the issue to the relevant Students' Union staff member as soon as possible, who will begin a disciplinary process before any permanent disciplinary sanctions are put in place.

7. Licensed Premises

- 7.1. In Union licensed premises, the manager on duty may, in accordance with the Licensing Act (2003), act in a reasonable way to 'prevent public nuisance', which may include requiring a Student Member to leave the space. An incident report must be completed as soon as possible following an incident on licensed premises.

8. Police Investigations

- 8.1. If police have been involved in an incident that takes place on Union premises or during Union activity, the Union's Director should be informed as soon as possible.
- 8.2. If a Student Member is also the subject of a police investigation, we may decide to:
 - continue with our own investigation without waiting for the outcome of a police investigation and/or criminal proceedings; or,
 - suspend our investigations until any police investigation and/or criminal proceedings are complete. The Member may be suspended from the Union during this period, in line with section 10 of this procedure.
- 8.3. An investigation or decision by the police or other law enforcement agency to take no further action will not prevent the Union from taking disciplinary action under this procedure.

9. Investigation

- 9.1. Before formal action is considered, an appropriate person will be appointed to carry out a full and fair investigation to establish the facts. The person carrying out the investigation must not be involved in the matter in question, for example as a witness, and will usually be a member of Union staff.
- 9.2. The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from relevant witnesses.
- 9.3. The investigation will be completed within a reasonable timeframe, taking into account the complexity of the case, the availability of witnesses, staff resource and the timing in the academic year.
- 9.4. As part of the investigation, a Student Member may, if appropriate, be asked to attend an investigation meeting, submit a written statement and/or share other pieces of evidence, which will form part of the investigation report.
- 9.5. Once the investigation is complete, the investigator will put together a report that includes:
 - details of the investigation process, findings and conclusions;
 - whether it is more likely than not that a breach of standards has taken place, and which standards or regulations the potential breach relates to;
 - any recommended informal action to be taken, either instead of, or as well as a disciplinary hearing;
 - whether a disciplinary hearing is recommended, either for individual Student Member(s) or a club/society;
 - whether the matter should be reported to the College;
 - any recommended improvements to Union procedures, practices or training that could prevent the issue happening again in the future.
- 9.6. The investigation findings will then be reviewed by the appropriate disciplinary panel, as outlined below, who will determine an appropriate outcome.

10. Suspension from the Union

- 10.1. In certain circumstances, for example cases involving serious breaches or where we feel that there are risks to other people (such as witnesses, other students or staff), property or the Union's reputation, it may be appropriate to suspend some or all of an individual, club or society's membership privileges while an investigation takes place.
- 10.2. A risk assessment will be conducted (see [Appendix 6](#)) to consider whether this is necessary.
- 10.3. Excluding a Student Member, club or society from participation in Union activities does not indicate a disciplinary decision or suggest that they are believed to be guilty.
- 10.4. We will keep any periods of suspension as brief as possible and review it regularly throughout the process.
- 10.5. In certain circumstances, behaviour may be considered so serious that membership may be revoked with immediate effect, for example where we believe that a Student Member, club or society poses a serious risk to the safety or wellbeing of others.

11. College Investigations

- 11.1. We will inform the College of any serious misconduct or where we believe that a Student Member may pose a risk to the College or the wider student body. Where the College considers that its regulations have been breached, it may follow its own separate disciplinary process and implement its own sanctions.
- 11.2. If a Student Member being investigated is also the subject of a College investigation, we may decide to:
 - continue with our own investigation without waiting for the outcome of College's investigation; or,
 - suspend our investigation until any College investigation is complete, then determine whether the Union needs to take any further action.
- 11.3. A Student Member may have some or all of their membership privileges suspended during this period (see section 10).
- 11.4. If, following investigation, the College decides not to take further action, this will not prevent us from taking disciplinary action under this procedure.
- 11.5. Our investigation will focus exclusively on whether, on the balance of probabilities, a Student Member has breached the Union's standards or regulations. If the College has issued a disciplinary sanction for a breach of their regulations that could also be classed as a breach of the Union's standards, this will be considered as part of our investigation.

