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1. **GENERAL PRINCIPLES**

1.1 **Authority, status and interpretation**

1.1.1 The Student Conduct Regulations and Procedure ("these regulations" or “this procedure”) are the rules for the conduct of students made by the Board of Governors under Article 14.2 of the Articles of Government of the University ("the Articles"). As such, and as set out in the Conditions of Acceptance, all students are bound by the provisions of these regulations. Although the University will use reasonable endeavours to inform students about these regulations when they apply, at enrolment and when any changes are made, it is the responsibility of all students to ensure that they are familiar with the current version of these regulations at all times. Ignorance of their content will not be accepted as a defence or as mitigation in any proceedings brought under these regulations.

1.1.2 The Board of Governors, following consultation with Academic Board and the Students’ Union, may from time to time amend these regulations or replace them entirely. Any changes determined by the Governors shall take effect immediately or at such a future date as the Governors shall determine. The Governors may also determine how the changes shall be applied to disciplinary cases that have been initiated but not completed.

1.1.3 Attached to these regulations, but not forming part of them, are a number of Appendices. These record the people and bodies to whom the Vice-Chancellor has delegated the responsibility under Article 3.2(g) of the Articles for the maintenance of student discipline, the limitations within which they may exercise the Vice-Chancellor’s authority in this respect and a number of other decisions made by the Vice-Chancellor relating to the implementation of these regulations. The provisions of the Appendices are, therefore, binding on all Disciplinary Officers, Misconduct Committees and others acting under these regulations. The Vice-Chancellor, following consultation with the relevant Disciplinary Officers and the Students’ Union, may create a new Appendix and may amend or delete an existing Appendix.

1.1.4 Accompanying these regulations and the Appendices, but not forming part of either, are **Handbooks and Guidance Notes** (references to Handbooks and Guidance Notes in this procedure are simply references and are not part of the procedure itself). The Handbooks and Guidance Notes set out best practice in the operation of this procedure and it is expected that all Disciplinary Officers, Misconduct Committees and others acting under these regulations will comply with them. However, no decision will be invalidated by reason of a failure to comply with the strict provisions of a SCRP Guidance Note provided that the student involved was not materially disadvantaged or the University Student Conduct Officer is satisfied that there was a valid and proportionate reason for the non-compliance. The Academic Registrar, following consultation with the relevant Disciplinary Officers and the Students’ Union, may create a new SCRP Guidance Note and may amend or delete an existing SCRP Guidance Note.

1.1.5 The Academic Registrar will ensure that these regulations, the Appendices and the Handbooks and Guidance Notes are reviewed regularly and that such changes as seem desirable are implemented and/or recommended to the Vice-Chancellor or the Board of Governors as appropriate. In addition, the Academic Registrar shall consider whether there are any problems arising from University systems or practices underlying disciplinary cases and initiate appropriate corrective action where necessary.
1.1.6 The provisions of these regulations are without prejudice to the rights of the University, the Students' Union and any other associated body:

(a) under any contract entered into by a student; and

(b) as prescribed by law.

1.1.7 In the event of any uncertainty or dispute, the University Student Conduct Officer shall interpret these regulations, the Appendices and the Handbooks and Guidance Notes. Upon receipt of a written request, the University Student Conduct Officer shall confirm their interpretation in writing.

1.2 Purpose and application

1.2.1 These regulations are intended to set and maintain acceptable standards of behaviour by the student members of the University community. In particular, they are intended to encourage individuals to accept their obligations to both the University community and the wider community, to maintain an environment which enables and encourages participation in the educational activities of the University, to ensure the security of the University's and other people's and organisations' property, to enable the University to meet its statutory, legal and contractual obligations, and to help maintain the University's good name and standing.

1.2.2 While the University will take whatever action seems appropriate to it in respect of every breach of these regulations (including no action), it will regard as particularly serious any or all of:

(a) any violence, threats of violence or abuse;

(b) any bullying or harassment, especially on the grounds of race, sex, religion, sexual orientation, disability, age, etc;

(c) any behaviour that endangers the individual or others;

(d) any significant academic misconduct;

(e) any behaviour that could damage the good name or standing of the University.

