

NUS

Code of Conduct

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Related Policies:	Staff Protocol Policy Staff Disciplinary Policy Officer Disciplinary Policy Volunteer Disciplinary Policy Director & Trustee Code of Conduct (<i>currently under development</i>) Election Rules Dignity at Work Policy Social Media Policy Safeguarding Policy		

REVIEW HISTORY				
Date	Version	Name	Signature	Notes
February 2019	V1	Sarah McIntosh		New Policy (to replace existing Policy)
May 2021	V2	Jane Gilchrist		<i>Review and amendments</i>
July 2023	V3	Jayne Beer		<i>Full review and rewrite</i>

Code of Conduct Policy Statement

We are striving to create and promote healthy political spaces and healthy, respectful working relationships which are vital to the success of the organisation and our governance. To support this, we have written rules and procedures so that external stakeholders interacting with NUS via elections, events, campaign activity or aspects of our wider work understand the standards expected in order to live our values as well as ensuring fairness and consistency in the treatment of individuals. The Code of Conduct policy and process should provide a framework within which NUS can maintain satisfactory standards of conduct.

1. Purpose

The Creation and Championing of Healthy Politics

- 1.1 NUS aims to champion Healthy Politics. Those interacting with NUS or representing it are privileged to have a public platform to represent students and lobby and campaign on the issues that matter to those students the most. The way they go about delivering their work is just as important as what they deliver as they become role models of student politics and activism for other student leaders and students.
- 1.2 Unhealthy political tactics or behaviours have no place in our movement and consideration of any conduct will always include questions such as 'what example does this set to other student leaders and students about how to get things done?', 'what impact does this behaviour have on trust in student politics?' and 'how does this make people feel about getting involved in student politics?'
- 1.3 This code aims to ensure good standards of conduct of those who participate in NUS spaces.
- 1.4 This Code sets out the procedures to be followed where a complaint is received or there is a potential breach of the code.
- 1.5 The code concerns the expected standards of behaviour for those interacting with or operating within NUS. It relates to external stakeholders interacting with NUS via elections, events, campaign activity or aspects of our wider work. NUS believes that these standards are necessary for promoting orderly relations as well as fairness and consistency in the treatment of individuals.
- 1.6 It is important that stakeholders know what standards of conduct and performance are expected of them. As a result, full details of this policy/procedure will be communicated in appropriate settings.

2. Scope

- 2.1 This policy applies to all the groups listed below, unless they are expressly excluded under clauses 2.2 – 2.4:
- Participants at democratic and non-democratic events
 - Candidates standing for election from the point of nomination
 - Individuals participating in NUS' campaign activity or wider work
 - Individuals 'holding themselves out' to be part of NUS or acting on its behalf in any capacity.
- 2.2 This policy does not apply to Directors or Charity Trustees who are subject to a separate Code of Conduct (under development). This is because they are subject to a different set of governance requirements and standards of behaviour.
- 2.3 This policy does not apply to any NUS staff who are subject to the NUS Staff Disciplinary policy and procedures or NUS full time or part-time paid elected officers who are subject to the NUS Officer Disciplinary policy. This is because they are employees of NUS and the rules of employment law apply.
- 2.4 This policy does not apply to volunteers on democratic committees established under NUS UK's articles and rules (e.g., Democratic Procedures Committee, Steering Committees, Liberation Campaigns Committee, National Scrutiny Council, Returning Officer(s), ARAF committee – the list is not exhaustive) This is because there is a formal arrangement in place with these individuals and they are subject to the NUS Volunteer Disciplinary policy.
- 2.5 Complaints in relation to NUS staff or officers should be made in writing to the individual's manager or Department Director. If in doubt, the complaint can be submitted to the HR Team at HRTeam@nus.org.uk. Informal feedback can be provided via the same channels.
- 2.6 Our external whistleblowing reporting line provided via Navex Global (contact details below) may be used as an alternative reporting route i.e. where individuals do not wish to use the internal process outlined above.
- 2.7 A report may be submitted via Navex Global as follows:
- **Call the hotline: 0800 890011 then dial 833 641 0513**
 - **Visit the online portal: nus.ethicspoint.com**
- N.B. Navex Global is an independent organisation. Its employees are impartial and are trained to handle sensitive disclosures and encourage individuals to share their concerns in confidence.
- 2.8 Where a staff member wishes to make a complaint about an external stakeholder or officer, they should refer to the staff protocol policy.

