EDINBURGH UNIVERSITY SPORTS UNION

EDINBURGH UNIVERSITY SPORTS UNION CODE OF CONDUCT

INTRODUCTION

Edinburgh University Sports Union (EUSU) and its associated clubs and teams endeavour to create a sporting environment where everyone feels safe, supported, heard and able to thrive. We have a collective responsibility to challenge inappropriate behaviour, in the interest of member safety and welfare. The EUSU Code of Conduct and discipline procedures outline the expected behaviours of members of our community and encourage reflection and learning from negative behaviours.

1.0 OVERVIEW

Scope

1.1 The Code of Conduct applies to the whole Edinburgh University Sports Union (EUSU) community which includes; all members, registered coaches, participants, volunteers, and affiliated clubs and intramural teams of Edinburgh University Sports Union (EUSU). The Code can be applied to EUSU clubs and teams in their entirety, or individual members of the community. It applies to;

1.1.1 Activities in which they engage as members, coaches, volunteers or participants of EUSU; or

1.1.2 Services or facilities they enjoy by virtue of being a part of the EUSU community; or

1.1.3 Their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University, the Edinburgh University Students' Association, Edinburgh University Sports Union (EUSU) or their respective club; or

1.1.4 Any activity not covered by 1.1.1-1.1.3 above, which is considered to affect adversely the safety, interests or reputation of the EUSU and the University, its members, employees or representatives, as outlined in this Code.

1.2 The University of Edinburgh Code of Student Conduct is applicable to all matriculated students of the University. It may supersede the EUSU Code of Conduct in any instances deemed appropriate by Edinburgh Sport's Safeguarding Advisory Group. These instances will be escalated to the University to take on investigative and disciplinary responsibility. The University Code of Student Conduct and disciplinary processes shall be upheld and adhered to at all times for University of Edinburgh students, regardless of where an act of misconduct has taken place.

1.3 National Governing Bodies of sport proceedings may supersede the EUSU Code of Conduct in any instances deemed appropriate by Edinburgh Sport's Safeguarding Advisory Group, particularly in instances where individuals involved are not matriculated students at the University of Edinburgh or the concern relates to safe practice in the sport. These instances will be escalated to the relevant Sporting National Governing Body to take on investigative and disciplinary responsibility.

Basis of jurisdiction

1.3 The processes set out in this Code of Conduct are internal processes and they do not have the same degree of formality as proceedings in a court of law. They are not adversarial in nature, but rather involve examination of available evidence as set out in this Code of Conduct. They task various members of the EUSU community with responding to misconduct, including by investigating, determining and imposing penalties in respect of such misconduct.

Member conduct

1.4 Members of the EUSU community must have mutual trust and confidence and live and work beside each other in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons.

1.5 All members of the EUSU community are required at all times to conduct themselves in an appropriate manner in their day-to-day activities, including in their dealings with other members, staff and external organisations.

1.6 By purchasing a EUSU membership or participating in EUSU activity, an individual becomes a member of the EUSU community and is subject to discipline under this Code of Conduct.

1.7 Members are expected to comply with University of Edinburgh policies and regulations and act in an appropriate manner in all situations.

1.8 Where health conditions or disabilities may be a contributing factor, reports or evidence of these will be taken into account. Where member conduct is found to be unacceptable as a result of a health condition or disability, EUSU will endeavour to signpost to appropriate support to assist the member. Whilst reasonable adjustments will be considered health conditions or disabilities do not mitigate misconduct, therefore EUSU may proceed with action under the Code of Conduct.

1.9 Clubs and teams must not conduct their own investigations into member misconduct and should refer incidents to EUSU or the University. Clubs should resolve minor issues on the frontline where this can be done safely and promptly, however are encouraged to seek advice from EUSU as to what situations it is appropriate to do this.

1.10 All EUSU clubs teams reserve the right to suspend an individual's membership (up to 12 months) or refuse them membership where there is just cause. This extends to members of the EUSU community who are not matriculated students at the University of Edinburgh and can be extended to refuse membership indefinitely, where there is just cause. Clubs are required to seek approval from the Edinburgh Sport's Safeguarding Advisory group. The club or team seeking to refuse membership should write to the group via sport.case.support@ed.ac.uk outlining reasoning and seeking approval. The club should expect to receive a response with a decision within two working weeks.

