

# Student Conduct Procedure

## 1 Introduction

- 1.1 These procedures support the Regulations for Study and apply to:
- (a) all acts or omissions of current Oxford Brookes University students (including those who have been suspended or who are taking approved and unapproved temporary withdrawal) and Sabbatical Officers of the Students' Union.
  - (b) all acts or omissions of students registered or enrolled on a programme leading to an award of the University where delivery of the programme is undertaken by another institution and which acts or omissions take place on University premises or are related to an award, activity, facility or process of, or otherwise linked to the University.
  - (c) all acts or omissions of any of the above groups which occurred before a current student enrolled, if the student was obliged to inform the University but failed to do so.
- 1.2 Where a case has been initiated against an individual under these procedures and the individual ceases to be a student during the course of the conduct process, the University may, at its sole discretion, continue with, suspend and subsequently resume, or terminate the case, as it deems appropriate.
- 1.3 Where a case has been initiated against a student under these procedures and the student is due to complete their study soon, the University may, at its sole discretion, temporarily prevent completion of the degree in order to carry out the full conduct investigation.
- 1.4 These procedures apply to acts or omissions that:
- (a) occurred on University premises or grounds,
  - (b) occurred within accommodation owned by, leased by or affiliated with the University,
  - (c) occurred off campus or in private residence where there is a serious risk or serious disruption to the University or members of its community, e.g. threatening, indecent, offensive or violent behaviour has been alleged, or there is potential damage to the good name, reputation or standing of the University
  - (d) occurred as part of off-campus activities associated with, organised or sanctioned by the University;

- 1.5 Some students enrolled on courses which lead to professional registration are also required to adhere to the Standards of Conduct: Fitness to Practise Regulations. As such, any breach of the Conduct procedures may result in a referral to those regulations and the case file would be shared with appropriate University staff.
- 1.6 The University shall, at its sole discretion, decide which set of procedures are the most appropriate in the circumstances. Therefore, cases raised through these procedures may be referred to other procedures for consideration, e.g. those set out in paragraph 5.3 below.

## **2 General approach**

- 2.1 These procedures are intended to ensure that investigations and outcomes are fair, proportionate and reasonable for all involved.
- 2.2 The University will make reasonable adjustments to these procedures where possible, when it is reasonable to do so to prevent any student from suffering a substantial disadvantage as a result of a disability. Those requiring reasonable adjustments are expected to inform a member of the Student Investigation and Resolution Team or Conduct Officer and any appropriate adjustments will be discussed.
- 2.3 All parties involved in the implementation of these procedures will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed or shared in order to consider and determine cases, normally this will only be to those staff and students involved in the procedures. However, confidential information may be disclosed by the University to other bodies, e.g. governmental, police or regulatory authorities, as required by English law or by relevant professional or statutory requirements.
- 2.4 The University reserves the right to share relevant information from the conduct process, including the outcome of the process, with the reporting person and witnesses, as it deems appropriate and lawful in the circumstances. The recipients are then expected to treat any information confidentially.
- 2.5 A reporting person or witness cannot appeal a decision made under these procedures, but if they have concerns about the way in which the case was handled or the process followed, they may be able to raise a complaint under the Student Complaints Procedure or Staff Grievance Procedure. A complaint could result in potential change in future practice, it cannot change the outcome of the original conduct case
- 2.6 At all stages of the conduct process, decisions will be based on the evidence available and the balance of probability. It is for the University to satisfy itself that it is more likely than not that the alleged misconduct occurred. Conduct Officers, the University Conduct Committee and the Appeal Committee will accept the explanation they believe is most likely to be true.
- 2.7 All inappropriate behaviour is subject to the provision of these procedures. However, where it is apparent that the reported student's behaviour is caused by an underlying issue, e.g. a mental health illness, addiction etc., and agrees to engage in reasonable actions to try to address that cause, the University may suspend further action under these regulations pending the outcome of those actions.