3. When does this policy apply?

3.1 This policy applies to conduct of individuals referred to in section 2:

- When acting or perceived to be acting on behalf of NUS in any capacity
- When holding themselves out to be acting on behalf of NUS in any capacity (whether they actually are or are not).
- When standing for election as a candidate (from the point of nomination).
- When attending a formally organised NUS event (democratic or non-democratic)
- In social media spaces - both public and private - linked to NUS elections, events, campaign activity or aspects of our wider work.
- When interacting with any NUS staff member, Full Time Officer, Board Director, Charity Trustee, or volunteer (both appointed and elected)

3.2 Where the conduct issue concerns a staff member, officer, or volunteer of a NUS Member¹ (typically a Student Union or Student Association), NUS will refer the conduct matter back to the NUS Member to take the appropriate action. NUS may also, depending on the outcome of any investigation and in line with section 13, take its own action (e.g. ban the individual from attending future events). Conduct issues cover incidents that may occur whilst event participants are travelling or staying overnight in order to attend an NUS Event.

Incidents should be raised in a timely manner to allow for NUS to investigate, refer to NUS Members and/or take action as appropriate. Historic incidents may be considered to be within scope if the individual restates the views or comments and/or if the views or comments remain in the public domain (for example – they remain visible on a current social media profile irrespective of when posted).

4. Standards of Conduct

4.1 Misconduct that would constitute a breach of this policy includes (but is not limited to):

- Activity which contravenes NUS' Equality, Diversity and Inclusion policy
- Activity which contravenes NUS' Dignity at Work policy
- A breach of relevant Policies and Procedure such as the Staff Protocol policy
- Creating an intimidating or hostile environment for others including unhealthy political tactics or breaches of the Social Media policy
- Acting without due regard for the health, safety and wellbeing of others
- Conduct that contravenes the standards of professional behaviour required

¹ NUS Member - an unincorporated association or incorporated body admitted into membership of the National Union of Students (United Kingdom) and/or NUS SU Charitable Services in accordance with the Articles of Association. This includes both company members (typically Students' Unions / Associations) and Associate Members (typically national student organisations)

- Neglect of duty
- Breach of confidentiality

4.2 Acts that may constitute gross misconduct (but not limited to) are:

- Theft, fraud and deliberate falsification of records.
- Physical violence or threats
- Deliberate damage to organisational or personal property
- Serious incapability whilst representing NUS brought about through alcohol or illegal drugs
- Misuse of organisation's property or name
- Bringing the organisation into serious disrepute
- Serious infringement of health and safety rules
- Serious bullying or harassment
- Sexual misconduct
- Serious infringement of safe space, no platform, safeguarding or Staff Protocol policy
- Any action that constitutes a criminal offence
- A serious breach of Social Media policy rules
- Serious breaches of confidentiality

5. Making a complaint

- 5.1 Complaints should be made using the online complaints form outlining which of the conduct standards have been breached and clearly outlining the resolution being sought.
- 5.2 In normal circumstances complaints will be addressed to the Supervising Director and will be initially forwarded onto the HR Team who will provide advice regarding the complaints process. Complaints will be dealt with on an informal basis wherever possible.
- 5.3 If the matter cannot be dealt with on an informal basis, the complaint will be investigated by NUS via the Supervising Director. The Supervising Director will consider the complaint and may initiate an investigation. This may be conducted internally by a member of NUS staff or may, depending on the situation and available resources, be conducted by an external investigator.

6. Complaints at Non-Democratic Events

- 6.1 Participants at NUS events who wish to complain about another participant should talk to an NUS Staff member who will direct the complaint to the most senior staff member available.
- 6.2 In advance of each event, NUS will nominate a Complaints Manager (who may be the leader at the event) and will be responsible for managing complaints received

at or about the event. The Complaints Manager will seek support from the HR Team as required.

