

Investigation and Disciplinary Procedure for Sexual Harassment and Sexual Misconduct between engaged members of Aston Students' Union

Key Principals

1. In most cases the Students' Union will encourage and expect complaints and allegations of this nature to be dealt with by the Police and/or University.
2. The Students' Union is not able to pass judgment on whether a crime has been committed. If it is a criminal matter it should be dealt with accordingly.
3. The Students' Union will not carry out any investigation whilst the incident is being investigated by a higher body (i.e. the University or police).
4. From time to time the Students' Union may decide to investigate if it feels its Code of Conduct¹ has been breached i.e. if engaged and active member of the students' union are not acting in line with our high expectations.
5. The Students' Union defines engaged and active members as 1) Any elected student officer, both full and part time, 2) any committee member of a club or society or special projects group, 3) any member of a club or society or special projects group 4) any student representative 5) any student participating in students' union run and organized volunteer events 6) any student attending events within the Students' Union building.
6. This is a process to investigate the behavior between our members, it is not a substitute for a University complaint or police investigation.

The Investigation

7. The student(s) will be informed in writing of their suspension from the Students' Union. If they hold a position of responsibility within the Students' Union, this will be suspended. They cannot access or use any of the SUs services.
8. It is recognized they may wish to access our student support services, in relation to the investigation or other issues they maybe experience. They will be informed of a reciprocal agreement we have with Birmingham City Students' Union (BCUSU) where they can access information, advice, and guidance.

¹ [AU Code of Conduct \(astonsu.com\)](http://astonsu.com)

9. Whilst suspended from the organisation an investigation will be carried out by the Students' Union into the alleged incident/complaint. This will normally be completed within ten working days of the suspension, but the investigation panel reserve the right to extend this should it be required.
10. The investigation will be carried out by a Senior Manager within the organisation with support from other staff, usually a middle manager, as required.
11. Depending on the circumstances of the complaint a 3rd party may also be used to support and carry out the investigation.
12. Where possible staff members commitments' will be re-prioritized to ensure the investigation is carried out in good time.
13. The student in question will see the complaint in full and be given an opportunity to first respond in writing to the complaint, stating their case.
14. The investigators will then call an investigatory hearing to learn more and provide additional clarity. For the avoidance of doubt this will be a face-to-face meeting between the investigators and the student(s) in questions.
15. The student has one opportunity to move the date of the investigatory hearing
16. If the student fails to attend the hearing and provides no suitable reason, then investigators will assume they have no further comment.
17. Students who are attending may bring along one other student member to support them.
18. Other documents and/or witnesses may also be called as appropriate from the student or investigation panel.
19. The investigation panel may also call the complainant for a hearing, to understand better the complaint and provide clarity.
20. For the avoidance of doubt there will be no face-to-face cross-examination between the student and the complainant.
21. Once the investigation is complete the investigators will prepare a report for the Disciplinary Panel. This report will be circulated to the students and complainant.
22. The complainant will be kept informed on a regular basis with regards to the progress of the investigation.

The Disciplinary Panel

23. The Disciplinary Panel will be made up of permeant staff, trustees and a manager at the students' union, all of whom will have no prior knowledge of the case.
24. They will call a disciplinary hearing: The student will be given at least 48 hours' notice of any disciplinary hearing to provide ample opportunity for the individual to prepare.
25. They will be given the full and final copy of the Investigation Report.

26. The student will be advised, in writing, of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
27. At all stages of the procedure the student will have the right to be accompanied by a fellow student.
28. The student has one opportunity to change the date of the disciplinary hearing.
29. Failure to attend the disciplinary hearing will result in the Disciplinary Panel considering the Investigation Report only.
30. Where there is a formal hearing, once all evidence has been presented and the panel are satisfied, they have all the available information, the meeting will be adjourned in order to consider the outcome and decide what action is appropriate.
31. The Disciplinary Panel will aim to reach an agreement with 24 hours of the original panel meeting.
32. The outcome of the Disciplinary Panel will be communicated in writing and will outline the incident(s) which gave rise to the hearing, the student's explanation of his/her conduct, the standard of performance/behavior required and the sanctions that have been applied.
33. The original complainant(s) will also be informed of the outcome of the Disciplinary Panel.

Sanctions

34. If, on completion of the investigation, and a full disciplinary procedure, the organisation is satisfied that the complaint can be upheld the result will be a sanction.
35. This could range from: Permanent or temporary expulsion from the Students' Union, removal of any positions of responsibility held, limited access to services or, if the complaint is not upheld, the suspension will be lifted immediately.
36. The panel may decide on alternative sanctions.
37. The Students' Union reserves the right to inform the University of the outcome.

Appeals

38. A student wishing to appeal against a disciplinary decision should inform in writing the person designated in the confirmation letter of their decision to appeal, within five working days of the date of the letter.
39. They should state within the letter the grounds of their appeal.
40. An appeal will be heard by the Chair and Deputy Chair of the Trustee Board, Chief Executive of the Students' Union and one external panel member (usually from another Students' Union).

41. The Appeals panel will convene within 10 working days of the date of the appeals letter.
42. The original complainant will be informed that an Appeal is taking place.
43. An Appeal process is not designed to re-investigate the original complaint but to consider any issues due to process and/or new evidence that has come light.
44. The Student(s) will be invited to make their case for Appeal to the panel.
45. Once the Appeal has been heard the panel will endeavor to decide within 24 hours.
46. The outcome of the Appeals Panel will be communicated in writing (email) and will outline the grounds for appeal that were presented and the outcome of the panel.
47. The decision of the Appeals Panel is final.
48. The original complainant will also be informed of the outcome of the Appeals Panel.

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