Executive Brief

Sets out the principles and Regulations to be followed in cases of Student misconduct, including instances of misconduct which do not take place on University property.
Section 8: Student Conduct

8.1 Introduction

8.1.1 These Regulations apply to all Registered Students, students on Leave of Absence, students with Thesis Awaited Status, External Resit Students, and Graduands ("students").

Under these Regulations the University has the power to discipline and to suspend or require students to withdraw. Once disciplinary proceedings have been instituted against a student under these regulations, no disciplinary action may be taken against the student under other disciplinary rules or Regulations within the University for the same misconduct, and for these purposes, suspension or removal of a Registered Student or Sabbatical Officer from a University committee is not disciplinary action in itself and can be implemented without constituting disciplinary action.

The University reserves the right to refuse to accept a student's request to withdraw from the University pending the investigation and completion of proceedings commenced in relation to Regulation 8.2.1. If a student withdraws from the University during the course of an investigation commenced under this Regulation, the University reserves the right to continue with the investigation and report the alleged offence to the Head of College for consideration by the College Misconduct and Fitness to Practise Committee.

8.1.2 The following Regulations and Codes of Practice also apply and should be followed where applicable:

(a) Misconduct and Fitness to Practise Committees;
(b) Student Attendance and Reasonable Diligence;
(c) Academic Integrity;
(d) Freedom of Speech on Campus.
(e) Health, Wellbeing and Fitness to Study
(f) Library Regulations

8.1.3 Students registered for a programme which the programme requirements define as a Fitness to Practise programme are subject to Fitness to Practise procedures.

8.1.4 All investigations carried out under this Regulation shall be carried out in accordance with the guidelines approved from time to time, by Senate or its delegated authority.

8.1.5 An incident which may constitute a criminal offence will normally be reported to the police. The University will review the incident and, determine whether any action should be taken under University Regulation Section 8 (Student Conduct), regardless of whether or not the incident is investigated by the police and/or results in a conviction.

8.2 Disciplinary Offences
8.2.1 Any student shall be subject to disciplinary measures if they are found to have breached the disciplinary offences as defined below:

(a) any breach of any University Statute, Ordinance, Regulation, Code of Practice or Code of Professional Conduct and Fitness to Practise;

(b) substantial obstruction of, or substantial improper interference with, the functions, duties or activities of any student or member of Staff of the University, or any visitor to the University;

(c) violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;

(d) harassment of any student or member of Staff of the University, or any visitor to the University;

(e) fraud, deceit, deception or dishonesty in relation to the University or its Staff, students or visitors;

(f) theft, misappropriation or misuse of University property, or the property of the University’s Staff, students or visitors;

(g) misuse or unauthorised use of University premises;

(h) damage to University property, or the property of the University's Staff, students or visitors, caused intentionally or recklessly;

(i) action likely to cause injury or impair safety on University premises;

(j) Academic Misconduct” means Plagiarism (when judged serious by the Academic Unit, as specified in the Code of Practice on Academic Integrity or by a College Misconduct Committee or College Fitness to Practise Committee), actions which constitute an examination irregularity (as described in Regulation 7.2.3 (d) and the Code of Practice on Taught Programme and Module Assessment) or other actions or conduct by a student, or students, in exams, assessed work, or other work required for academic progress, which intentionally or otherwise gives or has the potential to give a student an unfair advantage or benefit, whether successful or not.

(k) failure to respect the reasonable exercise of the rights of others to freedom of belief and freedom of speech;

(l) failure to disclose identity (i.e. name, University ID number, address and Principal Academic Unit at the University) to a member of Staff of the University and/or obscuring or attempting to disguise identity so that it cannot be ascertained by a member of Staff of the University in circumstances in which it is reasonable to require that such information be given;

(m) causing nuisance by the distribution of advertising materials on University premises without specific permission either by mounting posters on notice boards, or mounting posters on any other surface, or by distributing
unsolicited leaflets to individual rooms or via pigeon holes in residences or Principal Academic Units, or by handing leaflets to passers-by on University premises;

(n) conduct (wherever occurring) resulting in the student receiving a formal police caution, community resolution order or other penalty imposed by the police, notwithstanding that the student is not subsequently charged or convicted of an offence;

(o) conviction of a criminal offence by any court of competent jurisdiction;

(p) conviction of a breach of military discipline by due process of military law;

(q) conduct (wherever occurring) likely to bring the University into disrepute or adversely affecting other members or Staff of the University whether or not the student has been convicted of a criminal offence in respect of that conduct;

(r) divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University’s Public Interest Disclosure Procedure or is required by law);

(s) breach of any fiduciary duty or obligation of trust or confidence owed to the University arising from holding office or membership of any University committee;

(t) behaving in an inappropriate or unacceptable manner during or in connection with attendance at or conduct of a meeting of a University committee.