1.2.3 The specific provisions of this procedure are intended to ensure that:

(a) the process that it describes is fair (ie complies with the principles of natural justice);

(b) the outcomes of that process are fair and reasonable (for all the parties involved in a case) and proportionate;

(c) insofar as is compatible with the first two objectives, the time and other resources required from staff, students and other parties is minimised.

The provisions of any Appendix, Handbook and Guidance Note shall do likewise.

1.2.4 These regulations apply to:

(a) all acts and omissions of current students (ie students who have enrolled with the University and who have neither completed their studies nor are taking
approved time out) and Sabbatical Officers of the Students’ Union, whatever their nature and wherever they take place;

(b) all acts and omissions of past students and students who are taking approved time out which take or took place on University premises, or which are or were related to an award, activity, facility or process of or linked to the University, or which could damage or could have damaged the good name or standing of the University.

(c) all acts and omissions of students enrolled with another institution on a programme leading to an award of, or validated by, the University which take place on University premises, or which are related to an award, activity, facility or process of or linked to the University, or which could damage the good name or standing of the University;

(d) all acts and omissions of all the above groups that occurred before the student enrolled which were not declared at the time of enrolment and which indicate that there could be a threat to the safety or welfare of students or staff of the University or which could damage the good name of the University or which could have resulted in different decisions having been made in relation to the student had the act or omission been known about when the decision was made.

1.2.5 Institutions that deliver programmes leading to an award of, or validated by, the University are expected to have student conduct regulations and procedures sympathetic to these regulations. In appropriate circumstances, the University may refer any instances that arise under sub-paragraph 1.2.4(c) to the appropriate officer of that institution, either generally or case by case. Where such a referral has taken place, a student who has exhausted the disciplinary process of the other institution and is still dissatisfied with the outcome may refer their case back to the University by writing to the University Student Conduct Officer who shall treat it like any other appeal submitted under sub-section 4.7. In such circumstances, if the Appeal Committee upholds the appeal in whole or in part, it may refer the case back to a Misconduct Committee at the other institution or to a Misconduct Committee at Oxford Brookes as it deems appropriate.

1.2.6 Where proceedings have been initiated against an individual under these regulations and the status of that individual changes, the University may continue with, suspend and subsequently resume, or terminate those proceedings as seems appropriate to it. If it does continue with or subsequently resumes the proceedings, the individual shall continue to be entitled to and bound by all the provisions of these regulations.

1.2.7 Where the University does not become aware of circumstances that fall within any part of paragraph 1.2.4 until a significant period of time after they took place, it may initiate proceedings under these regulations or not as seems appropriate to it.

1.3 Relationship to the criminal law

1.3.1 Many circumstances that constitute a breach of these regulations will also constitute a criminal offence. It is also the case that the police may choose to inform the University about any or all of:

(a) the progress and outcome of criminal investigations into;
(b) Acceptable Behaviour Contracts agreed by and Anti-Social Behaviour Orders issued against;
(c) formal cautions accepted by, criminal proceedings brought against and criminal convictions of;

students of the University and all students must understand and accept that this may occur.

1.3.2 If an individual is the subject of a criminal investigation or has criminal proceedings pending against them or has been found to have committed a criminal offence, the University may initiate, proceed with and/or suspend this procedure as seems appropriate to it. In such circumstances, it may also suspend the student in accordance with sub-section 4.2 pending the outcome of the criminal process and/or this procedure or not as seems appropriate to it.

1.3.3 Following discussions with the Thames Valley Police, the University has agreed a policy and procedure for responding to allegations relating to illegal drugs.

1.4 Relationship to other regulations, policies and procedures

1.4.1 Where a student admits or is found to have committed academic misconduct, the University is likely to impose an academic penalty through these regulations. While it has the power to do so on the authority of these regulations alone, for the avoidance of doubt this situation is acknowledged in sub-sections C2.2 and C2.6 of the Academic Regulations.

1.4.2 Many circumstances that constitute a breach of these regulations may also constitute a breach of the Professional Standards required of certain professions and, hence, of students on certain courses. In particular, they may constitute grounds for the qualification or removal of a student’s Authority to Practice.

1.4.3 Certain circumstances that constitute a breach of these regulations may also constitute a breach of the Students’ Union Social Club Rules (or other rules or procedures of the Students’ Union.)

1.4.4 Where a case involves allegations of bullying or harassment, those aspects of the case will be progressed in accordance with the relevant University policy and procedure.

