

# STUDENT CODE OF BEHAVIOUR

Author:	Katie Lavery, Head of Student Affairs
Version:	1.0
Date:	June 2018

## Review/Approval History for this Document:

Version	Author	Date	Version details	Reviewer	Date
1.0	Katie Lavery, Head of Student Affairs	June 2018	Review and update of document, including establishing a review/approval history.	Staff consultation and approval by Academic Board	June 2018

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## 1. INTRODUCTION TO THE CODE OF BEHAVIOUR

### 1.1. Purpose of the Code

- 1.1.1. Nottingham Trent University ("the University") endeavours to create an atmosphere of mutual trust, harmony and respect. Good standards of conduct are necessary for the benefit of all members of the University and for the University's reputation.
- 1.1.2. This Code of Behaviour ("the Code") sets out the standards of behaviour expected from students and the procedures that will be followed if those standards are not met.
- 1.1.3. In applying this Code, the University seeks to comply with all relevant legislation promoting privacy, equality of opportunity and anti-discrimination.

## 2. DEFINITIONS

- 2.1. For the purposes of the Code, in this document the following words and phrases have the meanings indicated:

**"Appeal Hearing"** means the formal meeting at which an appeal against the decision of a Disciplinary Hearing is considered and decided upon by an Appeal Panel;

**"Accused Student"** means a student against whom allegations of misconduct have been made;

**"Appeal Officer"** means a member of staff who considers an Appeal from a student against the decisions made in a case of Minor Misconduct;

**"Appeal Panel"** means those persons, usually two from the University and one from the Student Union, who are appointed to consider an appeal at an Appeal Hearing;

**"Authorised Officer"** and **"Authorised member of staff"** both mean any member of staff who has been authorised by their Dean, Head of Service, or the Deputy Vice-Chancellor, to take action under the Code;

**"Breach of the Code"** and **"Misconduct"** both mean conduct which contravenes and is actionable under this Code;

**"Disciplinary Hearing"** means the formal meeting at which allegations of serious misconduct are considered and decided upon by a Disciplinary Panel;

**"Disciplinary Panel"** means those persons, usually two from the University and one from the Student Union, who are appointed to consider allegations of serious misconduct at a Disciplinary Hearing;

**"Disciplinary Procedures"** means the procedures and processes, described in this Code, which are to be followed in dealing with cases of alleged student misconduct;

**"Investigating Officer"** means the member of University staff who conducts an investigation into a case of alleged student misconduct;

**"Minor Breach"** and **"Minor Misconduct"** both mean conduct which breaches this Code and is classified by the University as Minor Misconduct for the

purposes of the procedures to be followed and the penalties and sanctions which may be applied;

**“Notified Officer”** means a member of University staff to whom allegations of Student misconduct is first reported;

**“Deputy Vice-Chancellor”** (DVC) or other University Executive Team (UET) member who has responsibility for Student Conduct. Where necessary, the DVC may nominate another member of University staff to act on their behalf;

**“Serious Breach”** and **“Serious Misconduct”** both mean conduct which breaches this Code and is classified by the University as Serious Misconduct for the purposes of the procedures to be followed and the penalties and sanctions which may be applied;

**“University premises”** means all buildings and land owned or operated by the University, and for the purposes of applying this Code shall include UPP-managed halls of Residence;

**“University Staff”** means all University employees, UPP employees in UPP-managed halls of residence, and authorised agency staff working on behalf of the University.

### **3. SCOPE OF THE CODE**

#### **3.1. Who is subject to the Code and when does it apply?**

- 3.1.1. This Code applies to all students of the University from enrolment (or arrival in halls of residence, if earlier) up to completion of their course of study at the University (to include the period up to and including attendance at Graduation, or departure from halls of residence, if later).
- 3.1.2. Students on some courses (e.g. in Law, Education, Social Work) are required to be registered with, or accredited by professional bodies, which impose their own professional standards or fitness-to-practice regulations. For avoidance of doubt, this Code is complementary to, and does not replace, those standards and regulations or professional misconduct policies. Misconduct by a student on such a course could therefore result in disciplinary action by both the professional body and the University.
- 3.1.3. The Code applies to students' conduct whether on or off the University's premises, including non-University-related activities and students living in or visiting all student accommodation managed by the University, UPP or privately owned.
- 3.1.4. Under the Code, members of University staff have authority to investigate and take action over instances of alleged student misconduct. This authority derives from the formal relationship between the University and its students. Students are made aware of the Code at the point of acceptance of their university places as well as before or during enrolment and are contractually bound by the Code. It is this contractual relationship that gives the University the power to impose fines and other penalties upon students who are found guilty of misconduct.

### **3.2. Standards of behaviour - How does the University expect its students to conduct themselves?**

3.2.1. Students will be aware of the Nottingham Trent University Student Charter, which is accepted by all students at the point of joining the University. The Student Charter is founded on respect, integrity and clear communications, and captures what the University expects of students. As laid out in the Charter, the University aims to provide a safe and productive learning community in which both staff and students will have the opportunity to develop their career ambitions and fulfil their potential. The Code ensures that the University can act accordingly if a student fails to meet these expectations. The specific behavioural expectations are:

- Treat students and colleagues equally and respectfully, in the spirit of equality and diversity, and creating an inclusive university community.
- Ensure a safe and secure environment in accordance with Health and Safety standards.
- Treat staff and your fellow students with dignity and respect.
- Commit to the terms and conditions of being an NTU student.
- Respect the physical and online environment of the University, including learning, social and living accommodation and behave respectfully towards our neighbours as a responsible member of the local community.
- Familiarise yourself and comply with the University's policies and regulations, including the IS Computer Use Regulations.