- 2.8 Some circumstances that could constitute a breach of the Conduct procedures may create serious concerns about the reported student's welfare, in which case the student may be referred to the Fitness to Study Policy, or the relevant Student Support Services team informed of the case and/or outcome, as necessary.
- 2.9 Where a subsequent report of misconduct relates to the same reported student and/or arises from the same incident, it may be joined to conduct cases that are already underway.
- 2.10 Where the statement of allegations involves more than one reported student, the Conduct Officer, the Chair of the University Conduct Committee or the Chair of the Appeal Committee shall determine whether the cases should be heard individually or by a single hearing for all the students.
- 2.11 If a student is excluded from University via these procedures, relevant staff or departments, e.g. the course staff, accommodation team etc., will be informed of the outcome, as appropriate. Where the confidential information is also personal data, the University will comply with its Student Privacy Notice with respect to that data.
- 2.12 Where a report has been made against someone who is both a student and staff member at the University, the Academic Registrar shall decide whether the case is relevant for these procedures or Staff Disciplinary procedures.

### **3 Process where conduct may constitute a criminal offence**

- 3.1 Some circumstances that constitute a breach of the Regulations for Study may also constitute a criminal offence. In cases where it is known there is a criminal investigation pending or ongoing (e.g. the police, magistrate's court or crown court are involved) that relates to the alleged breaches of the regulations, the University will normally suspend any investigatory or disciplinary action under these procedures. However, where applicable, the University will undertake a precautionary measures assessment. When key decisions are made, e.g. a charging decision or the conclusion of the criminal investigation or any associated court case, the University will review whether to proceed with any investigatory or disciplinary action under these procedures.
- 3.2 If multiple breaches are alleged, it may be possible for the University to investigate some of them, but not ones that directly relate to the criminal investigation while the external investigation is ongoing. The University will make this decision based on the case and will inform the relevant parties as appropriate.
- 3.3 It is normally the reporting person's decision whether to report a matter to the police. In exceptional circumstances, if the University becomes aware of a potential criminal offence it may have a statutory obligation to report the matter to an external organisation,  
E.g. suspected terrorist activity or a safeguarding concern.
- 3.4 Where a student has been convicted and sentenced by a criminal court, the verdict of the court will not be open to challenge in proceedings under these procedures and the sentence may be taken into consideration in determining the penalty under the

University procedures. Where a student is acquitted of a criminal offence, or where the criminal investigation has been dropped, the University may still act under these procedures.

- 3.5 Students must declare any indictable criminal offence for which they have been convicted after enrolling with the University, where that offence is relevant to their programme of study, accommodation or interaction with the University community. This will allow the University to offer support and if necessary, assess whether any action needs to be taken under these procedures.

## **4 Precautionary measures**

- 4.1 The matter may be referred to a trained staff member to carry out a precautionary measures assessment if, at any time following the initiation of these procedures, there is reason to believe the reported student may:

- interfere with the investigation or any witnesses; and / or
- repeat the alleged breach or commit another similar breach; and / or
- pose a danger to themselves or others;

or

- the nature of the alleged breach is such that it is not reasonable to expect staff and/or other students to continue to associate with the reported student while the allegation is investigated.

- 4.2 Any precautionary measures shall be subject to the following conditions and safeguards:

- details and conditions of the measures shall be proportionate to the risks identified;
- the reported student shall be informed of the proposed details and conditions and the reasons for them in writing as soon as reasonably practicable and shall be given an opportunity to make representations about them;
- the decision can be appealed by writing a letter of appeal to the Student Investigation and Resolution Team. An alternative staff member shall consider the appeal.
- the conditions shall be reconsidered regularly and in the light of changing circumstances. It is the reported student's responsibility to include any relevant information to the staff member who carried out the assessment;

- 4.3 The outcome may include a suspension, introduce a no-contact agreement, or require the reported student to move accommodation as well as any other measures deemed appropriate. Any outcome does not mean the University has made any assumption about whether a breach of the procedures has occurred.

## **5 Misconduct**

- 5.1 Examples of breaches of these procedures are listed in this section; however, this list is not exhaustive. Any other act or behaviour, which may be reasonably interpreted as misconduct, can be dealt with under these procedures.

- 5.2 The breaches have been divided into categories of minor and major as a guide.

However individual cases may be considered in either category, based on the nature of the incident, evidence and mitigating factors. In all cases, final opinion about the severity of the offence is at the discretion of the Conduct Officer(s) or Committee.

