
Senate Regulation 11: Regulations governing student conduct and discipline

Introduction

What is Senate Regulation 11?

- 11.1 These Regulations explain the University's requirements with respect to student conduct and behaviour and the action the University will take when students breach those requirements.
- 11.2 The University is authorised to implement student disciplinary regulations in accordance with Ordinance 23, which gives Senate the power to suspend, exclude or expel a student or to impose other sanctions as appropriate in accordance with the Student Conduct and Discipline Regulations. Senate also has the authority to revoke an award of the University where there is good cause.
- 11.3 These Regulations set out what constitutes misconduct and the sanctions the University may apply when, following investigation, students are found to have breached its Regulations.
- 11.4 These Regulations deal with the following two types of misconduct: (A) non-academic misconduct= and (B) academic misconduct

Application of the Regulations:

Who do these regulations apply to?

- 11.5 These Regulations apply to all students who have entered into a contract with the University under the Terms & Conditions of Offer, including students in suspense of studies.
- 11.6 In certain circumstances, these Regulations may apply to an applicant who has accepted an offer to study at the University or to a student's actions before they registered with the University, where their behaviour would put them in breach of the Regulations.
- 11.7 The Regulations may also apply to former students of the University, for example, where there is evidence that they obtained an award of the University through fraudulent means. Where major academic misconduct is proven this can lead to an award being revoked.
- 11.8 If a student withdraws from the University before, during or following investigation into alleged misconduct, the University may commence or continue action under these Regulations.
- 11.9 If a student sponsored under the University's Tier 4 UKVI license has potentially breached or is found to have breached the Regulations, including before and during the investigation and this brings their immigration status into question, the matter will be referred to the Academic Registrar or nominee to determine whether the University can continue to sponsor the student.

Fundamental Principles underpinning the Regulations

Why are the regulations important?

- 11.10 The University is primarily an academic community with the principal functions of learning, teaching, and research. Students are members of this community. They study and sometimes work and live in proximity with one another and with other members (including staff). For this community to function effectively and safely, students are required to comply with the University's prescribed standards of conduct.
- 11.11 The University is committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse, and discrimination as detailed in the University's Dignity and Respect Policy. This applies to all students and staff of the University.
- 11.12 The key principles underpinning these Regulations are that:
 - the University will act transparently, impartially, promptly, proportionately, and fairly in implementing these

Regulations and associated disciplinary procedures (including in respect of any investigation into alleged student misconduct);

- the University will provide support as required to students who report or who are reported for alleged misconduct and signpost or refer to specific external services as appropriate;
- the University will make reasonable adjustments in accordance with the Equality Act 2010 to the disciplinary procedures where required to accommodate the needs of disabled students;
- decisions on whether a student has breached the University's standards of conduct will be determined on the balance of probabilities (that it is more likely than not that the alleged misconduct occurred);
- any sanction imposed following a finding that a student has committed misconduct will be proportionate to the nature and extent of the misconduct;
- University disciplinary processes are internal University processes and distinct from the criminal justice system; University procedures can only determine whether its regulations and requirements have been breached and not whether a criminal offence has taken place;
- these Regulations are not designed to deal with or resolve disputes between individual students but, rather, for the University to deal with individual instances of student misconduct and to regulate student conduct and discipline;
- the University may commence or continue with steps under these Regulations, including an investigation or panel hearing, in the absence of the student (including where they have withdrawn or graduated);
- these Regulations do not apply to allegations of misconduct by staff (or to investigations thereof) which will be dealt with under the University's staff disciplinary procedures;
- the University may reconsider previous allegations and take steps under these Regulations, including an investigation or panel hearing, where new evidence not previously available has become known.

Student Code of Conduct

What is expected of students at the University of Leicester?

- 11.13 The University is committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse, and discrimination.
- 11.14 Students are required to behave with respect and courtesy at all times, as such behaviours demonstrated due regard for the feelings and rights of others, and in turn create an environment where dignity can be preserved and enhanced.
- 11.15 Students are required to contribute to ensuring that the University of Leicester is a safe, welcoming, productive, and inclusive environment, which operates within a wider community, and where there is equality of opportunity and valuing of diversity, fostered in an environment of mutual respect and dignity.
- 11.16 Students are required to comply with University and government guidance with respect to measures taken in response to Covid-19 as articulated in Appendix 1.
- 11.17 Students are required to adhere to these Regulations in relation to expected standards of behaviour as follows:
- Students must respect the views and beliefs of others. The University will not tolerate any behaviour which is intolerant of others' views and beliefs, or which incites hatred or aims to coerce others into accepting their views or beliefs.
 - Students are required to adhere to the values of academic integrity and not to engage in forms of academic

misconduct, such as plagiarism, collusion, or cheating.