The Nottingham Trent Student Charter can be found at:

[http://www4.ntu.ac.uk/current\\_students/resources/student\\_charter/](http://www4.ntu.ac.uk/current_students/resources/student_charter/)

3.2.2. The University encourages all members of the NTU community to be aware of their behaviour and interaction with others, and of the impact this may have. Our community is based upon the principles of respect and consent, and we will not tolerate any form of discrimination on the grounds of: age, disability, gender-reassignment, race, religion, sex, and/or sexual orientation.

More information on Respect and Consent can be found at:

[http://www4.ntu.ac.uk/student\\_services/health\\_wellbeing/respect-consent/index.html](http://www4.ntu.ac.uk/student_services/health_wellbeing/respect-consent/index.html)

For the purposes of clarity, the expected standards of behaviour include all interactions and communications, including social media.

3.2.3. Students are expected:

- To be considerate and respectful to the needs of fellow students, staff, and visitors to the University;
- To respect the University's property and that of others;
- To act as responsible members of the local community and behave as considerate neighbours;

- To comply with reasonable requests or instructions from members of University staff;
- To produce University-issued ID cards for identification purposes when reasonably requested to do so by University staff;
- Not to engage in any conduct which is intended or is likely to disrupt teaching, learning, examinations, recreational activities or any other activities undertaken by or within the University;
- Not to engage in any conduct which adversely affects or puts at risk the safety, welfare or well-being of others;
- Not to damage University property or use it for unapproved purposes;
- Not to engage in any harassment or intimidating behaviour;
- Not to engage in any other anti-social behaviour, including causing excessive noise;
- Not to possess or use, on University premises (including University and UPP halls of residence) any illegal substances or offensive weapons (including replica weapons);
- To conduct themselves appropriately in all forms of communication, including social media.

### **3.3. What constitutes a breach of the Code?**

- 3.3.1. Any behaviour which fails to meet the University's stated expectations (above) in respect of student behaviour, or which interferes with the proper functioning or activities of the University or those who work, study in, or visit the University, or which otherwise damages the University or its reputation can be considered a breach of this Code and can be dealt with in accordance with the procedures and processes set out in this Code.

## **4. OVERVIEW OF THE DISCIPLINARY PROCESS**

### **4.1. Process elements and staff responsibilities**

- 4.1.1. Cases of alleged student misconduct vary in their nature and complexity, but each case has five distinct procedural elements:

**Initial notification** – the reporting of a complaint or allegation of misconduct to an appropriate member of University staff;

**Investigation process** – gathering of relevant evidence and information;

**Decision** – determining whether or not the case is proven, and what penalties and/or sanctions should be applied;

**Appeal** – consideration of any legitimate Appeal (if made) by the Student against the decision;

**Recording** – the maintenance of formal records of student discipline cases and their outcomes.

- 4.1.2. The identity of the members of staff (the Authorised Officers) undertaking

any particular element of the procedures will usually depend upon the location in which the alleged misconduct took place, and the complexity and perceived seriousness of the case.

- 4.1.3. In the event that the Authorised Officer who would normally take action under the Code is unable or unavailable to do so, a suitable replacement can be nominated by the relevant Dean or Head of Service, or the DVC, as appropriate.

## **4.2. Triggering the disciplinary process**

- 4.2.1. Action under the Code is initiated by the University becoming aware of an alleged incident of misconduct, either by:
- A direct report/complaint;
  - An incident/allegation brought our attention by a third party;
  - An incident/allegation we become aware of (e.g. media/social media).
- 4.2.2. Once aware of a possible breach of the code, the Notified Officer shall first consider whether the matter can and should be dealt with under the Code and seek the advice of an Authorised Officer if required.
- 4.2.3. If the Notified Officer considers that the matter falls outside the scope of the Code, or should be dealt with instead through some other relevant procedure or protocol, they shall declare the matter closed for the purposes of this Code and (if appropriate) refer the matter for action under other relevant procedures or protocols seeking advice where necessary.
- 4.2.4. If satisfied that the alleged misconduct does fall within the scope of the Code, the Notified Officer shall consider whether it constitutes Minor or Serious Misconduct. If in doubt on which category applies, the Notified Officer is at liberty to consult with the PVCSA for advice and guidance.
- 4.2.5. In the event that alleged misconduct is classified as Serious Misconduct, whether at the outset or at some later stage in the process, it should be escalated immediately to an appropriate Authorised Officer, in accordance with the Procedure for Serious Misconduct described in this Code.

## **4.3. Classification of Misconduct – Minor or Serious?**

- 4.3.1. There is no hard dividing line between Minor and Serious misconduct. However, as a general guide, single incidents which do not have a serious detrimental impact on the University or other persons affected by the incident will generally be considered to be Minor Misconduct for the purposes of this Code.
- 4.3.2. The following (non-exhaustive) list gives examples of potentially Serious Misconduct:
- Alleged or committed criminal offences.
  - Behaviour of a threatening, hostile, intimidatory or discriminatory nature, including bullying, assault, sexism, misogyny / misandry, transphobia, homophobia, sexual harassment, sexual assault, sexual violence and hate crime.

