

EDINBURGH UNIVERSITY SPORTS UNION: CODE OF CONDUCT

1. OVERVIEW & MISCONDUCT OFFENCES

Scope

- 1.1** The Code of Conduct applies to the EUSU community which includes; all members, registered coaches, participants, and affiliated clubs and intramural teams of Edinburgh University Sports Union (EUSU) activity. The Code can be applied to EUSU clubs and teams in their entirety. It applies to
- 1.1.1** Activities in which they engage as members, coaches 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 or the Edinburgh University Sports Union (EUSU); 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, its members, employees or representatives, as outlined in this Code.
- 1.2** The University of Edinburgh Code of Student Conduct is applicable to all students of the University. It may supersede the EUSU Code of Conduct in any instances deemed appropriate by the Sports Union President and Vice Presidents (where appropriate), in consultation with representatives from EUSU Senior Staff, or if deemed appropriate a representative from the University. 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.

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, 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 but may take action under the Code of Conduct.
- 1.9** Clubs must not conduct their own investigations into member misconduct and should refer incidents to EUSU or the University. Clubs may 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 and intramural teams reserve the right to suspend an individual's membership (up to 12 months) or refuse them membership where there is just cause. This applies for both University of Edinburgh students and those not matriculated at the University of Edinburgh. Clubs/teams are required to seek approval from EUSU staff (via the Sports Union President).

EUSU responsibilities

- 1.11** 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 as quickly as the specific circumstances allow.
- 1.12** Considering and using disciplinary action at an early stage can prevent more serious offences or issues arising. EUSU views the Code of Conduct and discipline procedures as a part of a welfare approach: misconduct may be the first indicator of underlying problems. The process can provide individuals with an opportunity for reflection and learning.
- 1.13** EUSU will:
 - 1.13.1** Make this Code of Conduct available to the EUSU community;
 - 1.13.2** Endeavour to deal with disciplinary issues in a proportionate and transparent way as soon as issues become apparent;
 - 1.13.3** Respect the need for confidentiality in relation to disciplinary issues; and
 - 1.13.4** Implement the Code of Conduct in line with all data protection legislation.
- 1.14** For instances involving individuals not matriculated at the University of Edinburgh, relevant discussions will be held, and advice sought, as needed.
- 1.15** For instances involving students of other institutions, EUSU may report alleged misconduct to the relevant institution.

Misconduct offences

- 1.16** 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.
 - 1.16.1** Disrupting, or interfering with any sporting, administrative, social or other University activities;

- 1.16.2** Obstructing, or interfering with, the functions, duties or activities of any individual;
- 1.16.3** Violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically (including via social media);
- 1.16.4** Harassment of any individual whilst engaged in any Edinburgh University Sports Union work or activity, including bullying and sexual harassment;
- 1.16.5** Conduct which unjustifiably infringes freedom of thought or expression whilst engaged in any Edinburgh University Sports Union work or activity,
- 1.16.6** 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;
- 1.16.7** Behaving in a way 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;
- 1.16.8** 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;
- 1.16.9** Damaging, defacing, stealing or misappropriating property, services or facilities they enjoy by virtue of being part of the EUSU community, whether deliberately or recklessly;
- 1.16.10** Misusing or making unauthorised use of EUSU or University premises or items of property, including IT facilities or safety equipment;
- 1.16.11** Deliberately doing, or failing to do, anything which thereby causes EUSU to be in breach of a statutory obligation;
- 1.16.12** Behaving in a way which brings EUSU or the University into disrepute (without prejudice to the right to fair and justified comment and criticism);
- 1.16.13** Making false, frivolous, malicious or vexatious complaints;
- 1.16.14** 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;
- 1.16.15** Failing to comply with a previously-imposed penalty under this Code of Conduct;
- 1.16.16** Any other behaviour which raises questions about the fitness of the member to become or remain a member of the EUSU community or suggests that the member poses a threat to any individual.

Misconduct, criminal proceedings, and University proceedings

- 1.17** EUSU or the University may report to the police any allegation that a criminal offence has been committed.
- 1.18** 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.
- 1.19** 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.
- 1.20** EUSU may, at its discretion, suspend any internal investigation or disciplinary action for alleged criminal misconduct to await the outcome of any criminal or University proceeding.

- 1.21** Any sentence or order pronounced by a court may be taken into account in the imposition of any disciplinary penalty.