12. Disciplinary Panel & Hearing

- 12.1. If, following investigation, the Union decides to hold a formal disciplinary hearing with an individual, club or society, the Student Member(s) will be informed of the relevant investigation findings and allegations in writing and invited to a formal meeting to discuss the matter further. The hearing will usually take place within 10 working days of the investigation being completed.
- 12.2. If the disciplinary matter relates to the management, governance, culture or behaviour of a club or society, the disciplinary panel will normally consist of a Sabbatical Officer, one student trustee and the Communities Officer.
- 12.3. If the disciplinary matter relates to an individual, the disciplinary panel will normally consist of a Sabbatical Officer (Chair) and at least one and a maximum of two student trustees.

- 12.4. If the disciplinary matter relates to both individual behaviour and the running of a club or society, a disciplinary panel may be formed that consists of one or both Sabbatical Officers, along with at least one and a maximum of two members of Union Staff who have received the relevant training.
- 12.5. Members of the panel must not have been involved in the matter in question, for example during the investigation or as a witness.
- 12.6. At the formal meeting, you may be accompanied by a fellow Student Member of the Union. You should inform us in advance of who will be accompanying you to the meeting.
- 12.7. All disciplinary panels will be supported by an appropriate member of Union staff. They will not have a role in deciding on the outcome but may provide advice and support to the panel. They will also be responsible for taking notes.
- 12.8. You will receive an invitation letter (usually in the form of an email) to the formal meeting, at least 5 working days in advance, which will:
 - advise you of the purpose of the hearing, the date, time and venue;
 - explain that you may be accompanied at the hearing by a fellow Student Member;
 - provide information about the allegations;
 - advise who will attend the hearing, including any witnesses;
 - provide all relevant information that is to be used at the hearing including the investigation report and a copy of the disciplinary procedure.
- 12.9. During the meeting, you will have the opportunity to:
 - set out your case and answer any allegations;
 - ask questions;
 - put forward your own evidence;
 - ask witnesses questions;
 - call your own witnesses (advance notice should be given).
- 12.10. The person that conducted the investigation may also attend the hearing to present their findings and answer any questions about the investigations and their findings. They will leave the meeting before further discussion takes place.
- 12.11. You will have the opportunity to state your case before any disciplinary sanctions are decided on. All decisions will be reached following a full and fair review of the evidence and based on the balance of probabilities.
- 12.12. If, with good reason, you are unable to attend the hearing, it will be rescheduled (usually within 5 working days of the original date). Except in exceptional circumstances, if you are unable to attend the rearranged hearing, we may make a decision in your absence.
- 12.13. After the meeting, you will be notified of the outcome. This will be confirmed in writing, usually within 5 working days or as soon as possible and will include:
 - Details of the incident or behaviour that has resulted in the disciplinary action, the disciplinary sanction and if appropriate, the length of time the sanction will remain in place;
 - Any actions required to prevent future disciplinary action, when these actions should be completed, the consequence of not carrying out these actions, and details of the appeals process.

13. Appeals

- 13.1. You can appeal against any disciplinary action taken against you if you feel that:

- the disciplinary outcome is unreasonable given all the circumstances and evidence considered;
 - the correct procedure was not followed during the formal stage, and this has had a significant effect on the outcome; or,
 - you have new evidence to show which you were unable, for valid reasons, to provide earlier in the process, and which would have had a significant effect on the outcome of the formal stage.
- 13.2. You can submit an appeal within 5 working days of the date that you receive the outcome of the disciplinary hearing. You should do this in writing to the Chair of the Board of Trustees, setting out the reasons for appealing the decision.
- 13.3. If the Chair of the Board decides that there are grounds for appeal, an appeal hearing will take place as soon as possible, and without unreasonable delay. This will usually be within 5 working days of your appeal being received.
- 13.4. Appeals will be heard by a panel who have had no previous involvement in the case and will normally consist of the Chair of the Board (or the Vice Chair) and one or more of the following:
- A member of the Union management team
 - A trustee
- 13.5. You may be accompanied to an appeal hearing by a fellow Student Member.
- 13.6. The appeal panel may:
- uphold the original decision;
 - carry out further investigation (only where new evidence has been presented); or
 - change the outcome (they will not usually choose a more serious sanction than what has already been decided);
 - overturn the original decision.
- 13.7. All decisions will be confirmed in writing within 10 working days, or as soon as possible and without unreasonable delay. The decision of the appeal panel is final.

14. Confidentiality

- 14.1. All matters relating to the disciplinary and appeals process must be kept confidential.
- 14.2. We will investigate any breach of confidentiality by an individual involved in the process and take appropriate action. This could include disciplinary action against the individual(s) responsible for the breach.
- 14.3. All results will be summarised and reported to the Board of Trustees.