This includes online activity as outlined in Section 10 of the Computer Use Policy which can be found at:

[http://www4.ntu.ac.uk/about\\_ntu/policies/is\\_policies/index.html](http://www4.ntu.ac.uk/about_ntu/policies/is_policies/index.html)

- Possessing, supplying or dealing in illegal substances.
- Possession or use of offensive weapons (including replica weapons) on University premises.
- Anti-social or disorderly conduct which causes distress to others.
- Behaviour which poses a serious risk to the safety or welfare of others.
- Non-accidental damage to property, whether owned by the University or otherwise.
- Conduct in private accommodation, including noise nuisance, which leads to serious or persistent complaints.
- False pretences or impersonation of others.
- Falsification or misuse of University records including degree or diploma certificates.
- Conduct which, by whatever means, seriously disrupts or prejudices the work or activities of the University and its community.
- Conduct which could bring the University into serious disrepute.
- Repeated breaches of this Code or other University Regulations.
- Failure or refusal to pay a fine or comply with a penalty previously issued for a breach of the Code.

## **5. CRISIS INTERVENTION POLICY FOR STUDENTS AT RISK**

- 5.1. If, during a case of alleged misconduct, it is considered that the Accused Student is presenting signs of a physical, psychological or emotional disorder, the Authorised Officer conducting the case may request approval from the DVC (or their deputised authority) for the case to be considered under the provisions of the University's Fitness to Study Policy, and/or to refer the matter to the University's Student Support Services for action under the University's Crisis Intervention Policy for Students at Risk.
- 5.2. In cases where urgent intervention is required (for example, where the case requires emergency referral to, and liaison with, community mental health services) the provisions of the University's Crisis Intervention Policy may be invoked by direct referral to the Head of Student Support Services and the DVC (or UET member).
- 5.3. In the event of a referral under paragraphs 5.1 or 5.2, the DVC shall have discretion to determine whether any formal disciplinary action already underway against the Accused Student should continue, be suspended or terminated.

## **6. REFERRAL TO THE POLICE AND CRIMINAL PROCEEDINGS**

- 6.1. Where a student is alleged to have committed a criminal offence, it is normally for the victim of the alleged offence to decide whether to report the matter to the police.
- 6.2. Students who are victims of crime are encouraged to report the crime to the police. However, there may be cases where a victim does not wish a crime to be reported to the Police and in those cases the University should only in exceptional circumstances report the alleged crime without the consent of the victim - for example, when the victim is unconscious, or where a crime is witnessed or where the crime has implications for others beyond the primary victim (such as under the University's Safeguarding Children and Vulnerable

Adults policy or Section 6 of the Computer Use Regulations regarding Inappropriate Materials).

- 6.3. Where conduct by a student is either subject to an investigation by the Police as a suspected criminal offence or where a student has been charged with a criminal offence and is awaiting trial, the University will review such incidents on a case by case basis looking at the best interests of all parties concerned in determining whether any additional investigation under this Code is appropriate or necessary. For the avoidance of doubt the University will take such measures as set out in clause 7 as it may deem necessary to protect all parties concerned pending the outcome of such criminal proceedings.
- 6.4. If conduct by a student is reported to the Police as a suspected criminal offence and the Police decide not to pursue the matter, the University shall still be entitled to pursue its own disciplinary procedures under this Code.
- 6.5. Where an alleged criminal offence by a student is also being considered as a breach of this Code, Authorised Officers, Disciplinary Panels and/or Appeal Panels are entitled to rely on any of the following as evidence of the criminal offence having been committed:
  - A certificate of criminal conviction;
  - A transcript or formal record of a Criminal Court's judgement;
  - A transcript or formal record of the decision of a Civil Court or Tribunal;
  - Confirmation by the Police of a formal caution having been issued.

## **7. PARTIAL SUSPENSION**

### **7.1. When will suspension from the University be considered?**

- 7.1.1. A student who is alleged to have committed Serious Misconduct or is the subject of a police investigation for an alleged criminal offence, or against whom a criminal charge is pending, may be suspended from classes, certain parts of the University, certain University activities, or the University as a whole. The Authorised Officer, Deans, or Heads of School are able to recommend suspension to the DVC. The DVC has authority to decide whether to suspend an Accused Student, for how long and the extent of any such suspension.
- 7.1.2. An order of suspension from the University may include a requirement that the Accused Student should have no contact of any kind with certain people who may be connected with or involved in dealing with the alleged misconduct or offence.

### **7.2. Why is it necessary to consider suspension?**

- 7.2.1. Suspension from the University is not a sanction, but may be used to protect an individual, the University community or the reputation of the University pending a Disciplinary Hearing or a criminal trial, or to allow an investigation to be carried out without hindrance.
- 7.2.2. Suspension will not be regarded as an automatic response to an allegation of Serious Misconduct and alternatives to suspension may be considered.
- 7.2.3. A student who is suspended will be notified and be issued confirmation in writing, and that notification will include an explanation of the scope of the suspension and the reasons for the decision to suspend.