1.11 Intramural teams reserve the right to suspend an individual's intramural sport membership and consequently prevent them from continuing to participate in the intramural sport league where there is just cause. This extends to members of the EUSU community who are not matriculated students at the University of Edinburgh. Teams are required to seek approval from the Edinburgh Sport's Safeguarding Advisory group. The club or team seeking to refuse membership should write to the group via sport.case.support@ed.ac.uk outlining reasoning and seeking approval. The club should expect to receive a response with a decision within two working weeks.

EUSU responsibilities

1.12 EUSU aims to deal with all disciplinary issues in a fair and consistent manner. It recognises that, for the individuals concerned, involvement in disciplinary procedures can be difficult and stressful. EUSU will therefore ensure that those involved are made aware of available guidance and support, and that disciplinary issues are dealt with in a timely manner, to ensure fairness, as the specific circumstances allow.

1.13 Considering and using disciplinary action at an early stage can prevent more serious offences or issues arising.

1.14 EUSU will:

1.14.1 Make this Code of Conduct available to the EUSU community;

1.14.2 Endeavour to deal with disciplinary issues in a proportionate and transparent way as soon as issues become apparent;

1.14.3 Respect the need for confidentiality in relation to disciplinary issues; and

1.14.4 Implement the Code of Conduct in line with all data protection legislation.

1.15 For instances involving individuals not matriculated at the University of Edinburgh, relevant discussions will be held, and advice sought, as needed, which may involve consultation with National Governing Bodies of the reported party's sport, or a report to Police Scotland.

1.16 For instances involving matriculated students of other institutions, EUSU may report alleged misconduct to the relevant institution, with consent from the Reporting Party.

Misconduct offences

1.17 Examples of misconduct are provided below. This list is not exhaustive. EUSU may gather relevant information, investigate, and take action on misconduct offences whether they take place on University, Edinburgh University Students' Association or EUSU premises or elsewhere, including online and on social media.

1.17.1 Disrupting, or interfering with any sporting, administrative, social or other University activities;

1.17.2 Obstructing, or interfering with, the functions, duties or activities of any individual;

1.17.3 Violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically (including via social media);

1.17.4 Harassment of any individual whilst engaged in any Edinburgh University Sports Union work or activity, including bullying and sexual harassment;

1.17.5 Conduct which unjustifiably infringes freedom of thought or expression whilst engaged in any Edinburgh University Sports Union work or activity,

1.17.6 Fraud, deceit, falsification of documents, deception or dishonesty in relation to EUSU or its staff, in connection with holding any office in EUSU or being a member of the EUSU community;

1.17.7 Behaving in a manner likely to cause injury to any individual or to impair safety, including encouragement or facilitation of excess alcohol consumption and/or use of illegal substances;

1.17.8 Harassing, victimising or discriminating against any Person on grounds of age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender identity, gender reassignment, pregnancy, maternity, marriage or civil partnership, colour or socio-economic background;

1.17.9 Damaging, defacing, stealing or misappropriating property, services or facilities they enjoy by virtue of being part of the EUSU community, whether deliberately or recklessly;

1.17.10 Misusing or making unauthorised use of EUSU or University premises or items of property, including IT facilities or safety equipment;

1.17.11 Deliberately doing, or failing to do, anything which thereby causes EUSU to be in breach of a statutory obligation;

1.17.12 Behaving in a way which brings EUSU or the University into disrepute (without prejudice to the right to fair and justified comment and criticism);

1.17.13 Making false, frivolous, malicious or vexatious complaints;

1.17.14 Failing, upon request, to disclose a name and other relevant details to an officer or employee of EUSU in circumstances when it is reasonable to require that such information be given;

1.17.15 Failing to comply with a previously-imposed penalty under this Code of Conduct;

1.17.16 Any other behaviour which raises questions about the fitness of the member to become or remain a member of the EUSU community or suggests the member poses a threat to any individual.

Misconduct, criminal proceedings, and University proceedings

1.18 EUSU or the University may report to the police any allegation where a criminal offence has been committed.

1.19 EUSU encourages any member who has been the victim of an alleged criminal offence to report this to the police and, if relevant, to the University.

1.20 Where alleged misconduct, carried out by a student, potentially constitutes a criminal offence, EUSU will refer this to the University who may investigate or take disciplinary action whether or not the matter has been referred to the police and whether or not criminal proceedings have begun or been completed.

1.21 EUSU may, at its discretion, suspend any internal investigation or disciplinary action for alleged criminal misconduct to await the outcome of any criminal, University or National Governing Body proceeding.

