

Code of Conduct and Disciplinary Procedures

This policy provides guidelines to recognising unacceptable behaviour, to creating an inclusive and friendly environment, and to the complaints and disciplinary procedure relating to bullying and harassment.

Statement of Intent

The UCC Clubs Executive acknowledges the rights of all students, coaches and affiliated members to participate in activities in a secure and friendly environment. Bullying or harassment of any kind is unacceptable in UCC Clubs. The guidelines below apply to all Clubs and to the UCC Clubs Executive. It is the responsibility of the members of all Clubs as well as the Clubs Executive and Department of Sport and Physical Activity to implement the policy, as well as the policies outlined by the University including the Student Charter, Duty of Respect and Right to Dignity Policy and the Student Rules. Each club should have an anti-bullying policy outlined in its written constitution.

Definitions

Harassment is defined as “unwanted conduct” which is related to gender; civil status; family status, for example, as a parent of a child; sexual orientation; age; disability; race; religious belief; and/or membership of the traveller community. The “unwanted conduct” includes spoken words, gestures or the production and display of written words, pictures and other material. It has the effect of violating a person’s dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Bullying is defined as unwanted negative behaviour, verbal, psychological or physical, conducted by an individual or group against another person (or persons) and which is repeated over time. Placing a once-off offensive or hurtful public message, image or statement on a social network site or other public forum where that message, image or statement can be viewed and/or repeated by other people

is also regarded as bullying behaviour. Bullying can occur at any age, in any environment, and can be long or short-term.

Recognising Bullying

1. Harassment can include unwelcome physical contact, inappropriate looks, comments or suggestions, interfering with or damage to property, threats or extortion, comments, gestures, jokes or displaying or circulating offensive material, hostile attitudes, practices or structures which discriminate against an individual or group of persons.
2. Sexual harassment can include sexual comments and/or suggestions including comments about sexual orientation, unwanted physical contact, verbal or physical advances, requesting sexual favours, asking about someone's sexual preferences, fantasies or activities, asking someone about their sexual orientation in an aggressive manner, asking someone their gender identity in an aggressive manner, repeatedly asking for a date after someone has expressed lack of interest, unwelcome patting, hugging or touching someone's body, hair or clothing, making comments, jokes, sexual innuendo, or displaying or circulating offensive and/or pornographic material, or making disparaging remarks to someone about their gender or body.
3. Physical bullying can include pushing; kicking; hitting; pinching; physical abuse or threats of abuse to an individual or an individual's property; unreasonably blocking someone's progress or advancement; graffiti; and mess fights used to disguise inflicting pain.
4. Emotional bullying can include name calling; verbal abuse; sarcasm; spreading rumours; public reprimands, rages or insults; unwarranted or constant criticism; persistent emotional torment through ridicule, humiliation or constant ignoring of certain individuals; manipulation of someone's reputation; undermining an individual's work or self-esteem; aggressive or intimidating behaviour towards an individual; social exclusion or isolation; and preventing someone from speaking.

5. Cyber bullying is a strain of bullying which utilises web pages, emails and text messages to abuse, intimidate and attack others directly or indirectly i.e. rumour mongering.
6. Some symptoms or signs of bullying can include unexplained physical injury, headaches, stomach aches, stress, sleeping or eating disorders, reduced ability to concentrate, lowered academic achievement, lack of motivation or energy, poor or deteriorating performance, anxiety, isolation, loss of confidence and self esteem, change in behaviour (may become fearful, aggressive, or withdrawn), depression, panic attacks, nervous breakdown, and attempted suicide.

Training, Competition, Events, and Trips

All students, coaches and affiliated members should be able to attend trainings, competitions, social and fundraising events and club trips without the fear of harassment or bullying. As sport can naturally create a competitive environment, it is particularly important that competitive behaviour does not become behaviour which may be considered harassment or bullying in nature. The creation of a safe, secure and friendly environment should be of utmost importance to club committees.

Trips away for competition or intensive training provide opportunity for members to have fun and engage in new experiences. However, this does not mean that the rules laid out in this policy are not to be followed or don't apply. This policy is applicable to all trainings, competitions, events and trips hosted or attended by the club. At competition and events and on trips away it is important to remember that you are representing both UCC and your club.