### **7.3. How long will the suspension continue for?**

- 7.3.1. The suspension will continue until the end of the period set by the DVC unless they decide otherwise.
- 7.3.2. If the Accused Student has been suspended for more than four weeks, they can request that the suspension be reviewed by the DVC. If new information becomes known, a review may be conducted within the four week period. Any such request for review must be made in writing and should set out clearly the reasons for requesting a review. This initial review will be conducted by the DVC on the basis of those written representations alone.
- 7.3.3. The Accused Student can request a review if new information becomes known (the "Initial Review"). Any such request for Initial Review must be made in writing and should set out clearly the reasons for requesting a review. This Initial Review will be conducted by the DVC on the basis of those written representations alone. It is at the sole discretion of the DVC whether or not to undertake any further reviews.

## **8. ADVICE AND SUPPORT FOR STUDENTS SUBJECT TO DISCIPLINARY ACTION**

- 8.1. The Students' Union provides a free advice service for students in relation to disciplinary offences. That advice service is independent of the University and the advisers have considerable experience in assisting and advising students who are subject to action under this Code. The service also offers support and representation of students during formal Disciplinary Hearings.
- 8.2. Students who are subject to disciplinary action for alleged Serious Misconduct are strongly advised to seek advice and assistance from the Students' Union Information and Advice Service.
- 8.3. If an Accused Student believes that the alleged misconduct is the result of a physical or psychological problem, they should refer to the University's Student Support Services who can offer support advice and may need to invoke the University's Crisis Intervention Policy or Fitness to Study Policy. Student Support Services will also be able to advise on external support options if appropriate to the student's circumstances.

## **9. PROCEDURE FOR CASES OF ALLEGED MINOR MISCONDUCT**

### **9.1. Initial consideration**

- 9.1.1. Where a report of alleged student misconduct has been received and the Notified Officer considers that the case a) does fall within the scope of this Code and b) appears to represent Minor Misconduct, they shall arrange for the matter to be investigated. The Notified Officer or another Authorised member of staff may act as Investigating Officer. The Investigating Officer will conduct the investigation as set out in 9.2, 9.3 and 9.4 below.

### **9.2. The investigation process**

- 9.2.1. The aim of the investigation is to establish the facts relating to the alleged misconduct, and so permit a judgement to be made as to whether, on the balance of probabilities, the alleged misconduct did take place and, if so, what penalties or sanctions should be applied.
- 9.2.2. The Investigating Officer shall gather relevant evidence, which may

involve interviewing the person(s) who made the allegation of misconduct, any witnesses to the alleged misconduct, and/or any other person that the Investigating Officer believes may assist the investigation.

- 9.2.3. The Investigating Officer may interview the Accused Student as part of the investigation process. In cases of relatively low-level offences where sufficient evidence is already available, the Investigating Officer shall have discretion to make a summary judgement without formally interviewing the Accused Student.
- 9.2.4. In requesting a formal interview with the Accused Student, the Investigating Officer shall give reasonable notice and shall make clear:
- The nature of the alleged misconduct (in summary form);
  - That the interview is being requested in accordance with the provisions of this Code, in order to assist the investigation into the allegations of misconduct by the Accused Student;
  - That the Accused Student has the right to be accompanied by another person during the investigatory interview.
- 9.2.5. The University does not permit students to be legally represented during such interviews, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.
- 9.2.6. In the event that the Accused Student fails, without good reason, to attend an investigatory interview requested under this Code, the Investigating Officer shall be entitled to continue with and conclude the investigation.
- 9.2.7. The investigation process will be given reasonable and appropriate priority, and the Investigating Officer will strive to avoid delay. Even so, the time required to complete the investigation will be influenced by a number of factors including the nature of the alleged misconduct, the number and availability of potential witnesses, and the volume and nature of evidence to be gathered.

### **9.3. Investigation outcomes and resulting actions**

- 9.3.1. At the conclusion of the investigation, the Investigating Officer shall consider all of the evidence gathered and make a judgement as to whether the allegation is proven - i.e. whether, on the balance of probabilities, the student is guilty of the alleged misconduct.
- 9.3.2. If the allegation of misconduct is considered proven, the Investigating Officer shall decide whether any penalty or sanction should be imposed.
- 9.3.3. The student will be notified of the outcome in writing. That notification will:
- Confirm that the allegation is considered proven;
  - Give details of any penalty imposed, including any timescales or deadlines for compliance with that penalty (e.g. for payment of a fine);
  - Confirm that the student has the right to appeal against the decision, giving details of the grounds on which an Appeal can be submitted, the timescale within which it must be submitted, and the name and contact details of the member of staff (the Appeal Officer) to whom any such Appeal must be made.

#### **9.4. Penalties and sanctions in cases of Minor Misconduct**

9.4.1. The Investigating Officer shall make a reasoned judgement, based on the balance of probability, as to the nature and level of penalty or sanction to apply in a case of Minor Misconduct, taking into account all the circumstances of the case, including the impact upon the victim and the wider University community. These can include one or more of the following:

- a written warning which will remain on the Student's file (held within the relevant School) for a period of up to 12 months, and which may be taken into account in the event of any further disciplinary action against the Student during that period;
- a fine proportionate to the offence, of up to £100 for each breach of the Code;
- A deferred fine that would only become payable if the Accused Student was subject to further disciplinary action under the Code within a timescale specified by the Investigating Officer (which may be any period up to and including completion of the Accused Student's period of study at the University);
- a requirement that the Student makes a formal apology to those affected by their misconduct;
- a requirement to meet in full or part the cost of making good any damage caused or loss suffered as a result of the misconduct;
- temporary suspension of the Student's access to various University services or facilities for a period of up to 3 months;
- temporary suspension of other relevant privileges, for a period of up to 3 months;
- some other appropriate compensatory action by the Student.