15. Further information

- [Appendix 1: Disciplinary Standards](#)
- [Appendix 2: Investigation](#)
- [Appendix 3: Disciplinary Procedure](#)
- [Appendix 4: Disciplinary Outcomes and Sanctions](#)
- [Appendix 5: Appeals Process](#)
- [Appendix 6: Risk Assessment](#)

Appendix 1: Disciplinary Standards

Our standards of behaviour apply to all Student Members of the Union and are important for creating an inclusive environment, that is free from harassment, bullying and hate, and is safe for all those using them. The individual circumstances of each case will always be considered during a disciplinary process.

Examples of misconduct that are covered by this Disciplinary Procedure are listed below. This list is not exhaustive and there may be other examples of misconduct.

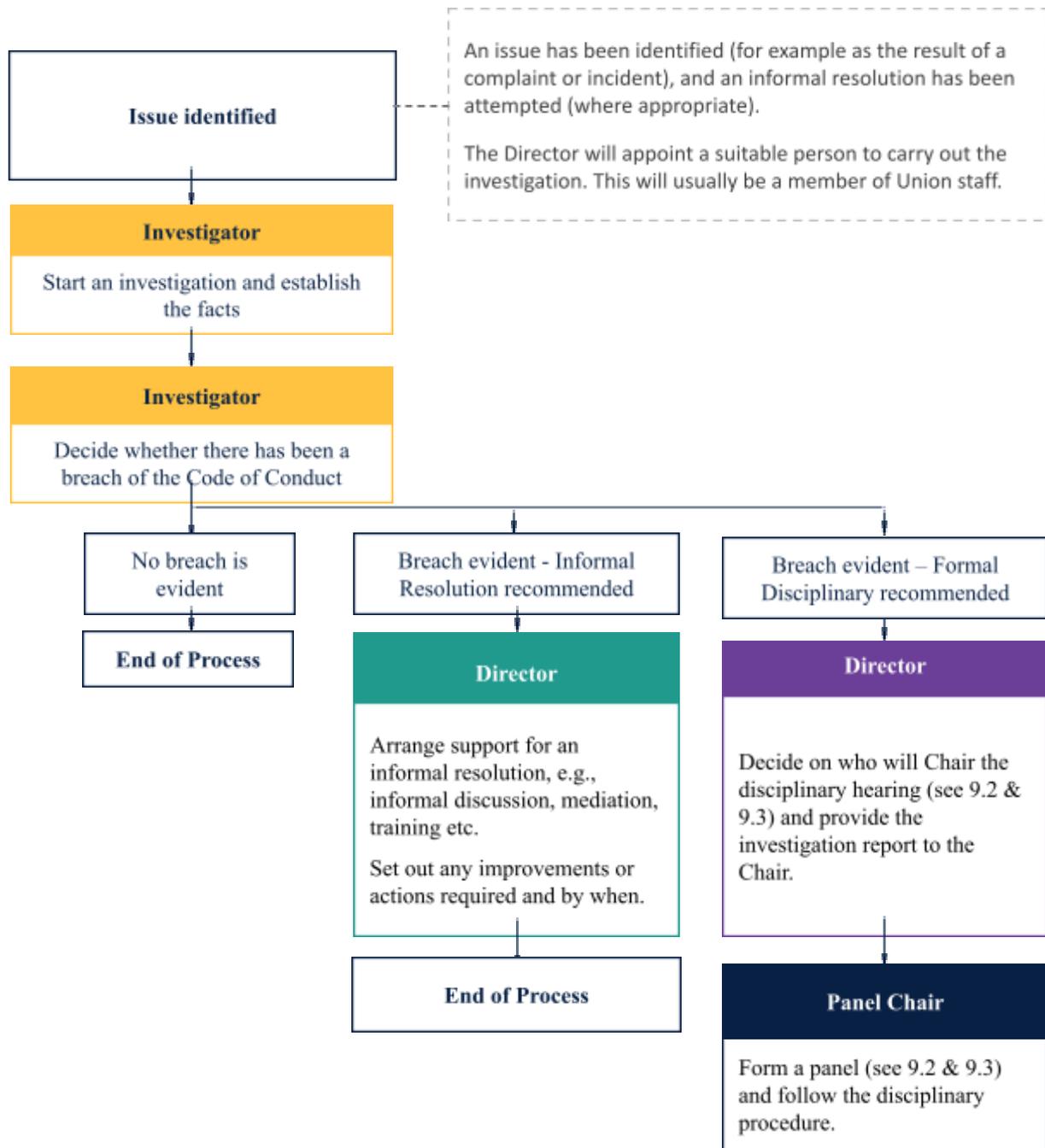
- behaving in a way that is likely to cause reputational damage to the Union, whether on or off Union and College premises;
- failure to comply with the RCA Code of Conduct on Freedom of Speech;
- disorderly, threatening, bullying or offensive behaviour or harassment, whether physically, verbally or online;
- any action likely to cause injury or acting without due regard to the safety of others;
- making defamatory or maliciously false statements about students or staff;
- any interference with health and safety equipment, including activating fire alarms except in a genuine emergency;
- damage to, defacement of, or misappropriation of Union property or the property of other Members of the Union, whether caused intentionally or recklessly;
- failure to comply with Clubs and Society Regulations and/or financial procedures;
- misuse or unauthorised use of Union premises and property, including computer misuse;
- breaches of any other of the Union's codes, policies, regulations or guidance.

