

EDINBURGH UNIVERSITY SPORTS UNION: CODE OF CONDUCT

Scope

1. The Code of Conduct applies to all members, registered coaches, and participants of Edinburgh University Sports Union (EUSU) activity. It applies to any services and/or facilities used when engaging in Edinburgh University Sports Union activity.
2. The University of Edinburgh **Student Code of 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, in consultation with the Head of Sport and Sports Programme Manager. These instances will be escalated to the University to take on investigative and disciplinary responsibility. All members, whether student or otherwise, are encouraged to read the University's **Student Code of Conduct**.

Basis of Jurisdiction

3. The University Senate is responsible for all student disciplinary policies handled by the University.
4. The University Code of 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.

Member Conduct

5. The EUSU Community must operate under conditions which permit freedom of thought/expression, mutual trust, confidence, and respect the rights of other persons.
6. Members are required to comply with University of Edinburgh policies, regulations and act in an appropriate manner in all situations.
7. Any member, coach or participant in EUSU activity is subject to EUSU discipline.
8. Where health conditions or disabilities may be a contributing factor, evidence of this will be taken into account in disciplinary matters.
9. EUSU will seek to share guidance and sources of support during/following disciplinary procedures.
10. EUSU views the Code of Conduct and discipline procedures as a part of a welfare approach and therefore attempts to take action as early as possible and as quickly as possible to minimize member, coach or participant distress.
11. EUSU will:
 - a. make this Code of Conduct available to all;
 - b. deal with disciplinary issues in a proportionate and transparent way;
 - c. respect the need for confidentiality; and
 - d. follow data protection legislation.
12. Where students of the University are concerned, EUSU may escalate

investigative and disciplinary responsibility to the University, primarily in cases of severe misconduct or where an individual is in immediate danger.

Misconduct Offences

13. 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.

The points below are in reference to any member or registered coach of EUSU; participant of EUSU activity, employee of EUSU; any visitor to the University; any subcontractor engaged by the University or EUSU; or any other authorised representative of the University or EUSU. These offences include:

- a. Disrupting, or interfering with any sporting, administrative, social or other University activities;
- b. Obstructing, or interfering with, the functions, duties or activities of any individual;
- c. Violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally, in writing or electronically, including, but not limited to:
 - i. Physical abuse/assault;
 - ii. Verbal abuse;
 - iii. Emotional abuse;
 - iv. Sexual harassment, abuse and coercion;
 - v. Bullying, including cyber bullying
 - vi. Hazing, and any intimidating behaviour
- d. Harassment of any individual whilst engaged in any Edinburgh University Sports Union work or activity,
- e. Conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;
- f. 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 student of the University;
- g. 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;
- h. Harassing, victimising or discriminating against any individual, including, but not limited to instances of:
 - i. Racism, including microaggressions
 - ii. Ethnicity or national origin;
 - iii. Sexism;
 - iv. Disability
 - v. Sexual orientation;
 - vi. Religion or beliefs;

- vii. Gender identification and reassignment;
- viii. Pregnancy or maternity;
- ix. Age;
- x. Marriage or civil partnership;
- xi. Socio-economic background;
- i. Failing to comply with any University rule, regulation or policy;
- j. Facilitation or use of illegal or prohibited substances according to the UK Anti Doping (UKAD) and World Anti-Doping Agency (WADA) code, in order to enhance an athlete's performance;
- k. Damaging, defacing, stealing or misappropriating EUSU or University property or the property of any individual, whether deliberately or recklessly;
- l. Misusing or making unauthorised use of EUSU or University premises or items of property, or safety equipment;
- m. Deliberately doing, or failing to do, anything which thereby causes EUSU to be in breach of a statutory obligation;
- n. Behaving in a way which brings EUSU or the University into disrepute (without prejudice to the right to fair and justified comment and criticism);
- o. Making false, frivolous, malicious or vexatious complaints;
- p. 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;
- q. Failing to comply with a previously imposed penalty under this Code of Conduct;
- r. Any other behaviour which raises questions about the fitness of the member to remain a member of the EUSU community or suggests that the member poses a threat to any individual.

Misconduct and criminal proceedings

- 14. EUSU or the University may report to the police any allegation that a criminal offence has been committed.
- 15. EUSU encourages any student who has been the victim of an alleged criminal offence to report this to the police, and, if relevant, to the University.
- 16. Where alleged misconduct, carried out by a student, 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.
- 17. EUSU may, at its discretion, suspend any internal investigation or disciplinary action on alleged criminal misconduct to await the outcome of any criminal proceeding.
- 18. Evidence, outcomes and sentences passed by a court may be used in EUSU disciplinary proceedings
- 19. Members of the EUSU who may be involved in dealing with alleged misconduct cases are: Sports Union Executive Committee, primarily the Sports Union President and Vice Presidents, the Head of Sport, and the Sports Programme Manager.