5.3 The University will deal with any breach of student conduct in the most appropriate way. As such, the following University policies and procedures also apply and should be followed where appropriate:

- Fitness to Study Policy
- Standards of Conduct: Fitness to Practise Policy
- Equality, Diversity and Inclusion Policy
- Religion and Belief Policy
- International Students under Tier 4 Visa
- The Library Regulations
- IT Acceptable Use Policy
- Accommodation Tenancy Agreements\*
- Student Safety Policy
- Sports Club Behavioural Contract
- Procedures related to student safety

\*The University has a diverse portfolio of accommodation, which it offers to students. Students living in this accommodation are required to adhere to the regulations of the accommodation provider. Students are advised to check their “Licence to Occupy” or “Tenancy Agreement” for terms applicable to their accommodation.

5.4 It is possible a breach of any of the above policies or procedures will also constitute a breach of these procedures and action will be taken accordingly. In the event of a conflict between other regulations, policies or procedures, the provisions of the student conduct procedure shall take precedence.

5.5 The fixed penalty policy is described in the Appendix.

## **5.6 Minor Breaches**

- (a) Dishonesty and deceit, in relation to the University, its staff, students, visitors, or procedures.
- (b) Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University.
- (c) Failure to disclose names, relevant details, or documentation about themselves, or those known to them, in the vicinity at the time of a breach, to any employee or agent of the University who reasonably requires it, or failure to hand over any object or material that is in their possession or under their control when requested to do so.
- (d) Disorderly or disruptive, behaviour directed towards, or affecting, any member of the University community or visitors.
- (e) Negligent behaviour that presents a risk to health and safety for any member of the University community.

- (f) Misuse or interference with any equipment provided in the interests of health and safety
- (g) Possession, storage, use or misuse of a controlled drug or psychoactive substance as defined by the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016 (as amended from time to time) within the University community
- (h) Breach of one or more of the University Policies listed in 5.3.

## **5.7 Major Breaches**

- (a) Persistent failure to comply with reasonable requests from staff, or failing to respond to or to comply with any disciplinary sanction imposed under the Student Conduct procedures
- (b) Provision of false or misleading information, or withholding relevant information from any staff member or agent of the University.
- (c) Vexatious, reckless or malicious allegations, complaints, or reports against any member of the University community or visitors.
- (d) Unauthorised accessing or amendment to, or interfering in any way with the security, integrity or privacy of any files or confidential material (including those held within the University's computer system.)
- (e) Keeping any offensive weapons within the premises or grounds of the University or any University residences.
- (f) Any act which damages the University's reputation or the relationship with its local communities, as demonstrated by substantiated complaints from residents, local authority representatives, the media or a police dispute.
- (g) Damage to or taking property from University staff or the University without permission.
- (h) Production of, and/or supply or offer to supply, a controlled drug or psychoactive substance as defined by the Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016 (as amended from time to time) within the University community
- (i) Coercing, pressuring or forcing others into taking part in any ceremonies or activities that could be demeaning or dangerous. This includes (but is not limited to) forcing someone to drink or consume anything that could potentially cause harm.
- (j) A third breach under the fixed penalty policy.
- (k) Failure to declare any relevant criminal offence for which a conviction has occurred after enrolling with the University.
- (l) Bullying, harassment or discrimination against another person, including the use of discriminatory language.

- (m) Victimisation of anyone because they have raised a complaint or exercised any other right under a University or other procedure, or have been involved with such a procedure.
- (n) Physical, written, or verbal abuse or intimidation against another person, including communications via social media.
- (o) Threatening, indecent, offensive or violent behaviour directed towards any member of the University community or member of the public.
- (p) Sexual harassment, violence or abuse.
- (q) Any criminal activity (including breaking the conditions of a Community Protection Notice or a Criminal Behaviour Order) or any equivalent notice or order.
- (r) Any threatening, violent or discriminatory act that is motivated by prejudice based on any protected characteristic under the Equality Act 2010.
- (s) The supply of drugs, or possession with intent to supply drugs that are prohibited by the University or illegal.