- Students must not engage in any form of sexual misconduct and the University will not tolerate any such misconduct.
- Students must not use language or behave in a way that is abusive, threatening, or offensive. The University will not tolerate violence, indecency, bullying or harassment in any form.
- Students must respect University property and facilities. The University will not tolerate damage to its assets, or any behaviour that presents a risk to safety on University premises.
- Students must not engage in any criminal or potentially criminal activity. The University will not tolerate theft or fraud, or the possession, supply, or production of controlled substances.

11.18 Detailed examples of misconduct are given in the Regulations on Non-Academic Misconduct (Part A) and Academic Misconduct (Part B).

Confidentiality and Disclosure of Information

Who will be informed about alleged misconduct?

- 11.19 All information considered during the consideration, investigation and determination of alleged misconduct will be treated with due confidentiality and normally only shared as required with those who are involved in the conduct or management of the matter or for the purposes of providing support.
- 11.20 The University will, where it is required to do so by law, disclose any information to appropriate authorities, including the police. The University may also decide to disclose information voluntarily, where it determines it appropriate to do so.

Police/Criminal Investigation and Proceedings

Are Police ever involved in an investigation of student misconduct?

- 11.21 The University may at its discretion refer a matter to the police, taking account of, as relevant and appropriate, the individual circumstances arising in the case (such as the nature, circumstances, and degree of seriousness of the alleged misconduct) and its data protection and confidentiality obligations to relevant individuals.
- 11.22 The University may at its discretion commence, take, or continue with any step or action under the disciplinary procedures set out in these Regulations (including but not limited to investigation, imposition of a precautionary measure or the holding a disciplinary hearing) notwithstanding any prospective or current police or criminal investigation or proceedings in relation to the matter or the University.
- 11.23 The University may also at its discretion postpone, suspend, or stay any step or action in light of such investigation or proceedings. The University will consider matters on a case-by-case basis.
- 11.24 The University may take precautionary measures, where necessary, at any point during or following an investigation, such as suspending or excluding a student or putting in place 'a no-contact order' as a protective measure whilst police or criminal investigations or proceedings are underway.
- 11.25 If a student is acquitted or convicted of a criminal offence the University may take account of this in dealing with a matter under these Regulations, but it is not bound by the outcome of any police or criminal investigation or proceedings.
- 11.26 If at the end of criminal proceedings, a student receives a conviction, the student will not have an automatic right to resume their studies. The University may consider the student's right to resume studies without invoking the University Disciplinary procedure and based on an individual case the Academic Registrar has authority to determine whether expulsion would be an appropriate outcome taking full account of all

circumstances.

- 11.27 In such cases, where a decision is taken to expel, a student will have the right of appeal to the Registrar and Secretary.

Roles and Responsibilities

Who is involved in assessing and deciding on student conduct cases? How are students supported?

- 11.28 The Senate Student Discipline Committee is responsible for the operation and review of policies and procedures relating to student conduct and discipline and for ensuring that Student Conduct and Discipline Regulations are consistently applied across the University.
- 11.29 The Major Misconduct Review Group considers all reported cases of major non-academic misconduct to review risks and decide on initial courses of action. All cases of sexual or violent misconduct are defined as major and will be referred on receipt for consideration by this Group. Other cases that are deemed to be major by the Academic Registrar will be referred to the group on a case-by-case basis.
- 11.30 The President and Vice-Chancellor can exclude a student permanently from the University and may delegate such action to the Registrar & Secretary or the Academic Registrar or nominee.
- 11.31 The Academic Registrar or nominee may determine precautionary measures such as no-contact orders, temporary exclusion orders or temporary suspensions.
- 11.32 Student Conduct Officers are appointed within the Division of Student and Academic Services to support the discipline process and undertake investigations as required and, in cases of non-major misconduct, may make recommendations to the Academic Registrar or nominee on the imposition of sanctions in accordance with published guidance.
- 11.33 The Academic Registrar or nominee undertakes the initial consideration of all cases and may impose sanctions for non-major misconduct following investigation and will review and determine the eligibility of appeals against the outcome of a Student Discipline Panel.
- 11.34 Heads of School and Divisions or their nominees can deal with cases of non-major misconduct in the first instance and if not resolved at this stage, or where not considered appropriate, can decide to refer formally through the student discipline process.
- 11.35 A Plagiarism Officer will be appointed for each School by the Head of School. The role of Plagiarism Officer will be to investigate alleged cases of academic misconduct identified in work submitted for assessment, except invigilated examinations. Where the alleged cheating occurs during invigilated examinations cases will be referred to the Academic Registrar or nominee.
- 11.36 Student Discipline Panels are established by the Senate Student Discipline Committee to consider individual cases of alleged misconduct and recommend sanctions where appropriate.
- 11.37 Student Discipline Appeals Panels are established by the Senate Student Discipline Committee to consider appeals by students against the outcome of Student Discipline Panels.
- 11.38 The Cause for Concern Group is the operational group of University services that meets regularly to ensure high-risk student cases are appropriately supported, managed and risk-assessed. The Group undertakes initial risk assessments and makes recommendations to the Academic Registrar or nominee for any precautionary measures that need consideration.
- 11.39 The Case Management Protocol refers to whenever a supported (disclosing, reporting or reported) student is receiving specific, ongoing support from a member of Student Support Services staff in relation to a particular 'case' or incident. This process begins at the point of disclosure and ends either when the supported student wants it to, or when they cease being a registered student.