1.22 Any sentence or order pronounced by a court or outcome of University or National Governing Body case may be taken into account in the imposition of any disciplinary penalty.

Members of the EUSU Community involved in dealing with alleged misconduct cases

1.23 Case Support Manager - Sport: Allegations of misconduct are screened and if appropriate investigated by the Case Support Manager - Sport, to determine whether there is a case to answer.

1.24 Edinburgh Sport Safeguarding Advisory Group: Meets weekly during semester one and two and bi-weekly out with these academic terms. The meeting is chaired by the Case Support Manager – Sport, and attended by EUSU President (or delegate EUSU VP), Assistant Director of Sport & Active Wellbeing, Head of Sports Development (or delegate senior member of EUSU staff), Culture & Risk Manager (or delegate) and where appropriate the Director of Sport & Active Health. The purpose of the meeting is to ratify any decisions relating to; precautionary measures, suspensions, investigations or escalations, to ensure the safety of the EUSU Community.

1.25 Where there is a case to answer by a EUSU club or intramural team, the discipline penalty will be decided by the Executive Committee.

1.26 Where there is a case to answer by an individual member of the EUSU community the Case Support Manager – Sport will appoint an independent panel, comprising of; one member of the Executive Committee, one EUSU or University member of staff and one trained club representative, to decide the discipline penalty. The Executive Committee member will hold the casting vote.

1.27 Appeal Committee: Where required an independent Appeals Committee, will be appointed by the Case Support Manager - Sport. The independent panel will compromise of; a different member of the Executive Committee, a different member of EUSU or University staff and a different trained club representative, to decide whether or not the appeal will be upheld. The Executive Committee member will hold the casting vote.

1.28 No member of staff or student involved in this procedure should have any conflicts of interest in the matter, and should not take part if there is any reasonable perception of bias; and if a member of the Appeal Committee has been involved in a case at an earlier stage, they will not serve on the Committee when it considers that case.

Information regarding member cases

1.29 EUSU may share information provided by members, volunteers coaches, staff and other witnesses with people involved in the case, including the individual(s) under investigation, for transparency and in the interests of a fair process. This may be done at any stage of the process, paying due attention to confidentiality and data protection legislation.

2. REPORTING AND INVESTIGATION PROCEDURE

Reporting member misconduct allegations

2.1 Allegations of Club, team, member, coach, participant or staff misconduct may be reported through Report + Support or via a Request to Investigate Form.

2.2 With regards to reports of misconduct, these procedures distinguish between the following:

2.2.1 Respondent. This refers to the member who is alleged to have committed an act of misconduct under investigation via this Code. For allegations made against a EUSU club or team, the President/Captain and committee can reply on behalf of the club or team.

2.2.2 Reporting Party. This is the individual (who may be a member, student, staff member, or member of the public) who has raised the allegation of misconduct against the Respondent.

2.3 The Reporting Party may be asked to complete a Request to Investigate Form, if the allegation was initially made through a different route, to ensure all relevant information is provided. EUSU staff can offer support and guidance in completing this form.

Frontline resolution

2.4 It is possible to resolve some misconduct allegations at an early stage. The Case Support Manager - Sport may exercise their discretion on whether to seek to resolve matters locally, for example intervening to stop poor behaviour in University facilities. Where the Case Support Manager - Sport considers frontline resolution is not possible or appropriate, they should advise the Reporting Party that they can request an investigation.

2.5 The Case Support Manager - Sport may invite the Reporting Party and/or Respondent separately to meet informally to discuss the report and agree on appropriate action to resolve the situation, which is appropriate and safe for all involved. This meeting will be attended by a fellow member of EUSU staff or a member of the Executive Committee.

2.6 If the issue cannot be resolved locally, or this is deemed inappropriate by the Case Support Manager – Sport, it may be advised that the Reporting Party request an investigation. The Case Support Manager - Sport should aim to identify this as early as possible. The Case Support Manager - Sport, with endorsement from the Edinburgh Sport Safeguarding Advisory Group, reserves the right to initiate an investigation where not doing so could put other individuals at risk.

Requesting an investigation

2.7 A member, coach, participant of EUSU activity, or member of the public who wishes to request an investigation into an allegation of misconduct can do this via the Request to Investigate Form. The Request to Investigate Form can be accessed via the EUSU website.