Complaints Procedures

1. It is the responsibility of all students, coaches and affiliated members to report any bullying observed to either the club welfare officer, a member of the club committee, a member of the Clubs Executive Committee or Department of Sport and Physical Activity. Complaints must be made in good faith.
2. For minor infractions, the situation will be dealt with by the relevant club and the Clubs Executive Committee. In the first instance, the

complainant and the respondent will be met by a member of the Clubs Executive Committee or Department of Sport and Physical Activity and a representative of the club, following which a reconciliation meeting between the two parties may be considered. The aim of this process is to reach an informal resolution. It is not the primary aim to ascertain whether a breach to the Harassment and Bullying Policy has occurred but rather, in a non-confrontational way, to attempt to restore a relationship between the parties such that the matter of concern can be resolved to the satisfaction of both parties and without attributing blame or fault. An informal resolution could comprise, for example, of an apology from the person against whom the complaint was made, agreement by the person complained of that the conduct will not be repeated, or an explanation to the complainant about what occurred from the point of view of the person complained about which dispels the complaint.

3. For major infractions or where the situation has not been resolved, the offence may be reported to UCC Campus Watch. The Campus Watch Committee (CWC) will evaluate the complaint and may address it, or where it is being assessed as being of a potentially serious nature and outside the role of the CWC, it may be reported to the Discipline Committee. The Discipline Committee may, after considering the situation, attempt to resolve the matter or report it to the Gardaí and, where appropriate, the Registrar and Senior Vice President Academic. The details of the procedures undertaken by the CWC and the Discipline Committee can be found in the Student Rules.
4. In the case of a complaint being made against a member of a Club Committee, the complaint can be made to either the welfare officer or another member of the relevant club committee, or a member of the Clubs Executive Committee or Department of Sport and Physical Activity. The matter will be dealt with as above, first being heard by the Club and Executive Committees and Department of Sport and

Physical Activity and then being referred to the CWC if necessary.

The Clubs Executive Committee has the power to suspend any member of the Clubs Executive for such a time as it thinks proper, on grounds which it thinks sufficient, following a majority vote of the Clubs Executive Committee. The member faced with such suspensions has the right to plead his case.

5. The Clubs Executive Committee has the power to suspend any members of the Clubs Executive for such a time as it thinks proper on grounds which it thinks sufficient, provided that it has the support of at least 2/3 of the members of the Clubs Executive Committee. The member faced with such suspensions has the right to plead his case in the first instance to the Clubs Executive and, in the case that the decision remains, to the Academic Council for Student Experience.
6. The Clubs Executive Committee has the power to suspend or expel an offending party from a club committee on grounds which it considers sufficient, following a majority vote of the Clubs Executive. The individual in question has the right to plead its case.
7. In the case of the CWC or Discipline Committee carrying out an investigation on a club committee or executive committee member, the offending individual shall be temporarily suspended from their committee and barred from attending club events.
8. Both the Respondent and the Complainant shall have the right to appeal any decision made by the Clubs Executive Committee, Department of Sport and Physical Activity, CWC or Discipline Committee.

Appeals

In the case of a decision being made by the CWC or Discipline Committee, the appeal should follow the procedure outlined in the Student Rules.

In the case of a decision being made by a Club Committee, this can be appealed to the Clubs Executive Committee or Department of Sport and Physical Activity.

In the case of a decision being made by the Clubs Executive Committee or Department of Sport and Physical Activity, the appeal will be heard by the Court of Appeal. The Court will be composed of all the Captains and members of the Clubs Executive. In order for a meeting of the Court to be convened, the party needs to have 20% of Captains sign a form stating that they agree that the case should be heard. The Court will be chaired by a Students Union Sabbatical Officer who was not involved in the original decision. Quorum will be 50% of eligible members. In the case of the Court of Appeal meeting, a Clubs Executive representative explains to the Captains why the decision was made (up to 5 minutes), the aggrieved party involved explains why they disagree with this decision (up to 5 minutes), and both parties are questioned. A vote follows, where a simple majority will be required for a decision to be overturned.

Confidentiality

Statements, letters and other communications shall be confidential to those involved in procedures arising from this policy to the greatest extent possible, compliant with the entitlement of the complainant and respondent to full disclosure to them of all relevant documents. Both parties involved will be informed of the necessity of confidentiality, as will any other individuals involved in the situation, including other club members. In the case of a complaint proceeding to UCC Campus Watch or beyond, a commitment to confidentiality remains, as outlined in the Student Rules and the Duty of Respect and Right to Dignity Policy.

It is recognised that making a complaint may be difficult. However, in order to ensure fairness to the respondent and preserve due process, the Clubs Executive Committee and Department of Sport and Physical Activity will be reluctant to accept anonymous complaints. It is up to the discretion of the Clubs Executive Committee and Department of Sport and Physical Activity whether an anonymous complaint should be investigated or not.