
Senate Regulation 11: Regulations governing student conduct and discipline

Part A: Regulations on Non-Academic Misconduct

- 11.53 Non-academic misconduct includes any act or behaviour that is detrimental to a member of staff, student or visitor to the University, its property, interests or to the reputation of the University.
- 11.54 With respect to interpersonal misconduct, these Regulations apply to allegations made about student members of the University.
- 11.55 If a reporting student makes an allegation about a member of staff, the allegation will be considered through the University's staff disciplinary procedure with support provided to the student through the Case Management Protocol.
- 11.56 A report made about a student from an individual who is not a member of the University will be considered as far as is reasonable or practicable.
- 11.57 Students are required to comply with the University's conduct requirements outlined in the Code of Conduct (outlined in section 11.13) Examples of non-academic misconduct are detailed below, but this list is not exhaustive and the University may investigate any act that its view constitutes misconduct:
- Conduct that may constitute a criminal offence
 - Failure to declare a conviction when required to do so
 - Causing or threatening physical harm
 - Violent behaviour of any kind, for example punching, kicking, slapping, biting
 - Indecent or offensive behaviour or language expressed in any way, including verbally, in writing, through messaging services or on social media or physically
 - Sexual misconduct through unwanted behaviour of a sexual nature
 - Abusive, disorderly, threatening or stalking behaviour, expressed in any way whether physically, through messaging services or on social media
 - Harassment or unwanted behaviour on the grounds of race, disability, ethnicity, gender, sexual orientation, gender reassignment, age, religion, or belief
 - Bullying
 - Coercion
 - Organising or participating in initiation activities
 - Producing, consuming, possessing or supplying controlled or illegal substances
 - Producing or supplying new psychoactive substances
 - Damaging or defacing University property
 - Smoking inside University premises
 - Vandalism
 - Disruptive behaviour on University premises

- Stealing from the University or any other party
- Action likely to cause injury through reckless behaviour
- Attending teaching under the influence of alcohol or drugs
- Action compromising health and safety, for example setting off fire alarms or extinguishers or obstructing access to rooms or buildings
- Unauthorised access to property or facilities
- Unauthorised use or misuse of property or facilities
- Misuse of IT facilities which may include internet access abuse such as visiting inappropriate websites, uploading/downloading inappropriate content or propagation of computer viruses
- Fraud, deceit, deception or dishonesty in relation to any activities of the University; for example, submitting fraudulent documentation to gain advantage, such as submitting fake certificates or transcripts to gain a place at the University or fraudulent evidence in support of a claim for mitigating circumstances
- Making accusations against staff or students maliciously, in bad faith or making accusations which are vexatious
- Making false accusations against staff or students, where there are reasonable grounds to demonstrate that these were malicious or made in bad faith
- Actions which may or do bring the University into disrepute
- Misuse of a student ID card, for example allowing another person to use the card or allowing another student to use it to record attendance for the cardholder at a teaching event
- Failure to comply with measures in place to respond to COVID-19
- Failure to comply with a previously imposed sanction under these Regulations

11.58 Allegations of sexual misconduct will be considered under these Regulations and in accordance with the Policy on Sexual Misconduct.

11.59 If, during the course of dealing with an individual matter, information comes to light that suggests further alleged misconduct by the reported student under investigation, the University will normally deal with the additional misconduct allegation separately under these Regulations.

Disciplinary Procedures for Non-Academic Misconduct

11.60 Allegations of misconduct will be actioned by the Student Conduct Team on receipt of a Misconduct Formal Reporting Form.

Initial Consideration Stage

11.61 Initial consideration of the case is made by the Academic Registrar or nominee, who may determine:

- a) To dismiss the case;
- b) To refer the case to the Major Misconduct Review Group (MMRG), in cases of major misconduct;

- c) To refer the case to a Student Conduct Officer for follow-up, in cases of non-major misconduct.
- 11.62 Allegations of major misconduct, as defined above, will be referred to the Major Misconduct Review Group to review, any recommended precautionary measure(s) and next appropriate steps as set out by the Cause for Concern Group.
- 11.63 Following review, the Major Misconduct Review Group will normally refer allegations to a Student Conduct Officer to undertake a full investigation.
- 11.64 Allegations of misconduct of a non-major nature will normally be investigated by a Student Conduct Officer, who upon completion of the investigation may:
- a) recommend imposing a sanction for consideration by the Academic Registrar or nominee;
 - b) where this is not considered appropriate, refer the case for full investigation and subsequent consideration by a Student Discipline Panel.
- 11.65 The University will offer appropriate support to all students involved in a student discipline investigation.