- 11.40 Case Workers are trained members of staff with specialist knowledge from Student Support Services with responsibility for discussing the disclosing/reporting/reported students' options with them and enabling the appropriate support to happen for as long as the Case Management Process is in progress. Managing Risk
- 11.41 The University has a duty to manage the risk to students, staff, visitors, and its reputation in relation to the report of any allegation that the Student Conduct and Discipline Regulations have been breached.

Definition: 'Risk Assessment & Review'

- 11.42 A risk assessment may be conducted for any allegation but will be required for all cases of major misconduct, defined as:
- an allegation of sexual misconduct;
 - an allegation of violent misconduct;
 - an allegation that suggests there is a risk of harm to students, staff, or others;
 - an allegation of misconduct that involves the police or other authorities;
 - an allegation that suggests there is a serious risk to the reputation or another aspect of the University.
- 11.43 The risk assessment will be conducted as soon as possible by members of the Cause for Concern Group, for consideration by the Academic Registrar.

Definition: 'Precautionary Measures'

- 11.44 Following consideration of the risk assessment the Academic Registrar can decide: (i) that no action is required; (ii) that an investigation is initiated; and (iii) in some cases introduce or change pre-existing precautionary measures, including:
- A requirement that students comply with certain conditions, for example, having no contact with named students (a 'no-contact' order), this may apply to reporting and reported students in cases of inter-personal misconduct;
 - A requirement that students are not permitted in certain buildings and/or are denied access to certain facilities or services.
- 11.44 A precautionary measure is taken to mitigate risk for all parties concerned and is not a sanction nor a presumption that a student has breached the University's Regulations.
- 11.45 In certain circumstances, where it is deemed necessary to ensure the safety of students or staff and/or protect University property, the University may temporarily suspend or exclude a student for a defined period that will be reviewed on a regular basis, usually at least every four weeks, and can be extended as necessary.
- 11.46 Precautionary measures, one or more of which may be imposed on any student, are defined as:
- Temporary Exclusion Orders, under which a student is excluded from entering some or all University premises, but continues with their academic studies;
 - Temporary Suspension Orders, under which a student is excluded from entering some or all University premises, and suspended from continuing with all or part of their academic studies, including teaching events, assessment, placements, or examinations;
 - No-Contact Orders, under which a student is prohibited from contacting another student(s), physically, verbally or via social media platforms;

- The above measures may also include exclusion from accessing the facilities and societies/groups operated by the Students' Union. In all such cases the agreement of the Students' Union will be sought in advance.

11.45 An initial decision to temporarily exclude or suspend a student or issue a no-contact order will normally be taken by the Academic Registrar or nominee on the advice of the Cause for Concern Group.

11.46 Students can request a review of the decision to issue a precautionary measure, within five working days of the notification. Requests for a review are considered by the Major Misconduct Review Group.

Allied Regulations and Procedures

Including the 'Fitness to Practise' requirement and policies specific to the Students' Union

11.47 The University has published Regulations and procedures for the investigation of the professional conduct of students in relation to fitness to practise on the following programmes: Doctor of Clinical Psychology, MBChB degrees, BSc in Operating Department Practice, PGCE, MSc in Midwifery and Leadership, MSc in Nursing and Leadership, BSc in Physiotherapy, and awards in Counselling.

11.48 Where students registered on one of these programmes are subject to an investigation under the Student Conduct and Discipline Regulations this is likely to raise an issue of concern for the relevant Fitness to Practise Committee. Fitness to Practise Committees may take appropriate precautionary measure prior to the instigation of the disciplinary investigation.

11.49 In such cases the disciplinary process will be concluded first and the relevant Fitness to Practise Committee will then initiate or continue its own procedures. It may take account of the findings of the disciplinary process and any penalties/sanctions imposed.

11.50 Additional policies and procedures relating to student conduct and discipline that apply to specific activities or locations within the University will be approved by the Senate Student Discipline Committee.

11.51 The Students' Union has its own set of policies and procedures which govern student conduct in relation to the activities of the Students' Union. Relevant information from the Students' Union may be obtained to inform a University disciplinary process, with the agreement of the Students' Union and in accordance with the University's Data Sharing Agreement.

11.52 The Senate Student Discipline Committee has authority to review and approve all allied policies and procedures in accordance with the register maintained by the Secretary of the Committee on its behalf.