## **6 Penalties**

- 6.1 In order to maintain student discipline, the Vice-Chancellor has the authority to impose penalties upon students in accordance with these procedures (as set out in Article 3.2(g) of the Articles of Government, Oxford Brookes University). The Vice Chancellor may delegate some or all of this authority to other members of staff and University bodies (as set out in Article 3.3 of the Articles of Government).
- 6.2 The penalties available to be imposed in the case of a breach of these procedures are set out below. The categories of minor and major breach are for guidance only; individual circumstances of any case may warrant a more lenient or severe penalty.
- 6.3 Any penalty imposed will be commensurate with the severity of the breach of these procedures and will consider any aggravating or mitigating factors, as well as previous breaches of these procedures.

### **6.4 Penalties for a minor breach (One or more of the following)**

- (a) An absolute discharge. This means that the student technically breached these procedures but no blame should be attached to them.
- (b) A formal warning about future behaviour, which shall indicate the errors or omissions.
- (c) A requirement that the student make an oral or written apology to one or more in individuals.
- (d) The imposition of a personal conduct order.
- (e) A fixed penalty.
- (f) Community service, training, workshops or restorative meetings, which shall normally take the form of specified unpaid activities, for which no expenses shall be paid.

## **6.5 Penalties for a major breach (One or more of the following):**

- (a) Any penalty available for a minor breach, as listed above.
- (b) The temporary or permanent confiscation, without compensation, of any object or material prohibited by, or which was involved in a breach of these procedures.
- (c) A fine\*
- (d) Full or partial restitution of the cost of the damage or loss suffered by the University or any associated organisation or person, or by a member of the public.
- (e) The temporary or permanent exclusion of the student from one or more of the University's, or an associated organisation's, premises, grounds, facilities or services.
- (f) A requirement that the student relocate within or between residences associated with the University.
- (g) Expulsion from University owned or managed accommodation.
- (h) The required temporary withdrawal of the student from the University.
- (i) The permanent expulsion of the student from the University.

\*Students can request to undertake community service instead of a financial fine. For the purpose of calculating the amount of community service, a calculation of one hour community service = £10 will be used

- 6.6 Where a Conduct Officer, a University Conduct Committee or an Appeal Committee believes it appropriate, they/it may recommend that the student seek counselling or some other specified form of support, or set a requirement to participate in a different University procedure, e.g. the Fitness to Study process. The recommendation shall be recorded formally.
- 6.7 In the event of a further breach of these procedures by the student, the previous recommendation and associated information may be taken into account when considering the penalty for the subsequent breach.
- 6.8 Exceptionally, where none of these penalties is deemed appropriate they may determine another penalty. This penalty would need to be approved by the Vice-Chancellor before being imposed.
- 6.9 All penalties issued under these procedures will normally take precedence over any outcome of an exceptional circumstances application, academic appeal or course withdrawal request, for the relevant period. A student can inform the Conduct Officer or University Committee of personal circumstances, if they wish for them to be considered as part of the conduct procedure. They will be taken into account when deciding a penalty.



## 7 The Conduct Procedure

- 7.1 All staff or students who become aware of a potential breach of these procedures should report the matter to the relevant Conduct Officer or the Student Investigation and Resolution Team. This should be done as soon as possible and preferably within 5 working days of the discovery of the potential breach. Failure of a member of staff to do so, for whatever reason, shall not prevent the University initiating proceedings under these regulations in respect of the breach and will not be accepted as a defence or as mitigation in any such proceedings.
- 7.2 Breaches reported more than two months after the date of the incident will not normally be investigated unless a valid reason, supported by evidence, is given. If the report is made on behalf of someone else affected by the alleged misconduct, it may be necessary to seek permission from that person to proceed.
- 7.3 For breaches occurring in accommodation associated with the University, the relevant Conduct Officer is usually the Residence Manager, Hall Warden or other Accommodation staff.
- 7.4 For breaches occurring in the community, the relevant Conduct Officer will usually be from the Community Engagement Team.
- 7.5 Potential breaches occurring outside of University accommodation and not within the community, should be referred to the Student Investigation and Resolution Team.

### Eligibility

- 7.6 Based on the report and any information or evidence, the Student Investigation and Resolution Team or the Conduct Officer will assess whether an investigation should be carried out, based on the scope of these procedures. They will determine whether the case is appropriate and eligible for any of the following:
- investigation by a conduct officer under these procedures,
  - referral for precautionary measures,
  - application of the Fixed Penalty Policy,
  - referral to another University procedure e.g. Fitness to study,
  - referral to an external organisation, e.g. the Police.