9.4.2. In the event that a case of alleged Minor Misconduct is deemed proven and a penalty or sanction is imposed, appropriate details will be passed to academic managers in the Accused Student's School for formal record purposes.

#### **9.5. Appeals against decisions in cases of Minor Misconduct**

9.5.1. The Appeal Officer shall be a member of staff assigned by the DVC who has not previously had any involvement in the consideration or handling of the case.

9.5.2. The Accused Student is entitled to appeal against the decision of the Investigating Officer on the following grounds only:

- That there was a material failure by the University to follow the procedures specified in this Code, or
- That significant new or additional evidence is available that was not available to the Investigating Officer during the investigation (evidence to be submitted along with the appeal), or
- That the level of sanction or penalty imposed by the Investigating Officer is disproportionate as authorised in the Code.

- 9.5.3. There are no other grounds for appeal.
- 9.5.4. An Appeal must be received by the Appeal Officer within 10 working days of the date on which the student received written notification of the Investigating Officer's decision.
- 9.5.5. If the Appeal Officer decides that the Appeal is not within the permitted grounds for appeal or is outside the timeframe set out in paragraph 9.5.4, the Accused Student shall be informed in writing (Completion of Procedures Letter) that the Appeal has been rejected on that basis, and that the original outcome remains unchanged. The decision by the Appeal Officer is final and there is no further right of appeal within the University's procedures.
- 9.5.6. Should the Appeal Officer consider the Appeal is within the permitted grounds for an appeal, they shall have the authority to uphold, amend or rescind the Investigating Officer's original decision. The Accused Student shall be informed of the outcome of the Appeal in writing (Completion of Procedures Letter). The decision of the Appeal Officer is final and there is no further right of appeal within the University.

## **10. PROCEDURE FOR CASES OF ALLEGED SERIOUS MISCONDUCT**

### **10.1. Initiation of the procedure**

- 10.1.1. A case of alleged misconduct might be perceived as Serious Misconduct when it is first reported to the University, or after initial investigation of the case under the procedure for Minor Misconduct.
- 10.1.2. As soon as it appears that a case merits a classification of Serious Misconduct, the DVC (or deputy) must be notified by the officer handling the case.
- 10.1.3. The DVC will instruct an Authorised Officer to undertake a formal investigation of the matter ("the Investigating Officer"). The Investigating Officer will be assigned from a team of trained Investigating Officers.
- 10.1.4. In addition, the DVC (or deputy) may consider (either at that point or at some later stage in the process) whether the Accused Student should be suspended from classes, certain areas of the University or from the University as a whole, in accordance with the procedure for suspension described at section 7 of this Code.

### **10.2. The investigation process**

- 10.2.1. The Investigating Officer, shall gather relevant evidence, which may involve interviewing the person(s) who made the allegation of misconduct, any witnesses to the alleged misconduct, and/or any other person that the Investigating Officer believes may assist the investigation. This information may be shared with the police under the University's Data Sharing Agreement.
- 10.2.2. The investigation will take into account any information or evidence which may have been gathered at an earlier stage, before the matter was classified as potentially Serious Misconduct.
- 10.2.3. The Investigating Officer will usually interview the Accused Student as part of the investigation process. In requesting such an interview, the Investigating Officer shall give (where possible) reasonable notice and shall make clear:

- The nature of the alleged misconduct in summary form;

- That the interview is being requested in accordance with the provisions of this Code, in order to assist the investigation into the allegations of misconduct by the Accused Student;
- Attending the interview is to take priority over other University activity;
- That the Accused Student has the right to be accompanied by another person during the investigatory interview.

10.2.4. The University does not permit students to be legally represented during such interviews, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.

10.2.5. The Investigating Officer shall arrange for a formal written record of the interview to be taken, with a copy of that record being supplied for information to the Accused Student within 5 working days of the interview. This may also be shared with the DVC.

10.2.6. In the event that the Accused Student fails, without good reason, to attend an investigatory interview requested under this Code, the Investigating Officer shall be entitled to continue with and conclude the investigation in their absence.

10.2.7. Whilst the Investigating Officer will strive to avoid delay, the time required to complete the investigation will be influenced by a number of factors including the nature of the alleged misconduct, the number and availability of potential witnesses, an ongoing police investigation as well as the volume and nature of evidence to be gathered.

10.2.8. The Investigating Officer shall communicate the findings of the investigation, for consideration by the DVC.

### **10.3. Investigation outcomes and resulting actions**

10.3.1. If, after consideration of the Investigating Officer's findings, the DVC decides that there are sufficient grounds to justify proceeding with the procedure for Serious Misconduct, they shall assemble a Disciplinary Panel and convene a formal Disciplinary Hearing.

10.3.2. The purpose of the Disciplinary Hearing shall be to decide whether the allegations of Serious Misconduct have been proven and, if so, to decide on any penalty or sanctions to be applied.

## **11. THE DISCIPLINARY HEARING**

### **11.1. Composition of the Disciplinary Panel**

11.1.1. The Disciplinary Panel shall comprise three members. Two of the Panel members shall be University staff, of whom one shall act as Chair. The Panel Chair shall be a Dean of School, Head of Service, or other suitably senior and experienced member of staff. The third Panel member shall be a representative of the Students' Union. Persons who have been affected by or involved in dealing with the alleged misconduct shall not normally be eligible to serve on the Disciplinary Panel.