The following are examples of behaviour which the Union will consider as acts of **serious misconduct** and may lead to more severe disciplinary outcomes, up to and including termination of membership;

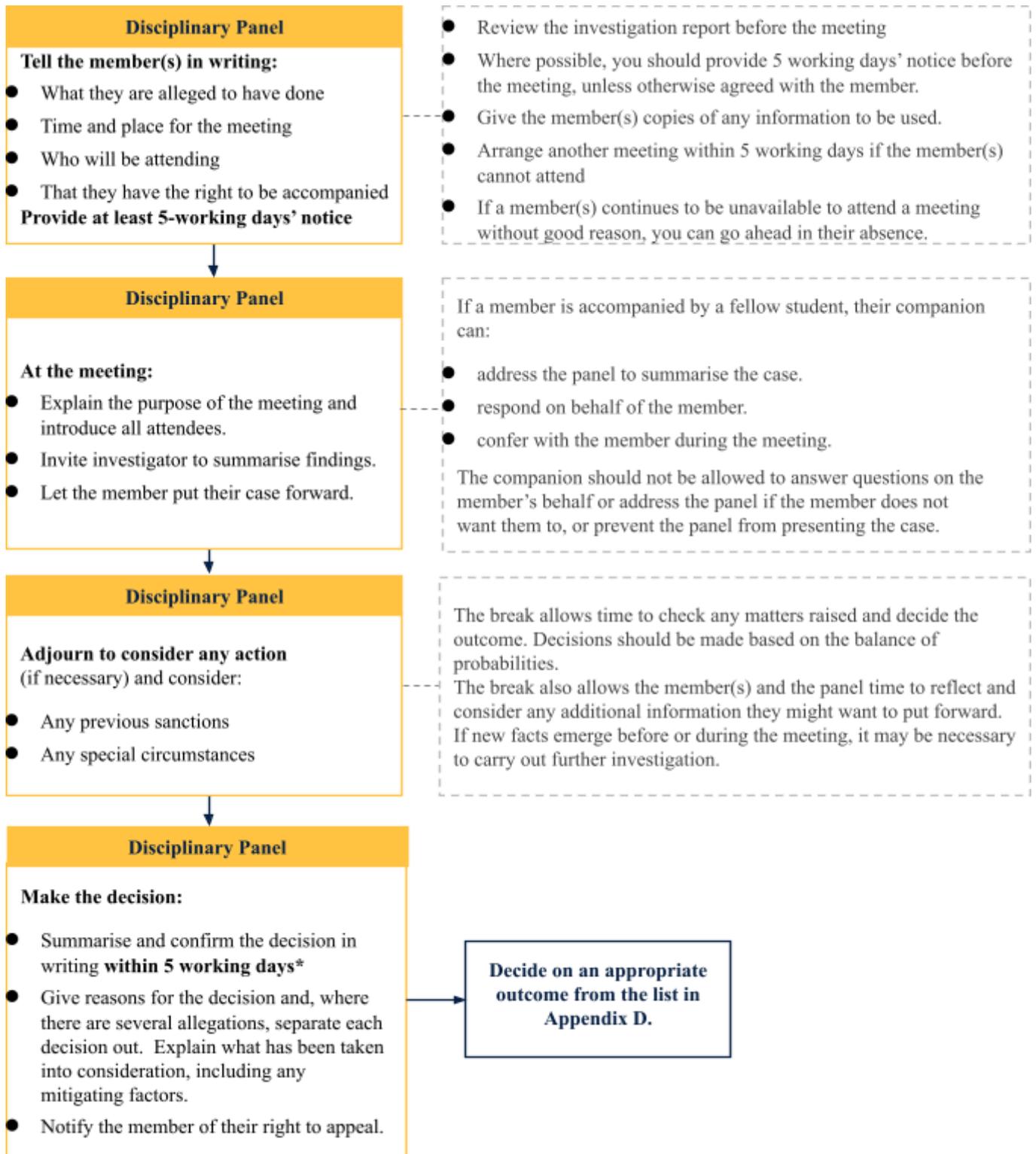
- acting to, or with intent to, commit theft, fraud, deceit, deception or dishonesty in relation to the Union, its staff and Student Members or while representing or claiming to represent the Union;
- discrimination, harassment or victimisation of others on the grounds of their age, disability, gender, gender re-assignment, pregnancy, maternity, marriage or civil partnership, race, religion, belief, sexual orientation or any other characteristic protected under the Equality Act 2010;
- the use of anonymous online platforms to discriminate, bully, harass or victimise others;
- the use, possession or supply of illegal drugs on Union premises or while representing or claiming to represent the Union;
- committing a criminal offence that could affect your suitability to engage in Union activity;
- sexual misconduct, including any unwelcome behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation;
- physical violence or sexual violence towards others, or the threat of physical or sexual violence;
- persistent or repeated acts of misconduct over an extended period.