They will write to the relevant parties to let them know the decision, normally within 10 working days of receiving the report.

- 7.7 If the case has not progressed to an investigation, the Conduct Officer or the Student Investigation and Resolution Team may choose to write to the student who has been reported, to let them know concerns have been raised about their behaviour.
- 7.8 If it has been confirmed a report can proceed to an investigation, a Conduct Officer will carry out an investigation

## **Exclusions**

- 7.9 The following will not normally be considered under these procedures:
- (a) reports raised anonymously. While the University will endeavour to explore such issues as far as is possible, any investigation, and the outcomes of any investigation, will be conducted and implemented entirely at the University's discretion;
  - (b) reports about applicants to, or former students of the University, where the University would have no authority to investigate or penalise;
  - (c) civil disputes that are more appropriate for external dispute resolution, e.g. financial disputes between individuals;
  - (d) disputes between individuals where alternative dispute resolution, e.g. mediation, has not already been sought or attempted;
  - (e) subsequent reports where the content is substantially similar to reports already considered, unless significant new information is provided;
  - (f) behaviour that does not satisfy eligibility for these regulations because it does not fall into the categories listed in 1.3 of these procedures.

## **Investigation by the Conduct Officer(s)**

7.10 The Conduct Officer(s) may decide to take one or more of the following actions during the process of an investigation:

- refer the matter to the University Police Liaison Officer with a recommendation that it be reported to the police;
- refer the matter to be considered for precautionary measures;
- refer the matter to be heard by the University Conduct Committee;
- carry out a conduct interview with the reported student;
- give a fixed penalty as outlined in the Fixed Penalty Policy;
- decide there is no case to answer.

7.11 The Conduct Officer(s) will normally notify the reported student in writing about the next steps in the investigation within 15 working days of receiving the referral.

## **Conduct Interview**

7.12 The Conduct Officer(s) will write to the reported student giving details of the alleged breach, normally giving at least 5 working days' notice of a conduct interview.

7.13 The exact arrangements will be organised by the Conduct Officer(s). All students will have the right to:

- be accompanied by someone who is not acting in a legal capacity. This person can be a friend, colleague or a relation, but should not have been involved in the circumstances/incident;

- provide relevant information and evidence in advance of the committee;
- make representations/comments about any procedural issues;
- hear the case and ask about the detailed allegations made against them;
- access all available evidence against them, excluding advice that is legally privileged, or information that is confidential and not directly relevant to the allegations made in the case;
- State their case, including liability and mitigation; provide evidence and witness testimony;
- challenge any submissions made and/or evidence produced by the Conduct Officer(s).

The Conduct Officer(s) may be accompanied by a note-taker during the conduct interview.

- 7.14 On occasion, the Conduct Officer(s) may adjourn and reconvene the conduct interview for example, if more information is required.
- 7.15 At the end of the Conduct Interview, the Conduct Officer(s) may state their decision as to whether there has been a breach of these regulations, and impose a penalty appropriate to the breach and within paragraph 6.4. The maximum fixed penalty that a Conduct Officer can impose is £100 and the maximum period of unpaid community service is 10 hours.
- 7.16 Alternatively, if the Conduct Officer(s) considers that the matter may constitute a major breach of these regulations, they may refer the case to a University Conduct Committee.
- 7.17 The reported student will receive written confirmation of the decision, any penalty and an explanation of the appeal process where applicable, normally within 5 working days from the date of the Conduct Interview and within 25 working days of the referral to the Conduct Officer.

## **The University Conduct Committee**

- 7.18 The Secretary to the University Conduct Committee will write to the reported student to inform them about the committee, normally giving at least 10 working days' notice of the meeting
- 7.19 The University Conduct Committee membership will normally consist of the following:
- A Chair (A trained member of Senior Staff)
  - A member of the Student Investigation and Resolution Team or another Conduct Officer
  - A representative of the student body
- 7.20 A member of the Student Investigation and Resolution Team or nominee will act as Secretary to the Committee. Committee members will not normally have already been involved with the case or reported student.
- 7.21 The University Conduct Committee will allow:
- (a) The Conduct Officer to:
- state the University's case and provide relevant evidence in advance of the meeting

- challenge any submissions made and/or evidence produced by the reported student
- state their recommendation for the outcome of the University Conduct Committee

(b) The reported student to:

- Provide relevant information and evidence in advance of the committee
- to state their case, provide relevant evidence in advance of the meeting
- challenge any submissions or evidence produced by the Conduct Officer.
- be accompanied by a friend, colleague or a legal representative acting in a legal capacity (See paragraphs 8.4 and 8.6). This person should not have been involved in the circumstances/incident.