2.8 With the Reporting Party's consent, EUSU may forward the Request to Investigate Form to the University, Police Scotland or a Sporting National Governing Body for further action or investigation as appropriate.

Screening of reports of alleged misconduct

2.9 On receipt of the reported allegation of misconduct to EUSU, the Case Support Manager – Sport, with endorsement from the Edinburgh Sport Safeguarding Advisory Group, will decide whether or not to initiate an investigation. This will be clearly communicated to both the Reporting Party and Respondent by the Case Support Manager - Sport.

2.10 If the Case Support Manager - Sport considers that the matter may be appropriately resolved under the frontline resolution process set out in paragraphs 2.4-2.6, and the matter has not already been considered under that process, they may refer that matter to frontline resolution rather than make a determination on initiating an investigation. Should frontline resolution fail to resolve the matter, the Reporting Party may subsequently request that the matter is re-considered for investigation under paragraph 2.7.

2.11 At this stage, the University may be consulted and where deemed appropriate, EUSU will escalate the case to the University, report the incident to a governing body, or signpost the individual to the appropriate University reporting channels.

2.12 EUSU will initiate an investigation where:

2.12.1 The report relates to an allegation which, if proven, could plausibly be regarded as a potential breach of the EUSU Code OF Conduct; and

2.12.2 The information provided suggests that there is a realistic prospect that sufficient evidence will be available to determine whether or not the alleged incident has occurred.

2.13 Where the Case Support Manager - Sport and Edinburgh Sport Safeguarding Advisory Group decide not to initiate an investigation, the Case Support Manager - Sport will communicate the reasons for this to the Reporting Party.

Precautionary suspension

2.14 When initiating an investigation into an allegation of misconduct, the Case Support Manager – Sport and Edinburgh Sport Safeguarding Advisory Group will consider whether it is necessary to take any precautionary action to suspend the Respondent and any other parties pending the conclusion of proceedings under this Code of Conduct.

2.15 In urgent situations, the Case Support Manager - Sport, with endorsement from the Edinburgh Sport Safeguarding Advisory Group, may decide to immediately suspend a Respondent, subject to a risk assessment. Suspension pending the conclusion of proceedings under this Code is a neutral act and not used as a penalty. The power to suspend is used to protect the members of the University community, a particular member or members, members of the general public, or to ensure that a full and proper investigation can be carried out. The power to suspend shall be used only where it is urgent and necessary to take such action.

2.16 The decision to suspend can be made at any stage of the disciplinary process under this Code. This suspension may be a total or a selective restriction on attending or accessing EUSU activities. It may also include a requirement that the Respondent should have no contact with named individuals and restrict access to EUSU events and Edinburgh Sport owned venues or club hired premises.

2.17 The decision will be communicated with the Respondent in writing and will outline the theme of the allegations, along with scope of the precautionary measures and the reasons for the decision.

The Respondent will receive in writing a more fulsome outline of the allegations as soon as practically and reasonably possible. Any Respondent suspended under the provisions of this section must be given an opportunity within thirty working days to make written representations. Taking account of any written representations from the Respondent, and any other relevant factors, the Case Support Manager - Sport, with endorsement from the Edinburgh Sport Safeguarding Advisory Group, will decide whether it is reasonable and proportionate to retain the suspension, or to alter or remove it. The Case Support Manager – Sport will record their decision and inform the Respondent of the outcome in writing.

2.18 Any decision to immediately suspend the Respondent is subject to review every thirty working days, or should there be a change to the risk assessment. Such a review will not involve a hearing or submissions made in person, but the Respondent is entitled to submit written representations, to be considered by the Edinburgh Sport Safeguarding Advisory Group.

2.19 EUSU also reserves the right to impose a precautionary suspension or other restrictions on an individual's activity on advice from Student Conduct.

Investigating member, coach or participant misconduct

2.20 The Case Support Manager - Sport will investigate the alleged misconduct, in accordance with this Code.

2.21 The Case Support Manager – Sport may request evidence or to interview the Respondent, the Reporting Party or any other relevant person.

2.22 As soon as practicable, the Case Support Manager – Sport will write to the Respondent to provide details of the alleged misconduct. The Case Support Manager- Sport will give the Respondent the opportunity to respond to the allegations and will invite the Respondent to admit or deny responsibility.

2.23 The Case Support Manager - Sport will decide whether it is necessary to interview the Respondent and/or the Reporting Party (as applicable).