11.1.2. A nominated member of University staff shall act as Clerk to the Disciplinary Panel for administrative purposes, including the handling of formal communications between the parties involved in the Disciplinary

Hearing.

## **11.2. Initial notification**

11.2.1. The Accused Student shall receive a written notice from the University requesting them to attend the Disciplinary Hearing. That notice shall:

- be issued at least 5 working days before the date of the Disciplinary Hearing;
- state the scheduled date, time and location of the Disciplinary Hearing;
- give a description of the alleged misconduct which the hearing has been convened to consider;
- state the names of the members of the Disciplinary Panel;
- be accompanied by a copy of this Code.

If the Accused Student has commitments (work/ family or other) these will be taken into account as far as possible. Given the notice periods required it may not be possible to reschedule the hearing.

11.2.2. If the Accused Student wishes to object to any member of the Disciplinary Panel, they must do so in writing to the DVC, providing reasonable grounds for the objection. The written objection must be received by the DVC at least 5 working days before the date of the Disciplinary Hearing. The DVC has discretion to uphold or reject any such objection. In the event that the DVC upholds such an objection, they shall arrange for the Panel member in question to be replaced.

11.2.3. Copies of any written witness statements or documentary evidence that the University intends to present for consideration by the Disciplinary Panel shall be provided to the Accused Student at least 5 working days before the Disciplinary Hearing, along with the names of any witnesses that the University intends to call at the Disciplinary Hearing.

## **11.3. Scope for a summary decision prior to the Hearing**

11.3.1. If, having received the written notice of the Disciplinary Hearing, the Accused Student does not wish to dispute the allegation, they may request that the matter be dealt with immediately without a Disciplinary Panel. Such a request must be made in writing to the Chair of the Disciplinary Panel. The Accused Student must set out in that request any mitigating arguments that they wish to be taken into consideration.

11.3.2. The Chair of the Disciplinary Panel shall have discretion to decide whether the allegation can be dealt with immediately by summary decision, or whether a full Disciplinary Hearing is required.

11.3.3. A penalty of permanent exclusion from the University can only be imposed after a full Disciplinary Hearing. If the Chair of the Disciplinary Panel believes that permanent exclusion may be a possible outcome, the matter cannot be dealt with by summary decision and must be considered at a full Disciplinary Hearing.

11.3.4. If the Chair of the Disciplinary Panel determines that the allegation can be dealt with summarily, without the need for a full Disciplinary Hearing, they may make the summary decision and impose whatever sanction or penalty they decide is appropriate. The Chair of the Disciplinary Panel shall inform the

Accused Student of the penalty imposed, in writing, within 10 working days of having received the Student's original written request for a summary decision. The Chair will also consider any requirements for the student to access support depending on the individual case.

- 11.3.5. An Accused Student may also admit to the allegation of misconduct at any time during the Disciplinary Hearing. Should this occur, the Chair of the Disciplinary Panel can decide to end the Hearing and impose a penalty or to continue with the Disciplinary Hearing.

#### **11.4. Implications of non-attendance by the Accused Student**

- 11.4.1. If the Accused Student cannot attend the Disciplinary Hearing due to illness or other extenuating circumstances, they must inform the Chair of the Disciplinary Panel as soon as possible. Supporting evidence, such as a medical note, will normally be required.
- 11.4.2. In such circumstances, the Chair of the Disciplinary Panel may decide to re-schedule the Disciplinary Hearing. In the event that the Accused Student fails to attend the Disciplinary Hearing without giving good cause, the Disciplinary Hearing may proceed in the Student's absence.

#### **11.5. Right of the Accused Student to be accompanied at the Hearing**

- 11.5.1. The Accused Student is entitled to be accompanied at the Disciplinary Hearing by one other person. This person may be a friend, partner, parent, carer, Student Union Adviser or any other person not acting in a legal capacity. The University does not permit students to be legally represented at Disciplinary Hearings, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.
- 11.5.2. The Accused Student must inform the Chair of the Disciplinary Panel of the name and capacity of any person accompanying them to the Disciplinary Hearing, at least 3 working days before the Disciplinary Hearing.

#### **11.6. Calling of witnesses by the Accused Student**

- 11.6.1. The Accused Student is entitled to call witnesses to give evidence at the Disciplinary Hearing in support of their case. The names of any such witnesses must be notified in writing to the Chair of the Panel at least 3 working days before the date of the Disciplinary Hearing.
- 11.6.2. To assist the conduct of the Disciplinary Hearing, witnesses called by the Accused Student should, where possible, provide written statements of the evidence they intend to give. Such written statements must be submitted to the Disciplinary Panel by the Accused Student 3 days in advance of the Disciplinary Hearing.

#### **11.7. Submission of evidence by the Accused Student**

- 11.7.1. The Accused Student is entitled to submit relevant documentary evidence (including witness statements) in support of their case. The student must submit any such evidence at least 3 working days before the Disciplinary Hearing.
- 11.7.2. The Chair of the Disciplinary Panel has discretion over whether to allow the introduction of further evidence at a later time.