(c) Members of the Committee to:

- hear all the evidence and clarify or challenge anyone present

Questions shall normally be directed via the Chair of the Committee;

7.22 The Conduct Officer or Chair will consider whether it is appropriate for the reporting person to be present during the Committee or just to rely on written statements, taking into account the impact on the people involved and on the procedure. The Committee and reported student will be informed in advance if the reporting person will attend.

7.23 The University Conduct Committee will normally state its decision as to whether there has been a breach of the procedures and any penalty during the meeting. Any mitigation may be taken into account when deciding upon a penalty.

7.24 The University Conduct Committee may impose the full range of penalties.

7.25 On occasion, a decision may be taken to adjourn and reconvene the Committee, for example, if more information is required.

7.26 The reported student will receive an outcome letter explaining the decision, any penalty and next steps, normally within 5 working days of the University Conduct Committee.

### **Request to progress to an Appeal Committee**

7.27 Where the reported student is:

- (a) found to be in minor breach of these regulations by the Conduct Officer and is dissatisfied with the outcome of a conduct interview, penalty or procedure

or,

- (b) found to be in breach of these regulations at the University Conduct Committee and is dissatisfied with the outcome, penalty or procedure,

they may request that a University Appeal Committee hears their case.

7.28 To do this, the reported student must write to the Student Investigation and Resolution Team. This request must be within 10 working days from the date of the outcome letter and must state which aspect of the decision, penalty or procedure they disagree with, on which of the following grounds and why:

- (a) the student would like to present new evidence that they could not have reasonably produced before the conduct interview or committee
- (b) there was a procedural irregularity
- (c) the decision regarding liability was not fairly or reasonably made
- (d) the penalty is unfairly disproportionate to the breach

The request should be accompanied by relevant evidence where possible. The Student Investigation and Resolution Team may do one of the following:

- (e) require clarification of the request, or further documentation before proceeding
- (f) not permit the reported student to go to a University Appeal Committee, if the request is late and a valid, substantiated reason for the late submission is not provided; or one or more of the grounds set out above has not been met
- (g) convene an Appeal Committee.

7.29 The reported student will be informed of the decision within 10 working days.

7.30 A reported student who believes that the decision not to permit the case to go to a University Appeal Committee is irregular, or has not been made in line with these procedures may request that the Head of Student Investigation and Resolution or nominee review the decision.

7.31 A reported student who wishes to do so must write to the Student Investigation and Resolution Team, setting out the reasons why they believe the decision was irregular, or has not been made in line with these procedures, within 10 working days of the decision.

7.32 If the Head of Student Investigation and Resolution or nominee upholds the decision, they will issue the reported student with a Completion of Procedures Letter within 10 working days of receipt of the request. If the Head of Student Investigation and Resolution overturns the decision, the case shall be referred to an Appeal Committee.

## **The Appeal Committee**

7.33 The Secretary to the Appeal Committee will write to the reported student, normally giving at least 10 working days' notice of the meeting of the Appeal Committee.

7.34 The Appeal Committee membership will normally consist of:

- A Chair (a trained member of Senior Staff)
- Academic Registrar (or nominee)
- A representative of the student body.