2.24 At the Case Support Manager – Sport's discretion, the investigation may also include interviews with members of EUSU, staff and students of the University and, if necessary, members of the public.

2.25 The Case Support Manager – Sport will normally invite the Respondent and, separately, the Reporting Party (as applicable) to identify any persons from whom they would wish the Case Support Manager – Sport to seek evidence. The Case Support Manager – Sport has discretion as to whether to seek evidence from persons identified to them.

2.26 The Case Support Manager – Sport will also normally invite the Respondent and the Reporting Party (as applicable) to submit any documentary evidence to them which they would wish the Case Support Manager – Sport to consider.

2.27 Evidence may be taken by the Case Support Manager – Sport in writing in addition to, or instead of by interview. The Case Support Manager – Sport may decide to interview or request evidence in writing from any individual on more than one occasion, where this supports the investigation. This may include speaking on more than one occasion with the Respondent and/or Reporting Party should the Case Support Manager – Sport considers it appropriate for them to comment on any new evidence obtained in the course of the investigation.

2.28 Any person attending an interview as part of an investigation has the right to be accompanied and/or represented at any interview by a member of the University community, including a member of Edinburgh University Students' Association staff. A person attending an interview may in addition be accompanied by a specialist provider or health or wellbeing support with the agreement of the Case Support Manager – Sport, solely for support purposes. The Case Support Manager - Sport has the right to question the Respondent/Reporting Party/Witness directly, where necessary. Those accompanying or representing the person is not there to answer questions, their sole purpose is to provide support for the person which they are accompanying. The Case Support Manager – Sport can invite the person being interviewed, to make a statement. The Case Support Manager – Sport may be assisted by a note-taker who will take a record of the meeting and can record meetings with the interviewees permission for note taking purposes.

2.29 If the Respondent does not appear on the date appointed for their interview and the Case Support Manager – Sport is satisfied that they have been given due notice to appear, the Case Support Manager - Sport may deal with the alleged misconduct in their absence. However, the Case Support Manager – Sport may not draw any adverse inference from the Respondent's failure to appear.

2.30 After investigation, the Case Support Manager – Sport will decide whether the alleged misconduct has occurred, and whether it constitutes a breach of the Code of Conduct. The Case Support Manager – Sport will write a report setting out the case and their decision on the alleged misconduct. The length and detail in the report is appropriate to the nature or gravity of the case. The Case Support Manager - Sport may:

2.30.1 Dismiss the allegation of misconduct, in which case the Case Support Manager – Sport writes to the Respondent to confirm this and sends the Respondent a copy of the report; or

2.30.2 Conclude in relation to the allegation of misconduct that it is more likely than not that the Respondent has breached the Code of Conduct and proceed to consider disciplinary action.

2.31 If the Respondent admits responsibility or if the Case Support Manager - Sport is satisfied that the allegations are proven and constitute a breach of this Code then disciplinary action may be taken.

2.32 Once the report is complete the Case Support Manager - Sport will present the findings to the Edinburgh Sport Safeguarding Advisory Group to ratify the decision.

2.32 The Case Support Manager - Sport will notify the Reporting Party of the decision they have reached under paragraph 2.30 after that decision has been communicated to the Respondent.

Disciplinary action

2.33 Once the investigation report has been issued, the Case Support Manager - Sport will not reinvestigate. The Case Support Manager - Sport, with endorsement from the Edinburgh Sport Safeguarding Advisory Group, will decide whether to take disciplinary action, and if so, will seek to appoint an independent panel as defined in 1.24, 1.25 and 1.27.

2.34 EUSU aims to provide opportunities for education and resolution, and our disciplinary procedures follow this objective. In deciding what penalties will apply, the panel will consider the Respondent's disciplinary record. Disciplinary action can be taken against an individual, or a EUSU club/team. The themes of disciplinary action are detailed below, potential disciplinary penalties include, but are not limited to:

2.34.1 Education – mandatory courses or workshops to be attended;

2.34.2 Probation – regular monitoring of behaviour (max. 12 months);

2.34.3 Reparation – fines (with no upward limit), restoration of cost for damage caused;

2.34.4 Stepping down from a position of leadership or authority within a Sports Union Club or Intramural Sport team.

2.34.5 Suspension – temporary hold placed on membership and involvement in activity/privileges (max. 18 months); or

2.34.6 Exclusion – permanently terminate membership and involvement in EUSU or club/team activity.

2.35 If the panel places the Respondent on probation, the Case Support Manager - Sport will provide the Respondent with a statement outlining the conditions and length of their probation. The Case Support Manager – Sport will then monitor their compliance with these conditions during the period of probation. If the conditions of the probation are breached, the Case Support Manager – Sport with endorsement from the Edinburgh Sport Safeguarding Advisory Group may choose to re-investigate.