Appendix 2: Investigation

The purpose of the investigation is to establish the facts and, where appropriate, obtain statements from the individual(s) concerned and relevant witnesses, as well as other forms of information gathering (e.g., CCTV, screenshots etc.).



Appendix 3: Disciplinary Procedure



*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, members will be informed and kept up to date.

Appendix 4: Disciplinary Outcomes and Sanctions

Some sanctions may be imposed in conjunction with others (for example a formal written warning, plus a written apology).

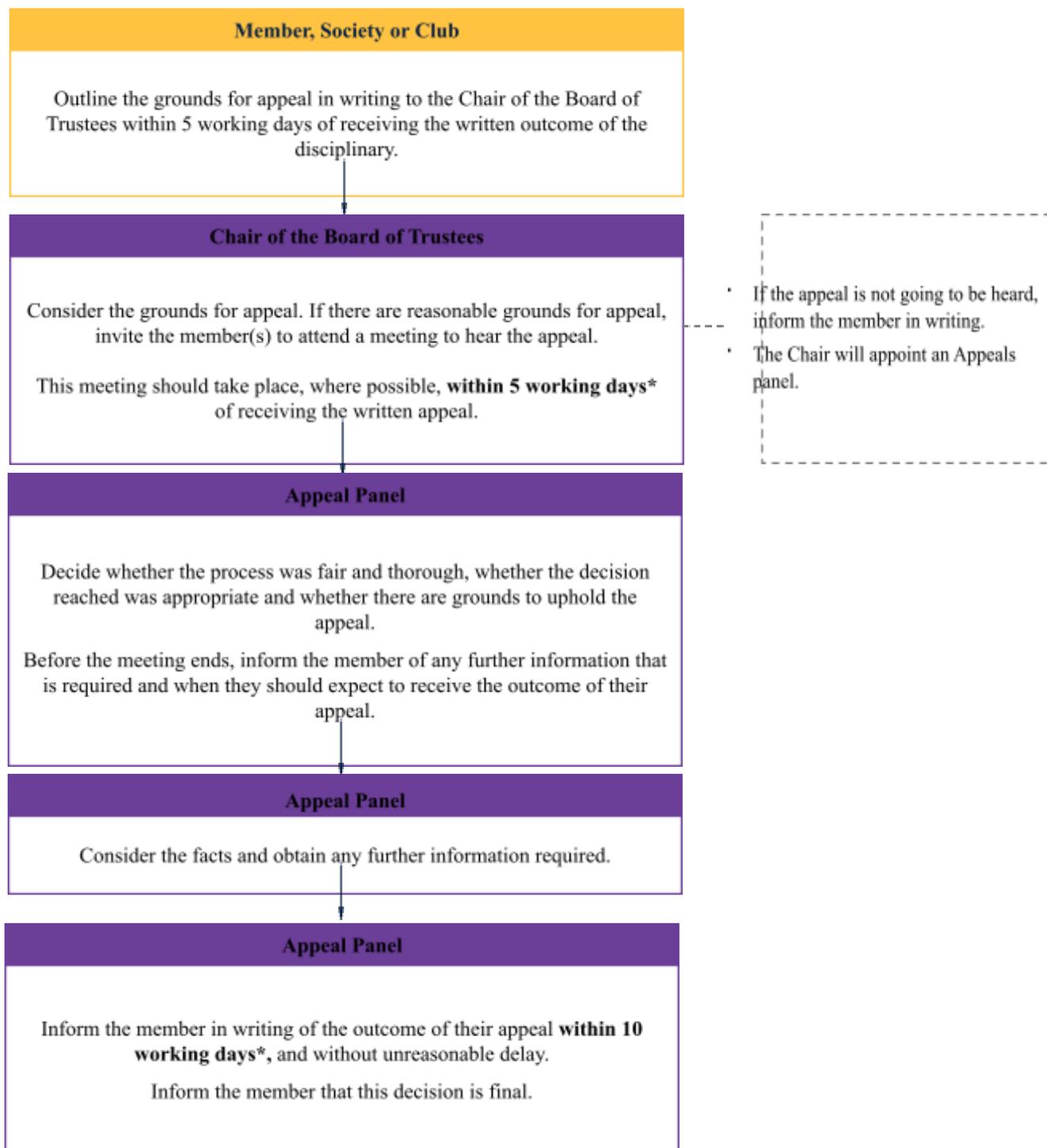
Disciplinary Outcomes – Student Members

Outcome	Description
No disciplinary action	This course of action would be followed if, based on the evidence and/or explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
Informal action	This means that a record is made of the discussion, and the required actions or changes are noted and clearly explained. This may be used when the issue is not serious enough to justify a formal, written warning, but still needs addressing. This could include a ‘verbal’ warning, recommendation to attend training, mediation or a conversation setting out expectations.
Written apology	The Student Member will be required to write a formal apology to any other parties that have been affected by their misconduct. If a Student Member refuses to carry out the request within a specified amount of time, a more serious disciplinary outcome may be recommended instead.
Compulsory training	The Student Member will be required to attend training to address the conduct or behaviours of concern. This may be sourced/delivered by the Union, or we may ask the individuals to attend training delivered by the College or other partners. If a Student Member refuses to carry out the request within a specified amount of time, a more serious disciplinary outcome may be recommended instead.
Formal written warning	For breaches where an informal approach is inappropriate or has failed, a formal written warning may be issued setting out the nature of the misconduct and the change in behaviour required. A warning will remain ‘active’ for up to 12 months, and will not be taken into consideration for future disciplinary purposes after this time.
Activity Limiting Penalty	The Member will be restricted, either fully or partially, from certain activities for a specified period. This could include a limitation on room booking privileges, for example.
Withdrawal of Union privileges	The Student Member will have some or all of their Union privileges withdrawn for a specified period of time (or indefinitely if the breach is particularly severe). This may also mean that the Student Member is suspended from holding any elected positions.