Investigating Stage

- 11.66 A Student Conduct Officer will undertake an initial review of the documentation to ensure that they have all the information to start the process as articulated in the Procedures for the Investigation and Consideration of Non-Academic Misconduct.
- 11.67 Interviews will normally form part of the investigation process.
- 11.68 Students may bring a friend or representative to the meeting, who may not be a qualified member of the legal profession.
- 11.69 Students are required to cooperate with an investigation and, where appropriate, are expected to provide evidence in a timely manner.
- 11.70 If a student refuses to attend an interview, the Student Conduct Officer will proceed with the case taking account of all the available evidence.
- 11.71 On conclusion of their full investigation, the Student Conduct Officer will produce a written report that includes all relevant documentation and findings. This will include a recommendation on whether the case should proceed to consideration by a Student Discipline Panel.
- 11.72 In cases of major non-academic misconduct, if the Student Conduct Officer's findings are that there appears to be insufficient evidence to progress the case to a Student Discipline Panel, the report will be referred to the Major Misconduct Review Group for further consideration. The Group may:
- a) Dismiss the case due to lack of evidence;
 - b) Refer the case to a Student Discipline Panel.
- 11.73 If the case is dismissed by the Major Misconduct Review Group, the reported student will be notified in writing by the Student Conduct Team.

Discipline Panel Stage

- 11.74 Student Discipline Panels are appointed from the membership of the Senate Student Discipline Committee and from a wider group of trained academic and professional services staff and

representatives of the Students' Union approved by the Committee to act in this capacity.

- 11.75 A Chair will be appointed for each panel from an approved group of Chairs who have been trained to undertake the role in relation to the type of misconduct under consideration.
- 11.76 Each Panel will consist of three members, one of whom will act as Chair, all of whom are impartial and will have undertaken appropriate training. A Students' Union Sabbatical Officer may be a member of the Panel depending on the nature of the case under consideration.
- 11.77 Additional panel members may be appointed at the discretion of the Chair of the Senate Student Discipline Committee according to the nature of the case under consideration and, if necessary, where particular expertise is required.
- 11.78 Students will be notified of their required attendance at a Student Discipline Panel in writing at least five working days before the scheduled date.
- 11.79 The reported student is required to attend the hearing and it is expected that this will usually be in person, except in cases where the Chair of the Panel has agreed that attendance may take place by alternative means.
- 11.80 In the event that a reported student does not attend the panel hearing and has not notified the Secretary in advance, the Chair will determine whether on the basis of the evidence available to it, the Panel can proceed and reach a decision in the student's absence, or whether the Panel should adjourn.
- 11.81 Students will be advised that they may be accompanied by a friend or representative at the panel hearing. Student Discipline Panel hearings are internal University proceedings not legal proceedings, students will not normally be permitted to be accompanied by a qualified member of the legal profession.
- 11.82 The Panel will be conducted in accordance with the procedures articulated in the Procedures for the Investigation and Consideration of Alleged Non-Academic Misconduct.
- 11.83 On conclusion of the hearing, the Panel will determine in private session whether or not the allegations of misconduct against the student have been proven on the balance of probabilities and, if proven, determine the imposition of any sanctions.
- 11.84 A decision, with reasons, will be notified to the reported student, in writing normally within five working days of the date of the Panel hearing, along with their right to appeal the decision.

Appeals against the outcome of Student Discipline Panels

- 11.85 Reported Students may submit an appeal in writing against the decision of the Authorised Officer or Student Discipline Panel within ten working days of the date of notification of its decision. Such appeals should be submitted to the Academic Registrar or nominee.
- 11.86 Appeals may be submitted on one or more of the following grounds that:
- a) there was a procedural irregularity in the consideration of the case by the Authorised Officer or Student Discipline Panel;
 - b) evidence available to the Authorised Officer or Student Discipline Panel was not fully considered;
 - c) there was prejudice or bias in the conduct of the Authorised Officer or Student Discipline Panel;
 - d) the decision was unreasonable;
 - e) the sanction imposed was excessive;

- f) that there is new material evidence that for good reason was not available for consideration by the Authorised Officer or Student Discipline Panel.
- 11.87 Appeals will be reviewed by the Academic Registrar or nominee hereby known as the 'designated member' approved by the Senate Student Discipline Committee to determine whether there are eligible grounds for appeal and whether the appeal should be referred for further consideration by a panel and member of the Senate Student Discipline Committee.
- 11.88 Where grounds for appeal are not determined, the designated member will notify the student that it is not eligible for consideration and will issue notification that this concludes the University's process.
- 11.89 In such cases, a Completion of Procedures letter will be issued, notifying students of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if it is eligible under its scheme, within twelve months of the notification.
- 11.90 Where eligible grounds for appeal are determined, an Appeals Panel will be convened to hear the appeal. In certain circumstances where there is evidence that there was procedural irregularity in the consideration of the case or that the penalty was excessive, the designated member will take action to remedy the procedural irregularity or to reduce the penalty. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal within the University.
- 11.91 In cases of interpersonal misconduct, reporting party(s) are unable to appeal the outcome of the panel, unless specified otherwise in a Policy supporting these regulations. The primary reason for this is that panel proceedings consider cases in which the reported student and University are the parties to the hearing, and reporting student(s) are normally present in the position of witness.