Information regarding member cases

20. EUSU may share information provided by members, coaches, staff and other witnesses with people involved in the case, including the member(s), coach(es) or participant(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 requirements.

REPORTING AND INVESTIGATION PROCEDURE

Reporting member misconduct allegations

1. In reference to the reporting of a misconduct EUSU will refer to the Respondent and the Reporting Party, as those who have committed an alleged act of misconduct and those who have raised the allegation of misconduct, respectively.
2. 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*. This will be referred to as the Report.
3. Upon receipt of the Report alleging misconduct to EUSU, the Sports Union President will write to the Reporting Party to acknowledge receipt as soon as practicable, striving to be within three working days. This correspondence will outline the most appropriate course of action to be taken at this point

Frontline resolution

4. It may be possible for a staff member receiving an allegation of misconduct to resolve the issue promptly at the frontline, where it is safe and appropriate to do so. This will involve contacting both the Reporting Party and the Respondent to gather information and further context of the information provided in the initial report.
5. The Sports Union President, in consultation with the Head of Sport and/or the Sports Programme Manager, may invite the Reporting Party and 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.
6. If the issue cannot be resolved locally, or this is deemed inappropriate, it may be advised that the Reporting Party request an investigation.

Requesting an investigation

7. A member, coach or participant of EUSU activity, or of the public who wishes to request an investigation into an allegation of misconduct is encouraged to use the *Incident Report Form*, but this may also be done to official staff email.
8. Staff may report allegations to the Sports Union President, Head of Sport and Sports Programme Manager directly, who in turn will determine whether this

is investigated by EUSU or passed on to the University.

- a. Should an allegation be made regarding the Sports Union President this report should be sent to the Head of Sport or Sports Programme Manager.
 - b. Should an allegation be made regarding the Head of Sport or Sports Programme Manager the report should be sent to the Sports Union President.
9. Alternatively, if the complaint is against a student, a request of investigation into an allegation of misconduct can be made using the University's *Complaint Handling Procedure*. On receipt of the reported allegation of misconduct through this channel, the University Secretary will decide to initiate an investigation.

Screening of Reports of alleged misconduct

10. On receipt of the reported allegation of misconduct to EUSU, the Sports Union President, in consultation with the Head of Sport, Sports Programme Manager and Vice President (where appropriate), will decide to initiate an investigation. This will be clearly communicated to both the Reporting Party and Respondent.
11. When an investigation is not initiated this will be communicated to the Reporting Party and the Respondent, where appropriate, with reasoning provided.

Precautionary suspension

12. When initiating an investigation into an allegation of misconduct, EUSU 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.
13. Suspension pending the result of an investigation is not a penalty but a protective measure for all staff, members, coaches and participants.
14. Suspension may be carried out if: the person is a danger to others/themselves, the person is subject of a misconduct allegation, has had a criminal charge accusation or is the subject of a police investigation.
15. Any Respondent suspended can make an in-person or written appeal of their suspension within five working days of suspension.
16. Suspension of a respondent will be reviewed every 20 working days. The member may submit written appeal for these reviews but may not attend in person.

Investigating member, coach or participant misconduct

17. The Sports Union President, supported by the Head of Sport and Sports Programme Manager, may request evidence or to interview the Respondent, the Reporting Party or any other relevant person.
18. As soon as practicable, striving to be within three working days of receipt of report, the Sports Union President will write to the Respondent to provide details of the alleged misconduct.

19. Both the Reporting Party and the Respondent are encouraged to contact The Advice Place, run by Edinburgh University Students' Association, for advice about the student discipline procedure, provided they are students of the University.
20. Support for student welfare, of both the Reporting and Respondent parties, may be provided by the University Student Counselling service, Chaplaincy Listening Service and The Advice Place, provided they are students of the University.
21. Any individual 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 staff or relevant health or wellbeing specialist.
22. The Sports Union President will carry on with the investigation if the Respondent does not appear at the appointed date.
23. If the Respondent admits responsibility or if the Sports Union President is satisfied that the allegations are well-founded, then disciplinary action may be taken.
24. Following the investigation, the Sports Union President will write a report setting out the decision
25. The results of an investigation are as follows:
 - a. dismiss the allegation of misconduct,
 - b. conclude the allegation is proven and disciplinary action taken,
 - c. escalate investigative and disciplinary responsibility to the University Secretary.