2.36 The Case Support Manager - Sport will inform the Respondent of the penalty decision within five working days of the decision having been made and will remind them of their right to appeal, see section 3.

2.37 The University Secretary and/or Director of Sport & Active Health will be informed of the penalty when relevant.

2.38 Should an instance of misconduct also be deemed a responsibility of an EUSU Club/team, and breach of any regulation as laid out in the Constitution and Bye-Laws, the Executive Committee may consider enforcing the Warnings and Cards procedure as outlined in the EUSU Constitution, Bye-Law 5.0.

2.39 EUSU reserves the right to make decisions on appropriate level sanctions, which may impact club level operations. As a member club, EUSU Clubs must respect and comply with EUSU's decision, as EUSU Code of Conduct, Constitution and Bye-Laws always take precedence over a club constitution. In these circumstances Senior colleagues from the Sports Union team will meet with the Club Executive Committee to understand potential impact on club operations and agree route forward in line with the Club's Constitution.

Deferred penalties

2.39 A deferred penalty is one which does not take effect immediately but which is postponed for a period of time during which the Respondent's conduct will continue to be monitored. When the panel impose a deferred penalty then the written statement informing the Respondent about the penalty will specify the period of the deferral and explain what will happen if the penalty needs to be put into effect. During the period of the deferred penalty, if the Respondent's conduct is called into question, then they will receive a statement in writing that this conduct is being considered by the Case Support Manager – Sport. This statement will come from the Case Support Manager – Sport and will offer the Respondent the opportunity to comment in writing on this evidence. The Case Support Manager – Sport with endorsement from the Edinburgh Sport Safeguarding Advisory Group will decide whether the deferred penalty is put into immediate effect. If the penalty is put into immediate effect, then the Case Support Manager – Sport will communicate this to the Respondent. If the Respondent's conduct is not called into question during the period of the deferred penalty, then, at the end of the period, the Case Support Manager – Sport will confirm to the Respondent that the penalty will not be imposed.

Standard of proof

2.40 An allegation of misconduct can only be upheld if there is proof that the Respondent has engaged in the misconduct alleged.

2.41 The standard of proof that shall be used in all discipline cases is the balance of probabilities, which is the standard of proof that is used in civil law. This means that the Case Support Manager - Sport will be satisfied that an event occurred if they consider that, on the evidence available, the occurrence of the event was more likely than not.

3. APPEALS PROCEDURE

Grounds for appeal and responsibilities

3.1 If a decision has been made in compliance with the relevant policy, regulation or procedure, a member of the EUSU community may not appeal simply on the basis that they disagree with the decision. An Appellant's disagreement or belief that they deserve a different outcome cannot constitute a ground for appeal.

3.2 Appeals are against the decision of the panel for individual and the Executive Committee for EUSU club/team cases.

3.3 There are two grounds of appeal:

3.3.1 Ground A: Substantial information directly relevant to the investigation of a discipline case for good reason was not available to the Case Support Manager – Sport, independent panel or the Executive Committee when their decision was taken.

3.3.2 Ground B: Evidence of irregular procedure or improper conduct of an investigation or disciplinary action.

3.4 Where an Appellant does not engage in the processes in place to investigate or consider their case, or to make any decision about penalties, this alone will not constitute a "good reason" under Ground A. This includes:

3.4.1 Not attending any meeting, interview or hearing with the Case Support Manager-Sport where the Appellant was given due notice to appear;

3.4.2 Not providing written representations, evidence or names of witnesses, when invited to do so;

3.4.3 Not providing a statement in explanation or extenuation of misconduct; or in mitigation of any possible penalty, when invited to do so.

3.5 It is the Appellant's responsibility to;

3.5.1 Have read and be familiar with the content of any relevant EUSU and University policies, procedures, and regulations.

3.5.2 Provide any relevant evidence in support of their application to appeal. Whilst the Appeal Committee may request further information under these regulations, it is not the responsibility of the Appeal Committee to gather evidence on the Appellant's behalf that the member wishes to rely upon in their appeal.