1.4.5 These regulations also underlie the enforcement of a number of other University regulations, policies and procedures governing student conduct and behaviour and the use of particular facilities and services. These are the subject of Regulation 2.6.5 and are listed in Appendix 4. Students are expected to familiarise themselves with these other University regulations, policies and procedures as appropriate. In the event of a conflict between these regulations and any other regulations, policies or procedures, the provisions of these regulations shall take precedence.

1.4.6 Inappropriate behaviour that arises from mental illness, mental health problems and/or dependency on alcohol or other drugs is subject to the provisions of these regulations. However, where the individual involved acknowledges the underlying problem and undertakes an agreed medical and/or counselling programme, the University may suspend further action under these regulations (except possibly the suspension or exclusion of the student in accordance with sub-section 4.2) pending the outcome of that programme.
1.5 Rights and obligations of staff, students and others

1.5.1 All staff who become aware of a breach or potential breach of these regulations are authorised and required to take whatever steps are reasonable and without risk to themselves to stop it and to prevent a recurrence. 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.

1.5.2 All staff and students who become aware of anyone who may have committed a breach of these regulations are required to report it to the relevant Disciplinary Officer (or to the University Student Conduct Officer if they are unsure who the relevant Disciplinary Officer is) as soon as reasonably practicable.

1.5.3 All staff and students who experience, witness or become aware of anyone who may be involved in or supportive of politically, racially or religiously motivated violence and/or hate crimes or intolerance are required to report it to the Hate Crimes and Intolerance Officer as soon as reasonably practicable.

1.5.4 Subject to any relevant legal or professional obligations of disclosure, all staff and students who are or become aware of information about ongoing or completed proceedings under these regulations are required to keep this information confidential except insofar as is necessary to investigate or determine the alleged breaches or implement the outcome of this procedure. Failure to do so may result in formal disciplinary action being taken through this procedure or the Staff Disciplinary Procedure.

1.5.5 While a Disciplinary Officer may initiate proceedings under these regulations in their own right, they may also do so following a specific complaint made by a student, a member of staff or another individual who may or may not have any other connection with the University. The Disciplinary Officer shall keep a complainant informed about the general progress of the investigation and the outcome of it. While every decision in relation to the case shall be for the Disciplinary Officer alone, they shall give consideration to the views of the complainant about the original circumstances and any subsequent developments. Conversely, a complainant is expected to cooperate with the Disciplinary Officer throughout the investigation and any subsequent proceedings.
2. STUDENT CONDUCT REGULATIONS

2.1 General:

2.1.1 Students shall not commit misconduct which, for the purposes of these regulations, means improper interference, in the broadest sense, with the proper functioning, activities or property of the University or of those who work for, study at or are visiting the University or any action which otherwise damages the University or its good name whether or not this takes place on University premises. Without affecting the generality of this regulation, Sections 2.2 to 2.7 below set out specific examples of behaviour which will be considered misconduct. The University will have due regard to a student's right to freedom of speech within the law and the relevant University policies when implementing these regulations.

2.1.2 All references to the University in Section 2 of these regulations shall be interpreted to include reference to all associated organisations (such as the Students' Union, UPP Ltd, ALT and any other organisations with relevant links to the University) wherever this makes sense. Residences associated with the University are those residential properties owned or managed by or on behalf of the University or an associated organisation.

2.2 Academic misconduct:

2.2.1 Students shall not cheat (i.e., obtain, or attempt to obtain, an unfair academic advantage) in any assessment of their competencies or academic ability or professional skills. They shall comply at all times with the provisions of the University Regulations, including the Regulations for Students taking Assessments. In particular, they shall not commit collusion, plagiarism, falsification, duplication, submit the work of others as their own or allow another person to undertake an assessment for them. Further guidance concerning the University's understanding of cheating can be found in section A3.13 of the University Regulations.

2.2.2 Students shall not provide false or misleading information or documentation to, or withhold relevant information from, the University or a third party with the intent to, or the effect that they, gain an unfair academic advantage or other academic benefit or service. Students shall not provide false academic or professional references, or make false claims about their academic or professional achievements, to the University or a third party for whatever reason.

2.2.3 Students shall always obtain ethics approval to carry out research with human participants, in accordance with Departmental, Faculty and University procedures and before the recruitment of any participants and the collection of any research data.