7.35 Members of the Appeal Committee must not have been involved with the case

previously and must be familiar with these procedures

- 7.36 A member of the Student Investigation and Resolution Team or nominee will normally act as Secretary to the Appeal Committee.
- 7.37 The reported student and the Chair of the University Conduct Committee, or the investigating Conduct Officer have the right to attend.
- 7.38 Unless otherwise determined by the Chair of the Appeal Committee, the appeal shall take the form of a review of the decision of the University Conduct Committee or Conduct Officer. This means that the Appeal Committee shall normally only consider issues raised in the appeal by the reported student.
- 7.39 The Committee will allow:
- (a) The reported student to:
- Provide relevant information and evidence in advance of the committee, state their appeal and provide relevant evidence ,
  - challenge any submissions or evidence provided to the committee
  - be accompanied by a friend, colleague or legal representative acting in a legal capacity (See paragraphs 8.4 and 8.6). This person should not have been involved in the circumstances/incident or be called as a witness
- (b) The Chair of the University Conduct Committee or Conduct Officer to:
- state their response to the grounds of appeal
  - challenge any submissions made and/or evidence produced by the reported student.
- (c) Members of the Appeal Committee to:
- question the reported student and the Chair of the University Conduct Committee and clarify any evidence or statements produced by either party.

Questions from the reported student or Chair of the University Conduct Committee will normally be directed through the Chair of the Appeal Committee.

- 7.40 The Appeal Committee will normally state its decision as to whether to allow or dismiss the appeal at the hearing. The Appeal Committee may:
- uphold the decision of the University Conduct Committee or the Conduct Officer;
  - refer the case back to the University Conduct Committee or to a new Conduct Officer for a fresh hearing;
  - reach a different outcome and/or impose an alternative penalty.
- 7.41 The Appeal Committee may impose the full range of penalties.
- 7.42 On occasion, a decision may be taken to adjourn and reconvene the Appeal Committee, for example, if more information or evidence is required.
- 7.43 The reported student will receive an outcome letter explaining the decision, penalty and next steps, normally within 5 working days of the Appeal Committee.

- 7.44 If the reported student is still dissatisfied with the outcome, they may be able to refer the issue as a complaint to the [Office of the Independent Adjudicator for Higher Education](#) (OIA) providing that it is eligible under the OIA's Rules. The outcome letter shall comply with the OIA's guidance for a "Completion of Procedures" letter.

## 8 Other Procedural Matters

- 8.1 Conduct procedures started prior to a reported student's enrolment end date may continue beyond the expected end date but must normally be concluded prior to any degree or award being conferred. Where this is not possible, the University reserves the right to delay the conferment of any degree or award until the disciplinary procedures have been concluded.
- 8.2 If a Conduct Officer starts to investigate a case and decides that another Conduct Officer would more appropriately handle it, either because of the nature of the alleged breaches or an association, the case can be reallocated.
- 8.3 If a reported student cannot attend a Conduct Interview, University Conduct Committee or an Appeal Committee, they must write to the organiser before the meeting with reasons and evidence. The organiser will consider the reasons given and, at their discretion, rearrange the Interview or Committee, arrange attendance via alternative means, e.g. video call, or inform the reported student that the reason given for not attending is invalid and that the Interview or Committee will go ahead as scheduled. If the reported student fails to attend (after attempts to rearrange, if appropriate) then the Conduct Officer or Committee may hear the case in the absence of the reported student.
- 8.4 It is the responsibility of the reported student wishing to be accompanied to inform the friend, colleague, or representative of the date, time and place of the Interview or Committee. The friend, colleague, or representative may undertake the presentation of the case on behalf of the reported student, but a reported student may not be represented at a hearing in their absence and the friend, colleague or representative may not answer questions on the reported student's behalf.
- 8.5 If requested at a Conduct Interview or Committee, any witnesses, or the reporting person may attend via alternative means, e.g. video call, with the agreement of the Conduct Officer or Chair of the Committee.
- 8.6 These regulations are not a legal matter, and it is hoped the procedure can be carried out without legal intervention, but the University recognises that some students may wish to have legal representation for committees. If a reported student chooses to do so, the University may also seek legal advice for University Conduct Committees and Appeal Committees.
- 8.7 While every decision in relation to the case shall be for the Conduct Officer or Committee, they shall give consideration to the views of the reporting person and any subsequent developments. The reporting person is expected to co-operate with the Conduct Officer throughout the proceedings. They may be invited to give further information or attend the Interview or Committee, at the Conduct Officer's or Chair's discretion.
- 8.8 At a Conduct Interview, all decisions shall be made by the Conduct Officer(s). At a

University Conduct Committee or Appeal Committee, all decisions shall be made by a simple majority of the members of the Committee. In the event of a tied vote, the Chair shall have a second and deciding vote.