- 6.3 The Complaints Manager will take a short statement from the complainant detailing the nature of the complaint and all relevant circumstances, which the complainant will be asked to sign and date.
- 6.4 The Complaints Manager will decide whether any action can or should be taken immediately at the event. Wherever possible, complaints will be resolved informally at the event. If this is not possible, complaints will be investigated once the event has finished.
- 6.5 If the Complaints Manager decides that immediate action cannot or should not be taken at the event, the complainant and the person(s) to whom the complaint relates (the respondent(s)) will be notified of this outcome and of the procedure for investigation following the event.
- 6.6 If the Complaints Manager decides that there is a potential risk, for example to participants, the safe or effective running of the event, or the reputation of NUS, the Complaints Manager will immediately take such action as they deem appropriate to reduce that risk at the event. This could include (without limitation):
 - informal measures, such as verbal warnings about behaviour and requests for apologies from participants.
 - formal warnings about behaviour;
 - in serious cases, removal of individuals from all or part of the event.
- 6.7 Such action, including removal of a participant, will be without prejudice to the outcome of any subsequent investigation. Removal will be immediate but will take into account circumstances such as the location of the event and personal travel safety for the individual involved in leaving. Should NUS have to provide transport or other costs associated with the removal of a participant from a non-democratic event, then a bill will subsequently be sent to the participant's union or association. Any damage to property will also be billed to the participant's union or association.
- 6.8 Should a participant be removed from the event, their home union or association will be notified immediately of the fact of the removal and the nature of the complaint made against the participant. The union or association will be expected to work with NUS to investigate the complaint and provide an outcome.
- 6.9 Whilst the Complaints Manager will consider requests from complainants that their identities should not be revealed to respondents, respondents will normally be informed of the identity of complainants unless there is a compelling reason to

maintain anonymity. Statements of complaint, statements in response, and any other written statements, will normally be provided to the opposite party.

- 6.10 Complaints made after an event should be received by the Complaints Manager within five working days of the end of the event and will be passed to the Governance Team. If the complainant wishes to add to a statement given to the Complaints Manager at an event, they should do so within the same period. The complainant should provide copies of any other documents on which they wish to rely.
- 6.11 In the event that a complaint is made, or concern raised about any designated advisor or complaints manager, other officers or staff shall assume equivalent roles as appropriate.

7. Democratic Events

Where an issue arises at a Democratic Event, the procedure will, insofar as possible, match the above provisions. The complaints manager should be a politically impartial person who is not accountable to the Student Voice function of NUS².

- 7.1 In serious cases, as outlined above, individuals will be removed from all or part of the event. This may therefore mean that the individual will not be entitled to vote on any motions or deliver a speech if relevant. If the individual is standing in election or standing to be a volunteer or an Officer/Representative, the Democratic Procedures Committee will be informed.
- 7.2 The Returning Officer is ultimately responsible for removing candidates from an election. Where there is a serious breach of the Code of Conduct, and the sanction is that the individual is no longer eligible to stand for or hold office, the Returning Officer will automatically remove the candidate from the election.

8. No NUS officer or representative should comment publicly on any incident that is being dealt with under this procedure. Further information regarding expectations and accountability can be found in the Staff Protocol Policy. Failure to observe this requirement will result in disciplinary action. Informal Process

² This could be a member of the board not elected under the Student Voice provisions under NUS UK's articles e.g. staff member director or lay director; a member of an NUS subcommittee; an NUS staff member. For the avoidance of doubt this excludes NUS Officer Directors or Student directors

In the majority of instances, where there is a potential breach of the code of conduct the matter would be referred to the NUS Member (Students' Union or Association) for action. However, depending on the nature of the alleged incident NUS reserves the right to undertake its own informal or formal investigation and to recommend sanctions as a result of these investigations.

- 8.1 In some circumstances complaints can be resolved informally. Relatively minor cases of one-off misconduct are best dealt with informally initially by a member of the NUS UK or NUS Charity Leadership Team. The conversation will include the expected standards of behaviour and how the individual has fallen short of these standards. It should be made clear that any further examples of misconduct would lead to the formal disciplinary process.
- 8.2 If, during an informal discussion, it becomes obvious that the matter may be more serious, then the matter will be investigated under the formal disciplinary process.
- 8.3 If it is felt that informal action has been exhausted without an improvement or if the offence requires more serious action, then formal disciplinary process should be initiated.

9. Formal Disciplinary Process

- 9.1 The formal disciplinary process should be used where there has been an alleged breach of the general standards of conduct that could constitute misconduct or gross misconduct (see section 4.1).
- 9.2 The following areas also need to be considered:

Allegations involving young people

- 9.3 Where an individual is under investigation for allegations of abuse against children and/or young people, the Complaints Manager/Supervising Director should liaise with the HR Director and the NUS Safeguarding Lead and reference should also be made to the Safeguarding Policy.