(u) the possession, storage, sale, use or misuse of a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time) on University property;

(v) failure to comply with any sanction imposed under University disciplinary procedures;

(w) failure to comply with any sanction imposed under the formal disciplinary procedures of the Guild of Students;

(x) contempt of the University’s discipline procedures by failure to co-operate with the University’s discipline authorities or otherwise.

8.3. Initial Procedure

8.3.1 Every alleged offence shall first be investigated by the Investigating Officer, who shall be the Academic Registrar or their nominee. Where the allegations relate to plagiarism or students on programmes subject to Fitness to Practise procedures, the Investigating Officer shall be nominated by the Head of College (or delegated authority). Where the alleged offence relates to a Sabbatical Officer, the Investigating Officer shall be a Head of a College (or delegated authority) nominated by the Academic Registrar. Where the alleged offence relates to discipline in residences, the Investigating Officer shall be the Student Village
Manager or their nominee.

8.3.2 The student will be informed of the allegation(s) in writing and invited to attend a meeting with the Investigating Officer. The Student may be accompanied by a Friend, as defined in Regulation 1. For students registered on a Fitness to Practice programme, in accordance with any programme requirements, the Investigating Officer may present their findings to a decision-maker who is appointed by the Head of College or their nominee. If the Investigating Officer or decision-maker decides that there is a case to answer and if the student admits the alleged offence, the Investigating Officer or decision-maker may, with the consent of the student, then decide to deal with the matter summarily by:

(a) reprimanding the student; or

(b) imposing a fine subject to a maximum to be determined by the Senate or under delegated authority from time to time; or

(c) determining that the student undertakes Community Service, the details of which must be specified before consent is solicited (save that this cannot be applied in respect of a Registered Student who is under the age of 18 at the date on which such consent would be solicited); or

(d) accepting an undertaking from the student as to their behaviour or to engage with appropriate student support and/or remedial tuition.

(e) a requirement that the Student make good any damage as determined by the University;

(f) in relation to a Student not living in the University Residence but who has committed an offence when visiting or using the facilities of the University Residence, an exclusion from any specified University Residence(s) for a period not exceeding 12 months.

8.3.3 Where the alleged offence relates to discipline in University residences, before imposing a fine by way of summary penalty, the Investigating Officer must enquire of the Student whether any exceptional financial circumstances should be taken into account and may as a consequence authorise payment of the fine by instalments in accordance with a payment schedule.

8.3.4 A record of all such decisions and summary penalties shall be kept by the Investigating Officer and should be taken into account in any subsequent proceedings under this Regulation. A record of this decision should also be communicated to the student.

8.3.5 The Investigating Officer shall report the alleged offence in writing to the College Misconduct and Fitness to Practise Committee in the following instances:

- If the student denies the allegation;
- If the student does not wish the matter to be dealt with as a summary offence;
- If the Investigating Officer or decision-maker deems the offence more serious than a summary offence; or
- If the allegation is of serious plagiarism which has become a student conduct case under the Code of Practice on Academic Integrity.
8.3.6 If the student is referred to a College Misconduct and Fitness to Practise Committee in accordance with clause 8.3.5 above then the matter will be dealt with as a non-summary offence.

8.3.7 A College Misconduct and Fitness to Practise Committee shall be convened according to the Code of Practice on Procedures for Misconduct and Fitness to Practise Committees.