Removal from position	The Student Member is removed from their position on a committee/society. This may also include restrictions (either permanently or temporarily) on running for future committee positions.
Membership terminated	In the case of serious misconduct or repeated instances of misconduct, membership may be revoked and a Student Member’s entitlements terminated.

Disciplinary Outcomes – Clubs and Societies

Outcome	Description
No disciplinary action	This course of action would be followed if, based on the evidence and/or explanation, it is decided that the allegations are not founded, or there are special factors or circumstances that mean disciplinary action is not appropriate.
Informal action	This means that a record is made of the discussion, and the required actions or changes are noted and clearly explained. This may be used when the issue is not serious enough to justify a formal, written warning, but still needs addressing. This could include a 'verbal' warning, recommendation to attend training, mediation or a conversation setting out expectations.
Written apology	The group or student members of the group will be required to write a formal apology to any other parties that have been affected by their misconduct. If the group refuses to carry out the request within a specified amount of time, a more serious disciplinary outcome may be recommended instead.
Compulsory training	The group or student members of the group will be required to attend training to address the conduct or behaviours of concern. This may be sourced/delivered by the Union, or we may ask the individuals to attend training delivered by the College or other partners. If the group refuses to carry out the request within a specified amount of time, a more serious disciplinary outcome may be recommended instead.
Formal warning	For breaches where an informal approach is inappropriate or has failed, a formal written warning may be issued setting out the nature of the issues, the changes in behaviour required and by when. A warning will remain 'active' for up to 12 months, and will not be taken into consideration for future disciplinary purposes after this time.
Limited activities	The group will be restricted, either fully or partially, from running certain events or activities, or using official social media channels for a specified period of time.
Removal of positions	Specific student members will be removed from their position on a committee. This may also include restrictions (either permanently or temporarily) on running for future committee positions.
A fine or restorative sum	The society or club will be required to pay a fine or sum, for example to cover repairs, cleaning or as compensation.
Disaffiliation	If there has been a serious breach, repeated breaches or failure to make required improvements, the club or society may be disaffiliated from the Union.