2.3 Behaviour towards students, staff and others:

2.3.1 Students shall always act with reasonable consideration for all students, employees, agents and guests of, contractors with, and visitors to, the University.

2.3.2 Students shall comply with any reasonable, oral or written, individual or collective instructions given by any employee or agent of the University in the execution of their duties.

2.3.3 Students shall not obstruct, disrupt or interfere with the education of other students or the work of the University or the work of any guest of, or visitor to, the University.
2.3.4 Students shall not commit any action which causes, is intended to cause or could reasonably cause injury to any person.

2.3.5 Students shall not take away, misuse or damage any property which does not belong to them.

2.3.6 Students shall not behave in a disorderly, disruptive, obstructive, abusive, threatening, intimidating, indecent, offensive or violent manner.

2.3.7 Students shall not bully or harass any student, employee, agent or guest of, contractor with, or visitor to, the University, whether on the grounds of race, sex, religion, sexual orientation, disability, age or otherwise.

2.3.8 Students shall not commit fraud, deceit, deception, or dishonesty in relation to any student, employee, agent or guest of, contractor with, or visitor to, the University.

2.3.9 Students shall not make vexatious complaints under this procedure or the Student Complaints Procedure, or otherwise knowingly or recklessly make false allegations, or knowingly or recklessly provide or publish false or misleading information, about a student, employee, agent or guest of, contractor with, or visitor to, the University.

2.3.10 Students shall not victimise anyone because they have raised a complaint or exercised any other right under a University or other procedure, or have represented another person or provided evidence under such a procedure, or have complied with any requirement of such a procedure.

2.3.11 Subject to any relevant legal or professional obligations of disclosure, students shall not reveal any information about ongoing or completed proceedings under these regulations, or about any ongoing or completed student complaint, to any person except insofar as is necessary for the investigation or determination of the proceedings or the complaint or the implementation of the outcome of the process.

2.4 Use of Buildings, Grounds and Equipment:

2.4.1 When within the premises or grounds, or using the facilities, of the University, students shall behave with consideration for the needs of other users and the people who maintain those premises, grounds and facilities. In particular, students shall comply at all times with the provisions of the Premises Regulations.

2.4.2 Students shall not misuse, or enter or use without authorisation, any part of the University's premises. In particular, students shall not enter without authorisation any accommodation occupied by another student in a residence associated with the University.

2.4.3 Students shall not remove, deface, damage, misuse or use without authorisation any equipment or property belonging to or under the control of the University. In particular, students shall not intentionally or recklessly interfere with or misuse any equipment provided in the interests of health and safety or behave in a careless or negligent manner which leads to the activating of a fire or smoke alarm.

2.4.4 Students shall not keep or use any offensive weapons or hazardous materials, or any object or material which is deemed to be so by a Disciplinary Officer, within the premises or grounds of the University or of any property owned or managed by or on behalf of the University, even if properly licensed, without written authorisation from the University.
2.4.5 Students shall not knowingly allow their accommodation (i.e., their study bedroom and any associated communal areas) in a residence associated with the University to be used for the production, storage, sale, exchange or consumption of illegal drugs.

2.4.6 Students shall not allow any person to stay overnight in or otherwise use their accommodation (i.e., their study bedroom and any associated communal areas) in a residence associated with the University without authorisation from the University, whether or not the other person is a student of the University. Should a student do so, they shall also be responsible for any breaches of these regulations committed by that person and may be held liable for any injury or damage suffered by that person.

2.5 Compliance with the Conduct Procedure:

2.5.1 Students shall co-operate with the processes by which these regulations are implemented. In particular, they shall:

(a) show their current University enrolment card and provide any other information about themselves when requested to do so by any employee or agent of the University who reasonably requires it. If they are unable to show their current enrolment card, they shall provide some other acceptable evidence of their identity and their right to be on University premises;

(b) provide whatever information that they know about the identity of any other persons who are or were in their vicinity when requested to do so by any employee or agent of the University who reasonably requires it;

(c) hand over any object or material that is in their possession or under their control when requested to do so by any employee or agent of the University who requests it in the reasonable belief that it is evidence of a past or current breach of these regulations and/or that this will prevent a future breach of these regulations. In particular, students shall hand over any material that is reasonably believed to be an illegal drug;

(d) attend all interviews and hearings convened under these regulations unless they have a valid reason why they are unable to do so, in which case they shall inform the convening officer of that reason as soon as reasonably practicable and cooperate in making alternative arrangements;

(e) not refer cases to a Misconduct Committee if their reasons for doing so are entirely without substance and/or merit, and/or have been occasioned substantially by their own default, or otherwise abuse the disciplinary process.