8.4 Suspension from Placements

8.4.1 Where there is a reasonable suspicion that a student:

(a) may have a medical illness or condition, including but not limited to, alcohol, drug and substance abuse, which in the judgement of the Academic Registrar, or the Head of College or their nominee renders him or her a possible danger to themselves or to others with whom they will come into contact whilst attending a placement; or

(b) may have committed a disciplinary offence under Regulation 8.2; or

(c) may otherwise have behaved in such a way that the placement provider is not willing to continue to provide the placement,

then the Academic Registrar, or the Head of the College or their nominee may suspend the student from attending placements until the investigation has been completed and the student’s case has been heard by the College Misconduct and Fitness to Practise Committee, if applicable. The decision to suspend the student will be taken in consultation with the current placement provider (where appropriate). In the case of suspension under (a) above, the decision must be taken in consultation with the University Medical Officer or their nominee, and where the Student is not following a fitness to practise programme the matter should be dealt with as a Level 3 Serious/Persistent Concern in accordance with the Code of Practice on Health, Wellbeing and Fitness to Study. The University may consult with the student’s prospective placement provider, where appropriate.

8.5 Temporary Exclusion or Suspension of Students on Health Grounds

8.5.1 The Academic Registrar or their nominee may, due to concerns over a student’s health, suspend a student and/or require that student to cease attendance on the programme and/or debar any student from use of University facilities, entry to the whole or any part of the University premises, or to University property situated elsewhere.

(a) in relation to students other than those following a fitness to practise programme, in accordance with the Code of Practice on Health, Wellbeing and Fitness to Study;

(b) in relation to students following a fitness to practise programme in accordance with these Regulations,

8.5.2 The Academic Registrar’s decision under 8.5.1 above must be taken in consultation with the student’s Head of College and the University Medical Officer and shall be reviewed from time to time. The student has the right to make
representations at any time during the period of suspension.

8.6 Temporary Exclusion or Suspension of Students on Grounds of Misconduct

8.6.1 Where there is a reasonable suspicion that a student has committed a serious or significant disciplinary offence or has been accused of, charged with or is being investigated by the police for a serious or significant criminal offence, the Academic Registrar or their nominee may:

(i) temporarily suspend the student and/or:

(ii) require that the student temporarily ceases attendance on the programme; and/or

(iii) temporarily debar the student from use of some or all of University facilities; and/or

(iv) temporarily debar the student from entry to the whole or any part of the University premises, or to University property situated elsewhere.

8.6.2 The Academic Registrar’s decision in 8.6.1 above shall normally be taken in consultation with the relevant Head of College unless it is considered that there is an immediate danger to the student or other members of the University or to other persons with whom the student will come into contact, in which case the Academic Registrar or their nominee may suspend the student with immediate effect.

8.7 Review of Suspension or Temporary Exclusion

8.7.1 Under Regulations 8.4 and 8.6, suspension from placements or temporary exclusion or suspension of students on grounds of misconduct shall be reviewed from time to time and the student will have the right to make representations at any time during these periods. Suspensions and temporary exclusions under Regulations 8.4 and 8.6 shall normally continue until the relevant investigation has been completed and, if applicable, the student’s case has been heard by a College Misconduct and Fitness to Practise Committee, provided that it shall not exceed three months.

8.7.2 Under Regulation 8.5, any temporary exclusion or suspension on health grounds in relation to a student following a fitness to practise programme, shall continue until the student's case has been heard by the College Misconduct and Fitness to Practise Committee, if applicable, provided that such temporary exclusion or suspension shall not normally exceed three months.

8.7.3 Under Regulations 8.4, 8.5 and 8.6, subsequent periods of temporary exclusions or suspensions, each not exceeding three months, may be imposed if a hearing is delayed to take account of some external event or circumstance.

8.8 General Provisions

8.8.1 A record of all proceedings shall be kept by the Secretary to the College Misconduct and Fitness to Practise Committee, but no reference to the record shall be made in the student’s personal file, except as permitted by this Regulation and the Code of Practice on Procedures for Misconduct and Fitness to Practice Committees.

8.8.2 Failure to comply with any sanction, condition, or compensation order imposed by
the Committee shall be dealt with by reference of the case to the Academic Registrar or their nominee, or the Head of College for Students registered on Fitness to Practise programmes) to decide whether to refer the matter back to the College Misconduct and Fitness to Practise Committee or for consideration as a separate disciplinary offence as per clause 8.2.1 (x) above.

8.8.3 The University has a duty to refer to the Independent Safeguarding Authority any information about a student’s conduct where such conduct gives rise to concerns about harm or the risk of harm to children or vulnerable adults.