## **12. CONDUCT OF THE DISCIPLINARY HEARING**

### **12.1. Sequence of events**

- 12.1.1. The Disciplinary Panel will convene at the time and place indicated in the notice sent to the Accused Student.
- 12.1.2. The Clerk to the Disciplinary Panel shall take formal notes of the proceedings.
- 12.1.3. The Chair of the Disciplinary Panel shall manage the Disciplinary Hearing and ensure proper and reasonable conduct of those taking part. The Chair has the power to postpone, continue or adjourn the Disciplinary Hearing and to limit the length of time of the Disciplinary Hearing, the number of witnesses called or the questions asked.
- 12.1.4. The case against the Accused Student, including the evidence produced by the investigation into the alleged misconduct, shall be presented to the Disciplinary Panel by a University Representative. This may or may not be the Investigating Officer. The University Representative may call witnesses to give evidence.
- 12.1.5. The Accused Student shall then have the opportunity to respond to the allegations and to the case as presented by the University Representative, and may call witnesses in support of their case.
- 12.1.6. Witnesses called by the University and by the Accused Student may be questioned again by the Disciplinary Panel if required.
- 12.1.7. If witnesses do not attend the Disciplinary Hearing then statements collected or received prior to the hearing may be used in their absence under the discretion of the Chair of the Disciplinary Panel.
- 12.1.8. The Accused Student and the University Representative shall then have the opportunity to make final submissions to the Disciplinary Panel, with the Accused Student having the last word, which may include any statement they may wish to make in mitigation.
- 12.1.9. The Disciplinary Panel shall then retire to consider the evidence and the arguments presented to them.

### **12.2. Outcomes**

- 12.2.1. The Disciplinary Panel shall find that the student has committed a serious breach of the Code if they are satisfied that, on the balance of probability, it is more likely than not that the student committed the alleged misconduct. The more serious the alleged offence, the more persuasive the evidence must be to convince the Disciplinary Panel.
- 12.2.2. The Disciplinary Panel may choose to recall the parties on the same day and deliver its decision orally, in which case the decision will also be confirmed in writing to the Accused Student within 5 working days of the Disciplinary Hearing. Alternatively, the Panel may choose to communicate its decision in writing only, in which case the parties will be released immediately after the Disciplinary Hearing, and the decision will be communicated in writing to the Accused Student within 5 working days of the Hearing.
- 12.2.3. In the event that a case of alleged Serious Misconduct is deemed proven and a penalty or sanction is imposed, appropriate details will be passed to academic managers in the Accused Student's School for formal record

purposes.

### **12.3. Penalties and sanctions for Serious Misconduct**

12.3.1. In deciding whether to impose a penalty or sanction, and the nature of such penalty or sanction, the Disciplinary Panel shall consider the seriousness of the offence, any mitigating factors, any record of previous misconduct, the impact upon the victim and the wider University community, and shall be mindful of the need for fairness and proportionality.

12.3.2. The sanctions and penalties which may be imposed in respect of Serious Misconduct may include one or more of:

- a requirement that the Student makes a formal apology to those affected by their misconduct;
- a written warning which will remain on the Student's file for a period between 6 months and the end of the student's period of study at the University, and which may be taken into account in the event of further disciplinary action against the Student during that period;
- a requirement to meet in full or part the cost of making good any damage caused by or as a result of the misconduct;
- a fine proportionate to the offence up to a maximum of £500;
- a suspended fine that would only become payable if the Accused Student was subject to further disciplinary action under the Code within a timescale specified by the Disciplinary Panel (which may be any period up to and including completion of the Accused Student's period of study at the University);
- suspension from specified academic, extra-curricular or other privileges;
- complete suspension from studies and exclusion from University premises or any part of them for a fixed period;
- immediate termination of all studies and formal expulsion from the University on a permanent basis.

12.3.3. The Disciplinary Panel shall have discretion to apply some other penalty or sanction which is, in the Panel's opinion, appropriate to the nature and severity of the offence.

12.3.4. In determining an appropriate penalty or sanction the Disciplinary Panel should consider all the circumstances of the offence. Dependent on the nature of the offence, consideration should be given to the provision of support services either internally or externally to the parties involved (including the Accused Student).

12.3.5. Any penalty is effective immediately once imposed unless the Disciplinary Panel decides otherwise.

12.3.6. In the event that a Disciplinary Hearing determines that a student is found guilty of serious misconduct and should be formally and permanently expelled from the University under the provisions of this Code, the Vice-Chancellor's agreement to the proposed expulsion must be obtained before it can take effect.

12.3.7. The Accused Student has the right to appeal against the decision of the Disciplinary Panel, as described in the following section of the

Code.

### **13. RIGHT OF APPEAL AGAINST DECISIONS IN CASES OF SERIOUS MISCONDUCT**

#### **13.1. Grounds for Appeal**

13.1.1. If the Accused Student wishes to contest the decision of the Disciplinary Panel or the penalty imposed, they are entitled to submit an Appeal on any of the following grounds:

- That new and relevant material or evidence has become available which was not previously available for consideration by the Panel; or
- That there was a material procedural error at the Disciplinary Hearing; or
- That the severity of the penalty imposed was disproportionate to the offence.

13.1.2. There are no other grounds on which an Appeal will be considered by the University.

13.1.3. If the Accused Student wishes to submit an Appeal, they must do so in writing to the DVC, detailing the reasons for the Appeal and stating the grounds on which the Appeal is being made.

13.1.4. If the Appeal is being made on the grounds that new and relevant material or evidence has become available, the Accused Student must submit that material or evidence to the DVC as part of the written Appeal.

13.1.5. The written Appeal must be submitted to the DVC within 10 working days of the date on which the Disciplinary Panel issued written notification of its decision to the student.