Disciplinary action

26. The Sports Union President and Vice Presidents, in consultation with the Head of Sport and Sports Programme Manager, will decide on the disciplinary action based on the investigation report.
27. The Sports Union President may invite the Respondent to a meeting prior to taking disciplinary action, although this is not a requirement. If the Respondent does not attend, the process will carry on as normal with no penalty for non-attendance.
28. EUSU aims to provide opportunities for education and resolution, and our disciplinary procedures follow this objective. The themes of disciplinary action are detailed below, potential disciplinary penalties include, but are not limited to:
 - a. **Education** - mandatory courses or workshops to be attended, written apology required.
 - b. **Probation** - regular monitoring of behaviour (max. 3 months),
 - c. **Reparation** - fines, restoration of cost for damage caused.
 - d. **Suspension** – temporary hold placed on membership and involvement in activity/privileges
 - e. **Exclusion** – permanently terminate membership and involvement in EUSU activity
29. If the Sports Union President places the Respondent on probation, they will provide the Respondent with a statement outlining the conditions and length of their probation. The Sports Union President will then monitor their

- compliance with these conditions during the period of probation.
30. The Sports Union President will inform the Respondent of the penalty decision within three working days of the decision and will remind them of their right of appeal, see points 36-40.
 31. The University Secretary will be informed of the penalty when relevant.
 32. Should an instance of misconduct also be deemed a responsibility of an EUSU Club, and breach of any regulation as laid out in the Constitution and Bye-Laws, the Executive Committee may enforce the Warnings and Cards procedure as outlined in the *EUSU Constitution, Bye-Law 6.0*.

Deferred Penalties

33. Where appropriate, a penalty can be deferred for a length of time agreed by the Sports Union President and Vice Presidents. However, if the Respondent's conduct is brought into question during this period the penalty may be brought forward.

Standard of Proof

34. An allegation of misconduct can only be upheld if there is proof that the Respondent has engaged in the misconduct alleged.
35. 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.

Appeals

36. Following an investigation and receipt of an appeal notification, the Respondent may appeal a decision to the Sports Union President within 10 working days.
37. The appeal is managed by the Sports Union Executive Committee, in consultation with the Head of Sport and Sports Programme Manager. The Appeal Meeting will follow this procedure:
 - a. The Sports Union President will welcome all parties in attendance, and invite the Appellant to make an opening statement;
 - b. Following this statement, the Committee will question the Appellant;
 - c. Following questioning of the appellant, the Committee will question any other relevant individuals it has called to appear before the committee;
 - d. After questioning has concluded, the Sports Union President will invite any relevant individuals who have been called to appear before the committee to make any closing statements they might wish to make, each in turn;
 - e. Following hearing closing statements from relevant individuals, the Sports Union President will invite the Appellant to make a closing statement, should the Appellant wish to do so;
 - f. At this point, the meeting will conclude, and the Committee will begin its deliberations. The outcome of the deliberations will be to confirm the original decision or vary the original decision.
38. Following the end of the meeting, the appellant will be informed via email of the outcome of their appeal within 1 working day of the close of proceedings. A detailed report of proceedings which outlines the Committee's reasoning

behind its decision will be provided to the appellant no later than five working days following the conclusion of the meeting.

39. The decision of the Executive Committee in an Appeal Meeting is final and there is no further opportunity for appeal against that decision within EUSU.
40. Any penalties imposed remain in force until the outcome of any review of the decision.

Communication with the Reporting Party

41. EUSU will endeavour to provide the Reporting Party with as much information about the status and outcome of an investigation as is reasonably possible. 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

42. The Sports Union President will keep a record of member, coach and participant misconduct offences which is reported annually to the Executive Committee and University.
43. Details of any discipline penalty imposed on a member, coach or participant are held on record for 3 years, or until a student has graduated.

Independent review

44. Once the appeal has been completed, the Respondent is entitled to ask the Scottish Public Services Ombudsman (SPSO) to look at their appeal. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the appeal process. The SPSO looks at issues such as service failure and maladministration (administrative fault) as well as the way the University has handled the appeal. Information on how to complain to the SPSO will be provided to the student on completion of the appeal. Full information on the SPSO and on how it handles complaints can be found at the SPSO website: [Scottish Public Services Ombudsman](https://www.spsoscotland.gov.uk/).

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