Student Discipline Appeals Panel

- 11.92 An Appeals Panel will be established comprising three members who are impartial, appointed from the Senate Student Discipline Committee.
- 11.93 Appellants will be notified in writing at least five working days before the date the panel is to be held and invited to attend.
- 11.94 The appellant and Panel members will receive the same set of documentation relating to the case.
- 11.95 Appellants will be advised that they are required to attend, but in the event that they do not attend the panel hearing and have not notified the Secretary in advance, the Chair will determine whether on the basis of the evidence available to it the Panel can proceed and reach a decision in the student's absence.
- 11.96 Appellants will be advised that they may be accompanied by a friend or representative at the panel hearing. Student Discipline Panel hearings are internal University proceedings not legal proceedings, so students will not normally be permitted to be accompanied by a qualified member of the legal profession.
- 11.97 A Student Discipline Appeal Panel hearing will be conducted in accordance with the procedures articulated in the Procedures for the Investigation and Consideration of Alleged Non-Academic Misconduct.
- 11.98 The Chair may make such adjustments to the procedures they consider reasonable to ensure a fair hearing.
- 11.99 On conclusion of the hearing, the Student Discipline Appeal Panel will determine in private session whether the appeal is upheld or dismissed in whole or in part and any outcome to be imposed. The decision, with reasons, will be notified to the student in writing normally within five working days of the date of the Panel hearing.

11.100 On conclusion of its consideration of a case a Student Discipline Appeal Panel may determine one of the following outcomes:

- confirm the outcome of the original decision of the Student Discipline Panel;
- revise the sanction imposed to a lower sanction;
- conclude that the original outcome was unsafe and should be overturned and any sanction removed.

11.101 The Student Discipline Appeal Panel outcome concludes the University's process and a Completion of Procedures letter will be issued to students, notifying them of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if it is eligible under its scheme, within twelve months of the notification.

Sanctions

11.102 The sanctions detailed in the table below can be imposed where a student is found to have breached the University's Regulations with respect to non-academic misconduct.

11.103 In reaching their decision on appropriate sanctions following a determination that the non-academic disciplinary allegations against a student have been proven, the Academic Registrar (or nominee) or Student Discipline Panels will consider the individual circumstances of each case. The following factors and any others considered relevant may be factored into determination of the sanction for.

Potential Mitigating Factors

- Early admission of the breach of regulations and willing cooperation with the investigation
- Genuine remorse for actions and the effect such actions have had on others
- Significant provocation

Potential Aggravating Factors

- Failure to respond to previous warnings and/or a record of previous breaches of the regulations
- Behaviour was motivated by or demonstrated hostility to someone with a protected or presumed protected characteristic
- Misconduct was planned
- Misconduct involved personal gain
- Failure to respond to warnings or concerns expressed by others
- Acting under the influence of drugs or drinks
- Use of a weapon
- Use of violence
- Deliberate damage to property
- Abuse of a position of trust

- Serious physical or psychological effect on the victim whether intended or not
- Intention to degrade a victim

Potential Sanctions

Sanction	Authorised to impose
Reprimand	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Formal Written Warning	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Written Apology to those affected by the misconduct	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Requirement to attend or complete training/personal development/educational resources	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Requirement to pay for damages	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
A fine (£50 - £1000)	Academic Registrar or nominee (up to £250), Student Discipline Panel
Suspension of specific academic and/or non-academic privileges	Academic Registrar or nominee, Student Discipline Panel
Enforcement of No-Contact Order(s) with other named student(s)	Academic Registrar or nominee, Student Discipline Panel
Exclusion from Degree Congregation	Student Discipline Panel
Exclusion from specific buildings/use of facilities for a fixed period	Student Discipline Panel
Suspension from the University for a fixed period	Student Discipline Panel
Permanent exclusion from the University (i.e. expulsion)	Student Discipline Panel or the Academic Registrar in the case of criminal conviction
Prohibited to re-apply to the University	Student Discipline Panel
Revocation of University award	Senate