- 8.9 All investigated cases will be recorded and the information logged by the University. Conduct Officers, University Conduct Committees and Appeal Committees will have access to information relating to a previous breach (if any) by the reported student once it has been established that a further breach has occurred. It may be deemed that the subsequent breach is an escalation of the previous breach; should that be the case an appropriate penalty will be imposed.
- 8.10 The use of covert recording (video/audio) is contentious. The Academic Registrar (or nominee) will consider carefully on a "case-by-case" basis whether such a recording should be admitted into the conduct case, having considered the relevant factors. The decision of the Academic Registrar is restricted to the conduct procedure only. It does not preclude other action being taken by the University or any other third party affected (such as by those being recorded) for breaches of privacy laws and criminal offences, for example.
- 8.11 At any stage, the Student Investigation and Resolution Team or Conduct Officer is entitled to make a decision to suspend the conduct procedure for one of the following reasons:
- (a) If there is an ongoing investigation under one of the University's other procedures, or external procedure, e.g. ongoing criminal investigations or legal proceedings, for which the investigation of or outcome, could substantially alter the course of the conduct investigation or its outcome.
  - (b) If the reporting person or reported student is behaving unreasonably and in a way that could negatively impact the conduct officers or the investigation – for example, behaving aggressively, making unreasonable demands or repeated related requests.
- 8.12 If there is a decision to suspend or terminate a case, a letter will be provided to the reported student to explain the reasons for the decision, and what will trigger the re- opening of the case.
- 8.13 If the reported student disagrees with the decision to suspend or terminate the case, they may ask for a review of this decision by writing to the Academic Registrar within 10 working days of the decision.
- 8.14 The Academic Registrar will consider the letter notifying the student of the suspension of procedures, and the student's reasons for disagreeing with the decision. They will inform the student of the outcome, either to continue or overturn the suspension, normally within 10 working days.
- 8.15 The University will endeavour to respond to any conduct case as rapidly as possible and will, where possible, adhere to the timeframes above. However, every case will need to be fully investigated and this may mean that a conclusion cannot be reached as quickly as either party would wish, particularly if the case is complex, extensive, involves external organisations, or was submitted at a time when key staff are away from the University. Therefore, timescales may be varied by the University where there is good reason to do so. The University will notify the reported student and any other relevant parties of any such changes to timescales.



# Appendix - Fixed Penalty Policy

The Conduct Officer may impose a fixed penalty where:

- Students generally understand why the requirement is necessary
- There is usually little doubt about the facts of an alleged breach, so usually no need for an investigation
- There are usually few valid grounds for mitigation.
- The behaviour has interfered with the safety or learning of other students.

The tariff for fixed penalties is given below. Depending on severity of the incident, a warning may be given before a fine, at the Conduct Officer's discretion.

## Fixed Penalties General

- (a) Smoking, vaping or using e-cigarettes in a University building, including accommodation.
- A first offence will result in a fine of £50
  - A second offence will result in a fine of £100
  - A third offence will be treated as a Major breach of the general regulations
- (b) Interfering with health and safety equipment, such as smoke detectors, fire doors. Other breaches of health safety requirements, e.g. not adhering to safety guidelines from Public Health England
- A first offence will result in a fine of £50
  - A second offence will result in a fine of £100
  - A third offence will be treated as a major breach of the general regulations

## Fixed Penalties for IT Services

- (a) Infringement of intellectual property rights including distributing or obtaining illegally copied software, media or other material
- A first offence will result in a fine of £50
  - A second offence will result in a fine of £100
  - A third offence will be treated as a major breach of the general regulations

## Fixed Penalties for Sports

- (a) Behaviour that has interfered with the safety of others
- A first offence will result in a fine of £50
  - A second offence will result in a fine of £100
  - A third offence will be treated as a major breach of the general regulations

## **Appeals against fixed penalties**

Students can appeal against fixed penalties by requesting a conduct investigation by the conduct officer. In order to request an appeal they must write to the conduct officer 10 working days of receiving the outcome letter. Students must provide the full case file and any additional evidence with their request.

The case will then be considered by a Conduct Officer and will follow the Student Conduct procedure. The conduct officer can impose a penalty or refer to a University Conduct Committee. The Conduct Officer's outcome will supersede the fixed penalty fine