Criminal Offences

- 9.4 Where an allegation is made under this code that may constitute a criminal act, any NUS investigation may be suspended pending the outcome of the criminal investigation and trial. Alternatively, it may continue alongside the criminal investigation, and/or the individual may be suspended. A decision will be taken at

the time, after taking appropriate professional advice where necessary and as appropriate to the issues raised.

10.Suspension

- 10.1 At any stage of this process, the individual may be suspended from engaging in NUS activity – i.e. attending an event, standing for election, or being actively involved in NUS' wider work., whilst further investigations take place. The decision to suspend will not be taken lightly or without careful consideration of all the circumstances and the nature of the complaint/allegation made. Excluding an individual from participation in NUS activities is not in itself a form of disciplinary action whilst the investigation is progressing.
- 10.2 Most disciplinary situations will not require suspension. It should only be considered exceptionally if there is a serious allegation of misconduct and:
- there are reasonable grounds to believe that the individual being investigated might seek to tamper with or destroy evidence, influence witnesses and/or sway an investigation into the disciplinary allegation;
 - if working relationships have severely broken down to the point that there is a genuine risk to other officers, NUS staff, members, stakeholders, suppliers, or NUS operation if the individual continues to participate;
 - the individual is the subject of criminal proceedings which may affect whether they can undertake their role.
- 10.3 The Supervising Director will usually take the decision to suspend. However, due to availability (for example at an event) there may be circumstances when a member of the NUS UK or NUS Charity Leadership Team can suspend, and this will be reported to the Supervising Director.
- 10.4 Suspension means that an individual must not participate in any NUS elections or democratic voting process, attend NUS events (democratic or non-democratic) or act on behalf of NUS in any way.
- 10.5 The period of suspension should be as short as practical to achieve the desired outcome, i.e. to complete a thorough investigation. The investigating manager should review the terms of the suspension regularly and at each review should consider again whether an alternative to suspension is possible.
- 10.6 All periods of suspension must be confirmed in writing to the individual and will include an outline of the allegations made against them. It also should be made

clear to the individual that suspension does not imply guilt and is not considered to be a disciplinary sanction.

11. Formal Investigations

- 11.1 When a disciplinary matter arises, a full and thorough investigation will be undertaken to establish the facts of the case. An investigating manager will be appointed which will usually be a member of the NUS UK or NUS Charity Leadership Team with support of a member of the Governance or HR Team. External investigators may also be used where appropriate or where resources are constrained.
- 11.2 The individual will be advised of the incident which occurred or the nature of the complaint against them and be given the opportunity to submit a written statement in response to the allegations or speak to the investigator to fully state their case during the investigation before any recommendation is made. The investigator will set a deadline for submission of responses which will usually be 7 calendar days after the date of notification of the investigation. The individual will also have the opportunity to identify witnesses that they believe should be interviewed during the investigation.
- 11.3 At this stage, the investigating manager would also again consider if suspension is required based upon the information provided during the investigation.
- 11.4 Should the individual not respond to communications or refuse to engage with the investigation process, they will be deemed to have nothing to add to the investigation.
- 11.5 All witnesses should be made aware that they may be required to participate in any formal process that may ensue.
- 11.6 The investigating manager will decide if the issue can be dealt with at an informal level, or if there is a requirement for it to be dealt with at a formal disciplinary meeting. This would be confirmed in writing to the individual following completion of the investigation.
- 11.7 If, following the investigation, the investigating manager believes a formal meeting is needed, they should produce an investigation report. This will set out the information obtained from the investigatory meetings with the individual and

witnesses, written submissions and all other relevant information from the investigation.

- 11.8 The report should detail the standard(s) or policy that have been breached and the impact of the breach/nature of misconduct.
- 11.9 NUS recognises that allegations leading to disciplinary investigations/action may induce stress and anxiety in all those involved. This may include the individual under investigation, the person raising a complaint and witnesses. NUS will do it all it can to provide support and involve the SU where relevant.
- 11.10 Where a Sabbatical Officer of an NUS Member is the subject of a complaint or incident involving alleged misconduct, in the majority of instances, NUS will inform the 'home' NUS Member of the incident. However, depending on the nature of the alleged incident NUS reserves the right to undertake its own investigation and apply sanctions if required. The NUS Member would be expected to investigate the issue, (requesting information from NUS staff witnesses as required) and provide an outcome according to their own disciplinary procedures. NUS will be informed of the overall outcome (accepting that the home union will not be able to divulge confidential details of the case). NUS will then decide on next steps regarding the individual's future participation in NUS activities (see section 13 – disciplinary outcomes).