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

- 1.22** Conduct and Discipline Officers: Allegations of misconduct are investigated by Conduct and Discipline Officers. Two Officers will be assigned to each case, with one being named the Lead Conduct and Discipline Officer and will hold the casting vote. The Conduct and Discipline Officers are EUSU or University staff members and will be assigned by the staff member receiving the report based on availability and potential conflicts of interest. The Lead Conduct Officer may devolve the investigation to Case Support, in this instance the Conduct and Discipline Officers assigned to the case will still determine the outcome and impose penalties.
- 1.23** For cases regarding misconduct by a EUSU club or intramural team, the discipline penalty will be recommended to the Executive Committee by the Conduct and Discipline Officers for ratification.
- 1.24** Appeal Committee: Appeals are considered by the Appeal Committee. Membership of the Committee will include a named Chair, a staff member from EUSU or the University and/or a student member of the EUSU Executive Committee.
- 1.25** 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

- 1.26** EUSU may share information provided by members, coaches, staff and other witnesses with people involved in the case, including the individual(s) under investigation, for transparency and to provide 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 member, coach, participant or staff misconduct may be reported to any member of EUSU staff. This may be done verbally; to official staff email; or through the Incident Report Form. An allegation received through one of these routes will be referred to as the Report.
- 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 an Incident Report 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. Staff who receive allegations may exercise their discretion on whether to seek to resolve matters locally, for example intervening to stop poor behaviour in University facilities. Where the staff member receiving the allegation considers frontline resolution is not possible or appropriate, they should advise the Reporting Party that they can request an investigation.

2.5 The Sports Union President, in consultation with a fellow member of EUSU Senior Staff, 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.

2.6 If the issue cannot be resolved locally, or this is deemed inappropriate by the staff member, it may be advised that the Reporting Party request an investigation. Staff should aim to identify this as early as possible. The Sports Union President and members of EUSU Senior Staff reserve the right to initiate an investigation where not doing so could put other individuals at risk.

Requesting an investigation

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

2.8 With the Reporting Party's consent, EUSU may forward the Incident Report Form to the University 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 appointed Conduct and Discipline Officers will decide whether or not to initiate an investigation. This will be clearly communicated to both the Reporting Party and Respondent.

2.10 If the Conduct and Discipline Officers consider 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 Code; 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 Conduct and Discipline Officers decide not to initiate an investigation, they will communicate the reasons for this to the Reporting Party.

Precautionary suspension

- 2.14** When initiating an investigation into an allegation of misconduct, the Conduct and Discipline Officers will consider whether it is necessary to take any precautionary action to suspend the Respondent pending the conclusion of proceedings under this Code of Conduct.
- 2.15** In urgent situations, the Conduct and Discipline Officers may decide to immediately suspend a Respondent. Suspension pending the conclusion of proceedings under this Code is not used as a penalty. The power to suspend is used to protect the members of the University community or a particular member or members, or members of the general public, or to ensure that a full and proper investigation can be carried out. The power shall be used only where it is urgent and necessary to take such action. The Conduct and Discipline Officers will record written reasons for the decision and send these to the Respondent.
- 2.16** The decision 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.
- 2.17** Any Respondent suspended under the provisions of this section must be given an opportunity within five working days to make written representations.
- 2.18** Any decision to immediately suspend the Respondent is subject to review every twenty working days. Such a review will not involve a hearing or submissions made in person, but the Respondent is entitled to submit written representations. Taking account of any written representations from the Respondent, and any other relevant factors, the Conduct and Discipline Officers will decide whether it is reasonable and proportionate to retain the suspension, or to alter or remove it. The Conduct and Discipline Officers will record their decision and inform the Respondent of the outcome in writing.
- 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 Conduct and Discipline Officers, or Case Support, will investigate the alleged misconduct, in accordance with this Code.
- 2.21** The Conduct and Discipline Officers, or Case Support, may request evidence or to interview the Respondent, the Reporting Party or any other relevant person.
- 2.22** As soon as practicable, the Lead Conduct and Discipline Officer will write to the Respondent to provide details of the alleged misconduct. The Lead Conduct and Discipline Officer will give the Respondent the opportunity to respond to the allegations and will invite the Respondent to admit or deny responsibility.