Appendix 5: Appeals Process



*All timescales are provided as a guide. If it is not possible for timescales to be met due to the complexity of the issue, availability or absence, you will be informed and kept up to date.

Appendix 6: Risk Assessment Procedure

1. A risk assessment may be conducted where we have reason to believe that a Member, society or club may pose a risk to themselves, the student community, the Union's reputation or to public safety.
2. Situations which may require a formal risk assessment include:
 - Where a report has been received of serious misconduct of a Member, society or club which suggests that they pose a risk to others;
 - Where a concern is raised during an investigation that the circumstances being investigated suggest that a Member, society or club poses a risk to others or to the disciplinary process.
3. The purpose of the risk assessment is to evaluate the specific circumstances, identify the current and potential risks and consider what action, if any, should be taken to reduce those risks.
4. A person or panel conducting a risk assessment will act in the best interests of the Union and our Members, using the information available at the time.
5. A risk assessment panel will normally include a Sabbatical Officer and a member of the Senior Management Team.
6. It may also include a representative from the College, where necessary and appropriate.
7. Member(s) would not normally be required to meet with a risk assessment panel, however this may be requested in certain circumstances.
8. The risk assessment panel will not be able to take disciplinary action against any Member, society or club, but they can recommend measures to be put in place to reduce actual or perceived risk to others and/or to the Union, while an investigation is carried out.
9. Possible outcomes of a risk assessment could include:
 - Recommendation for a temporary suspension of a Member from Union premises and/or activities;
 - Recommendations for specific measures to be put in place, which might include adjustments to societies, events or activities or access to specific spaces;
 - Specific restrictions to be put in place preventing the Member from participating in certain activities or events;
 - Specific restrictions to be put in place preventing certain club or society activity including meetings, events or online communication;
 - A specific requirement that the Member is not permitted to represent the Union in a society, club or as part of a committee until the investigation has concluded;
 - Referral to the College's Student Support and Wellbeing service; and/or
 - Referral to the College's Casework Team for investigation under their own procedures.

10. When assessing the extent of any recommended suspension, the risk assessment panel will consider all Union activities that the Member (s) is currently participating in by checking against the following list:

Activity	Information Held
Employed by the Union as a Member of student staff	
Participating in volunteering activities	
Course Representative	
Member of a Club or Society	
Committee Member of a club or society	
Standing in a Union election	
Use of the advice centre	

11. This may require the panel to liaise with colleagues and/or external organisations, such as volunteering organisations. Information relating to the case, beyond the name of the Member (s), will only be shared where appropriate and necessary.
12. Consideration should be given by the panel to the impact or potential impact on the Member (s) of any measures taken, particularly in relation to recommendations involving temporary suspension of access to services or premises.
13. Full suspension from Union premises and activities will only be recommended in high-risk circumstances where there are no alternative measures that can be put in place.
14. Any suspensions will usually only be put in place pending the outcome of a disciplinary investigation and hearing. Any suspension will be for a fixed period and subject to regular review.
15. In cases where there has been a complaint from another Member, the risk assessment will take the interests and welfare of both Members into consideration when deciding on the appropriate precautionary measures. The panel will consider any support arrangements that need to be put in place for either party.
16. Where complaints have been made that relate to serious allegations of bullying, harassment, discrimination or sexual misconduct or violence, the panel will take into consideration the potential risk to the safety and wellbeing of all students and the general public, with particular consideration to those with protected characteristics.
17. Any refusal by a Member to meet the requirements put in place following recommendations made following a risk assessment may be investigated under the disciplinary procedure.
18. The risk assessment panel will ensure that appropriate confidentiality is maintained for the Member (s) and any other people involved.
19. All decisions will be recorded and retained in line with the Union's Data Protection & Privacy Policy.