3.5.3 Respond to any queries or requests for further information from the Appeal Committee. Appellants who do not respond to contact from the Appeal Committee, without good reason, may have their appeal withdrawn and the case closed.

3.6 The deadline to appeal is within 10 working days of being informed of the decision. Appeals which are received late will only be accepted for consideration if extraordinary circumstances are evidenced. The decision as to whether or not extraordinary circumstances exist will be taken by the Appeal Committee.

3.7 Appeals are considered by the Appeal Committee (as defined in 1.26). No member of the Appeal Committee may have a conflict of interest with the Appellant. The Executive

Committee member has the casting vote where the committee consists of two individuals.

Submission of an appeal

3.8 Appeals must be written and submitted via EUSU Disciplinary Action Appeal Form to the Case Support Manager - Sport to be passed on to the Appeal Committee. Appellants must ensure that in submitting an appeal, they have completed and attached the relevant appeal form; and will be deemed to have read and understood all accompanying regulations and guidance. The Appeal Form can be accessed via the EUSU website.

3.9 Appellants must specify the ground or grounds under which they wish to have their appeal considered. They must also specify the reasons as to why they believe the ground or grounds apply.

3.10 The written submission must contain all relevant arguments on the basis of which the appeal is being made, together with all supporting documentation the Appellant wishes to be taken into account. It will not be possible to introduce new circumstances, evidence or documentation into the appeal at a later date.

3.11 Appellants must ensure that appeal information and documentation submitted is in a format that can be accessed by the Appeal Committee, is readable and, if evidence is not in English, translations should be included.

3.12 The appeals process will take place fully electronically. Reasonable adjustments will be put in place when an Appellant is unable to submit their appeal in this format.

3.13 Submission of an appeal does not alter a member's status, nor pause or prevent the application of any decision being appealed against. Therefore, the decision of the panel or Executive Committee, remains unchanged while the appeal process is carried out. Any member appealing against exclusion from EUSU activity remains excluded during the appeal process. Any penalties imposed by the panel or Executive Committee will remain in force during the appeal process.

Preliminary screening

3.14 When an appeal is received, it is screened by the Executive member of the Appeals Committee to establish whether or not the documentation has been submitted correctly, and whether the appeal is eligible for consideration under these regulations. If the Executive member judges that the appeal is eligible for consideration under these regulations, and the submission is complete, then the appeal is considered by the Appeal Committee.

The Appeal Committee

3.15 The Appeal Committee will be presented with the original case files to decide whether sufficient grounds have been established for an appeal to be upheld or if the appeal should be dismissed. Appeal Committee considerations normally take place electronically by correspondence. An Appeal Committee may make one of two decisions;

3.15.1 The appeal is not upheld as no grounds have been established. Appeal proceedings are concluded and the appeal is dismissed; or

3.15.2 The appeal is upheld as grounds have been established. The Appeal Committee instructs the panel to re-consider the original decision in light of the upheld information. The panel must record how they have given specific consideration to the information presented in the upheld appeal in reconsidering their original decision. The Case Support Manager - Sport is responsible for informing the Appellant of any outcome following a reconsidered decision.

3.16 The decisions of the Appeal Committee are final. There will be no further opportunity for appeal against the decision within EUSU.

4. COMMUNICATION, REPORTING AND RECORDING

Communication with the Reporting Party

4.1 EUSU will endeavour to provide the Reporting Party with as much information about the status and outcome of an investigation as is reasonably possible including relevant information regarding any precautionary suspension imposed upon the Respondent. In determining what information to provide to the Reporting Party, EUSU will take account of the need to balance the interests of the Respondent, the Reporting Party, and any other witnesses, and obligations under relevant data protection legislation.

Reporting and recording

4.2 EUSU keeps a record of misconduct offences and penalties and informs the Executive Committee annually of all cases considered by the Case Support Manager - Sport, independent panels and the Executive Committee.

4.3 Details of any discipline penalty imposed on a member of the EUSU community are held on record by EUSU for 5 years, or indefinitely in the case of exclusion.

4.4 If an appeal is upheld and referred back to the panel, the Case Support Manager - Sport is expected to keep record of the upheld appeal information being reconsidered and any decision that is communicated to the member regarding this.

4.5 The Case Support Manager – Sport reports annually to the Executive Committee, detailing the volume and nature of the appeals dealt with in the previous academic session, and highlighting any issues of concern or significance.