- 2.23** The Conduct and Discipline Officers will decide whether it is necessary to interview the Respondent and/or the Reporting Party (as applicable).
- 2.24** At the Conduct and Discipline Officers' or Case Supports' 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 Conduct and Discipline Officers or Case Support will normally invite the Respondent and, separately, the Reporting Party (as applicable) to identify any persons from whom they would wish the Conduct and Discipline Officers to seek evidence. The Conduct and Discipline Officers or Case Support have discretion as to whether to seek evidence from persons identified to them.
- 2.26** The Lead Conduct and Discipline Officer, or Case Support, will also normally invite the Respondent and the Reporting Party (as applicable) to submit any documentary evidence to them which they would wish the Conduct and Discipline Officers to consider.
- 2.27** Evidence may be taken by the Conduct and Discipline Officers or Case Support, in writing in addition to, or instead of by interview. The Conduct and Discipline Officer, or Case Support, 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 Conduct and Discipline Officers or Case Support consider it is 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 Conduct and Discipline Officers, or Case Support. The Conduct and Discipline Officers have the right to question the person directly, where necessary. Those accompanying or representing the person being interviewed will be given the opportunity to contribute at the Conduct and Discipline Officers' or Case Supports' invitation. The Conduct and Discipline Officers or Case Support invite the person being interviewed, or any representative, to make a statement. The Conduct and Discipline Officers or Case Support may be assisted by a note-taker who will take a record of the meeting.
- 2.29** If the Respondent does not appear on the date appointed for their interview and the Conduct and Discipline Officers, or Case Support, are satisfied that they have been given due notice to appear, the Officers may deal with the alleged misconduct in their absence. However, the Conduct and Discipline Officers may not draw any adverse inference from the Respondent's failure to appear.
- 2.30** After investigation, the Conduct and Discipline Officers decide whether the alleged misconduct has occurred, and whether it constitutes a breach of the Code of Conduct. Where the Conduct and Discipline Officers are not in agreement, the Lead Officer will hold the casting vote. The Conduct and Discipline Officers with the support of Case Support (where applicable) 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 Officers may:
- 2.30.1** Dismiss the allegation of misconduct, in which case the Lead Conduct and Discipline Officer 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 Conduct and Discipline Officers are satisfied that the allegations are proven and constitute a breach of this Code then disciplinary action may be taken.
- 2.32** The Lead Conduct and Discipline Officer 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 Conduct and Discipline Officers will not reinvestigate. The Conduct and Discipline Officers decide whether to take disciplinary action, and if so, what penalty to apply.
- 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 Conduct and Discipline Officers 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** Suspension – temporary hold placed on membership and involvement in activity/privileges (max. 18 months); or
 - 2.34.5** Exclusion – permanently terminate membership and involvement in EUSU or club/team activity.
- 2.35** If the Conduct and Discipline Officers places the Respondent on probation, they will provide the Respondent with a statement outlining the conditions and length of their probation. The Conduct and Discipline Officers will then monitor their compliance with these conditions during the period of probation. If the conditions of the probation are breached, Conduct and Discipline Officers may choose to re-investigate.
- 2.36** The Lead Conduct and Discipline Officer will inform the Respondent of the penalty decision within three 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, Conduct and Discipline Officers may recommend the Executive Committee enforce the Warnings and Cards procedure as outlined in the EUSU Constitution, Bye-Law 5.0.

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 Conduct and Discipline Officers 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 Conduct and Discipline Officers. This statement will come from the Lead Conduct and Discipline Officer and will offer the Respondent the opportunity to comment in writing on this evidence. The Conduct and Discipline Officers will decide whether the deferred penalty is put into immediate effect. If the penalty is put into immediate effect then the Lead Conduct and Discipline Officer 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 Lead Conduct and Discipline Officer 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 Conduct and Discipline Officers 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 Conduct and Discipline Officers for individual cases or the Conduct and Discipline Officers 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 which for good reason was not available to the Conduct and Discipline Officers, 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 Conduct and Discipline Officers, 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. The Committee is chaired by a EUSU staff member not assigned to the case in the first instance, or their nominee. Membership of the Committee will include an additional staff member from EUSU or the University and/or a student member of the EUSU Executive Committee. No member of the Appeal Committee may have a conflict of interest with the Appellant. The Chair of the Appeal Committee has the casting vote where the committee consists of two individuals.

Submission of an appeal

- 3.8** Appeals must be written and submitted to the Sports Union President at sports.president@ed.ac.uk, to be passed on to the Chair of 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 Conduct and Discipline Officers, 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 Conduct and Discipline Officers will remain in force during the appeal process.

Preliminary screening

- 3.14** When an appeal is received, it is screened by the Chair of the Appeal 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 Chair 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 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 Conduct and Discipline Officers to re-consider the original decision in light of the upheld information. The Conduct and Discipline Officers must record how they have given specific consideration to the information presented in the upheld appeal in reconsidering their original decision. The Lead Conduct and Discipline Officer 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 Conduct and Discipline Officers 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 Conduct and Discipline Officers, they are 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 Appeal Committee 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.