12. Disciplinary Formal Meetings

- 12.1 If a formal meeting is required, the individual is provided with a formal invite letter, giving at least seven calendar days' notice of the meeting, detailing the specific allegations and providing a copy of the investigation report.
- 12.2 Formal meetings will be arranged as far as possible at a mutually convenient time and place.
- 12.3 The appointed investigator may be asked to present their findings at the disciplinary meeting.
- 12.4 The individual should also make available to the formal meeting panel copies of any statements and written material which they intend to refer to at the formal meeting along with details of any witnesses they wish to be present to give evidence.

- 12.5 The individual will have an opportunity to state their case at the formal meeting and answer the allegations that have been made before a decision is reached or any disciplinary action taken.
- 12.6 The disciplinary panel will usually be made up of three members comprised of members from the NUS Boards, one of the Subcommittees or SU CEOs from member unions with support from a member of the Governance Team or HR Team to provide guidance on the process and document the meeting. One member of the panel would be nominated as the Disciplinary Meeting Manager to chair the panel. The panel members should be independent, having had no prior involvement in the process or investigations.
- 12.7 Where disciplinary action is necessary the individual will be informed of the decision at the meeting. This will be followed up in writing.

13. Disciplinary Outcomes

13.1 The main outcomes available as outlined below:

- **No action**
- **Continuation of informal action**
- **First Written Warning**

This will occur in cases of minor infringements and can be given by a member of the Panel. A note of the warning will be kept on file for six months but then disregarded for disciplinary purposes.

- **Final Written Warning**

This will occur when the infringement is more serious or is a failure to improve behaviour during the currency of the previous warning and can be given by the Panel. A copy of the written warning will be kept on file for twelve months but then disregarded for disciplinary purposes.

- **Partial or temporary suspension of benefits or other sanction.**

If a person's conduct still fails to improve the final stage may be:

- Partial Disciplinary suspension of participation in NUS activities
- Temporary Disciplinary suspension of some or all participation in NUS activities

The decision to suspend or terminate participation in NUS activities is taken by the Panel. The member will be informed as soon as is reasonably practicable, of the following:

- The decision and the reasons for the termination or suspension of participation in NUS activities.
- Information on the right of appeal including how to make the appeal and to whom.
- The decision to suspend or terminate participation in NUS activities shall be confirmed in writing.

At any of the above stages the panel may resolve to recommend:

- that the individual should undergo training, where appropriate arranged through the NUS Member.
- exclusion from some or all future NUS events.
- exclusion from the right to stand for or hold office.
- exclusion from the ability to participate in NUS' wider work.

- **Summary Termination of participation in NUS activities**

13.2 In rare circumstances an individual's ability to participate in NUS activities (e.g. ability to attend events or stand for office) may be summarily terminated if it is established that after investigation and hearing that there has been an act of gross misconduct, i.e. a major breach of duty or conduct or action that brings the organisation into disrepute (refer to section 4). In some cases, information received by an NUS Member may be used to generate a complaint that would cause a temporary suspension under the code.

13.3 All records relating to a disciplinary matter will be stored in line with Data Protection requirements.

14. Appeals

14.1 The individual must notify the relevant Board of their intention to appeal against disciplinary action within seven calendar days of receipt of the disciplinary outcome letter. The appeal should be made in writing stating the grounds upon which the appeal is to be made. An appeal hearing will normally be held within ten working days of receipt of the letter of appeal. An appeal will usually be heard by a panel of three external lay directors who have previously had no involvement in the case.

14.2 The individual will be notified of the results of the appeal in writing within seven calendar days of the hearing.

14.3 Individuals should note that an appeal is designed to address specific concerns about the application of the procedure or decision rather than repeat the formal disciplinary meeting.

14.4 Possible outcomes of an appeal:

The appeal is upheld, and the disciplinary sanction reduced or removed.

The appeal is denied, and the original decision is upheld.