13.1.6. The DVC shall consider whether the Appeal has been made on one or more of the permitted grounds and within the prescribed timeframe and if so, whether the evidence or arguments put forward by the student in support of their request for an Appeal have sufficient merit to justify invoking the formal Appeal procedure.

13.1.7. If the DVC decides that the Appeal is not within the permitted grounds for appeal, or that the Appeal is outside the prescribed timeframe, or that the evidence or arguments put forward by the student are not sufficient to justify invoking the formal Appeal procedure, the Accused Student shall be informed in writing (Completion on Procedures Letter) that the Appeal has been rejected on that basis, and that the original outcome remains unchanged. Such a decision by the DVC is final and there is no other right of appeal within the University's procedures

#### **13.2. Consideration of Appeals**

13.2.1. If the DVC decides that the Appeal does satisfy one or more of the permitted grounds, the Appeal shall be considered on the basis of whether it relates to a summary decision made by the Chair of the Disciplinary Panel, or one made by the full Disciplinary Panel at the end of the Disciplinary Hearing.

13.2.2. Consideration of Appeal against a summary decision

If the Appeal is against a summary decision made by the Chair of the Disciplinary Panel, the Appeal shall be considered by the DVC. The DVC has the

power to uphold, amend or overturn the original decision, or order a full Disciplinary Hearing. The DVC's decision on the matter is final.

#### 13.2.3. Consideration of Appeal against a Disciplinary Panel decision

If the Appeal is against a decision made by a Disciplinary Panel at the end of a full Disciplinary Hearing, the DVC shall refer the matter to an Appeal Panel, for consideration as soon as reasonably practical.

### **13.3. Appeal Panel – composition**

13.3.1. The Appeal Panel shall comprise three members. Two of the Panel members shall be University staff nominated by the DVC, of whom one shall act as Chair. The Panel Chair shall be a Dean of School, Head of Service, or other suitably senior and experienced member of staff. The third Panel member shall be a representative of the Students' Union.

13.3.2. Persons who have been affected by, or involved in dealing with the alleged misconduct, including members of the original Disciplinary Panel, shall not be eligible to serve on the Appeal Panel.

13.3.3. A nominated member of University staff shall act as Clerk to the Appeal Panel for administrative purposes, including the handling of formal communications between the parties involved in the Appeal Hearing.

### **13.4. Appeal Hearing – preparatory steps**

13.4.1. The student shall be given at least 10 working days written notice of the Appeal Hearing and shall be provided with a copy of the record taken at the original Disciplinary Hearing, and any report that the Disciplinary Panel may have prepared for the Appeal Panel.

13.4.2. If the Accused Student cannot attend the Appeal Hearing due to illness or other extenuating circumstances, they must inform the Chair of the Appeal Panel as soon as possible. Supporting evidence, such as a medical note, will be required. In such circumstances, the Chair of the Appeal Panel may decide to re-schedule the Appeal Hearing. In all other circumstances the Appeal Hearing may proceed in the student's absence.

### **13.5. Conduct of the Appeal Hearing**

13.5.1. At the Appeal Hearing, the Accused Student may be accompanied by one other person to be a witness to the proceedings. This person may be a friend, partner, parent, Students' Union representative or any other person not acting in a legal capacity. The University does not permit students to be legally represented at Appeal Hearings, except in exceptional circumstances. For the avoidance of doubt, the definition of "exceptional circumstances" in this context is a matter for determination by the University.

13.5.2. The student must inform the Chair of the Appeal Panel of the name and capacity of any person accompanying them to the Appeal Hearing at least 2 working days before the Appeal Hearing.

13.5.3. The Appeal Hearing shall not be a re-run of the original case but a review of the original decision based on the grounds of the Appeal that the Student has submitted. The Accused Student will present the grounds on which the Appeal is based to the Appeal Panel. A representative of the Disciplinary Panel will present the grounds on which their decision was based.

13.5.4. The Chair of the Appeal Panel shall have discretion to allow the introduction of

new evidence during the Appeal Hearing.

13.5.5. The Clerk to the Appeal Panel shall take formal notes of the proceedings.

### **13.6. Appeal Panel – outcomes**

13.6.1. The Appeal Panel has the power to uphold the original decision of the Disciplinary Panel, overturn that original decision, alter the penalty imposed or order a re-hearing.

13.6.2. The Chair of the Appeal Panel shall inform the Accused Student of the Panel's decision (including the rationale for that decision) in writing within 5 working days of the Appeal Hearing (Completion of Procedures Letter). The decision of the Appeal Panel is final and there is no further right of appeal within the University's procedures.

### **13.7. Office of the Independent Adjudicator (OIA)**

13.7.1. In the event that the student is not reasonably satisfied with the outcome of their Appeal (either at clause 9.5.5, 9.5.6, 13.1.7 or 13.6.2), they may request the OIA to consider the case. A complaint must be submitted to the OIA within 12 months of the date of the Completion of Procedures Letter from the University and submitted directly to the OIA using the OIA's form. The student must send a copy of their Completion of Procedures Letter to the OIA with the form.

13.7.2. Please note, in order to submit a complaint to the OIA, the student must first have exhausted the University's internal procedure (the procedures within this Code) and have received a Completion of Procedures Letter from the University.

13.7.3. Further information can be found on the OIA's website at:

<http://www.oiahe.org.uk/>