2.5.2 Students shall not interfere with an investigation into a possible breach of these regulations by creating, removing, altering or destroying material or other evidence, by giving false or misleading information, by withholding relevant information, or in any other way. Nor shall they threaten or induce others (by whatever means) to do any of the above.

2.5.3 Students shall comply with all the requirements of a period of suspension imposed in accordance with sub-section 4.2.

2.5.4 Students shall comply with all the penalties imposed by a Disciplinary Officer or Misconduct Committee within the period specified by the Officer or Committee unless they have requested the referral of the case or an appeal in accordance with University Regulations/ C Academic Appeals, Student Complaints and Conduct Regulations/ C1 Student Conduct Regulations and Procedure
these regulations. In particular, students shall comply with all the conditions set out in a Personal Conduct Order imposed under Regulation 3.3.5.

2.5.5 Students shall comply with the requirements of a “fixed penalty” system and, in particular, shall pay either the reduced fine or the proposed fine within the specified time-scale whether or not they refer the issue to a Disciplinary Interview (see paragraph 3.4.2).

2.6 Administration of the University:

2.6.1 Students shall not provide false or misleading information or documentation to, or withhold relevant information from, the University or a third party in any application for financial aid or other benefit or service.

2.6.2 Students shall not forge, alter or misuse any University documents, records or identification cards or provide any such material to a third party in the reasonable knowledge or belief that they will forge, alter or misuse them.

2.6.3 Students shall not invade or abuse the security, integrity or privacy of any files or confidential material (including those held within the University’s Computer System). Subject to any relevant legal or professional obligations of disclosure, students who are or become aware of confidential information relating to one or more students or staff by whatever means shall not communicate that information except to an authorised person.

2.6.4 Students shall pay all fees, debts and charges (including fines) due to the University at the required time.

2.6.5 Students are expected to comply with all University regulations, policies and procedures. Failure to comply with any of those listed in Appendix 4 is a breach of this regulation.

2.7 Other Conduct Regulations:

2.7.1 Students shall not commit a criminal offence, or breach the terms of an Acceptable Behaviour Contract or an Anti-Social Behaviour Order, within the premises or grounds of the University or elsewhere.

2.7.2 Students shall not behave or act in any way, within the premises or grounds of the University or elsewhere, which is likely to damage the good name or standing of the University.

2.7.3 Students shall not do anything which constitutes an attempt to breach any of these regulations.

2.7.4 Students shall not assist, encourage or incite any other person to behave in a way which constitutes a breach of, or an attempt to breach, these regulations.

2.7.5 Students are responsible for any breaches of these regulations:

(a) committed by any person who they have invited to any part of the premises or grounds of the University, including to their accommodation where this is in a residence associated with the University; or

(b) committed by any person who they are in the company of within the premises or grounds of the University.
(i) where the student refuses to identify the person when requested to do so; or

(ii) where the person is not a student of the University, unless the student can show that they took all reasonable steps to prevent the breach;

(c) which occur in their accommodation (ie their study bedroom and any associated communal areas) where this is in a residence associated with the University, unless the student can show that they took all reasonable steps to ensure that there is no access to the accommodation without their permission.

3. PENALTIES

3.1 Principles:

3.1.1 In order to maintain student discipline, the Vice-Chancellor has the authority to impose penalties upon students in accordance with this procedure (as set out in Article 3.2(g) of the Articles). The Vice-Chancellor may delegate some or all of this authority (including the power to delegate further) to other members of staff and University bodies (as set out in Article 3.3 of the Articles). The current scheme of delegation is set out in Appendices 1, 2 and 3.

3.1.2 A penalty or combination of penalties may be imposed upon a student at the appropriate stage of this procedure for each breach of these regulations that is admitted or proved. Where the breach is of Regulations 2.2.1 or 2.2.2 (or of Regulations 2.7.3 or 2.7.4 in relation to Regulations 2.2.1 or 2.2.2), the penalties may only be drawn from sub-section 3.2; in the case of all other breaches, the penalties may only be drawn from sub-section 3.3. Where the breach is of Regulation 2.5.1(e), the penalty shall be a fine not exceeding the contingent fine required in paragraph 4.5.2.

3.1.3 Exceptionally, where none of these penalties is deemed to be appropriate by the Disciplinary Officer or Misconduct Committee, they or it may determine another penalty provided that this penalty is approved by the Vice-Chancellor before being imposed.

3.1.4 Disciplinary Officers, in conjunction with the University Student Conduct Officer, shall develop and keep under review tariffs relating to different categories of breaches of these regulations. While each case will be judged on its own merits and is generally subject to the University’s discretion, Disciplinary Officers and Misconduct Committees shall be guided by these tariffs when deciding which penalty to impose (see the Handbooks and Guidance Notes).

3.2 Academic penalties:

3.2.1 An Absolute Discharge. This means that the student technically breached the regulation but no blame should be attached to them.

3.2.2 A Formal Warning about future behaviour, which will indicate the errors of omission and/or commission committed by the student and the penalties which may be imposed for any future breach of these regulations.

3.2.3 A requirement to correct a piece of coursework submitted for assessment in fulfilment of a course requirement by a prescribed return deadline for a reduced or capped mark. The Disciplinary Officer or Misconduct Committee shall specify the return deadline and the reduction (in percentage points) or the cap (in percent). Unless the Disciplinary Officer or Misconduct
Committee specifies otherwise, failure to meet the prescribed return deadline will result in a mark of zero for the relevant module.

3.2.4 A reduction of marks, a cap placed on the marks or the award of no marks for a piece of course work submitted in relation to a course requirement and/or a class test and/or an examination. The Disciplinary Officer or Misconduct Committee shall specify the reduction (in percentage points) or the cap (in percent).

3.2.5 The award of another appropriate mark (including a minimum resit or a fail grade) for the relevant module or unit.

3.2.6 The temporary withholding or withdrawal of academic credit or a University award. The Disciplinary Officer or Misconduct Committee shall specify the duration of the withholding or withdrawal and whether it is to commence immediately or at the point at which the award would otherwise have been made.

3.2.7 A requirement that the mark awarded for a specified module or unit be included in the calculation of the class of Honours degree awarded or whether to award the student a Merit or Distinction.

3.2.8 A restriction on the maximum award that the student may obtain from the University. Immediately the student has sufficient academic credit for this restricted award, it shall be awarded at the next meeting of the relevant Examination Committee and the student deemed to have completed their course.

3.2.9 A reduction of the class of the student’s Honours degree by one or more classes. This penalty shall be applied at the point at which the degree is awarded, or immediately if the degree has already been awarded.

3.2.10 The permanent withholding or withdrawal of academic credit or a University award and the substitution, or not, of a lesser credit or award.

3.2.11 A decision that the student may not be re-admitted to the University for any reason once they have completed their current programme of study, for a specified or an indefinite period.

3.2.12 The required temporary withdrawal of the student from the University. This means that the student shall cease to be an enrolled student on a specified date and shall not be allowed to re-enrol until the start of a specified semester, which shall not be more than twelve months after the date that enrolment ceased.

3.2.13 The expulsion of the student from the University. This means that the student shall cease to be an enrolled student on a specified date and shall not be entitled to re-enrol in any capacity on any future occasion at Oxford Brookes or for an Oxford Brookes award.

3.3 Conduct penalties

3.3.1 An Absolute Discharge. This means that the student technically breached the regulation but no blame should be attached to them.

3.3.2 A Formal Warning about future behaviour, which shall indicate the errors of omission and/or commission committed by the student and the penalties which may be imposed for any subsequent breach of these regulations.

3.3.3 A Formal Reprimand. This means that no other penalty will be imposed at this time but, if the student breaches any of these regulations on any subsequent occasion, the subsequent Disciplinary Officer or Misconduct Committee shall impose penalties for this breach as well as for the subsequent breach.
3.3.4 A requirement that the student make an apology to one or more individuals specified by the Disciplinary Officer or Misconduct Committee. The Officer or Committee shall also specify whether the apology shall be oral or written and any specific provisions that shall be included in the apology.

3.3.5 The imposition of a Personal Conduct Order (which may require the student to behave, or to not behave, in a specified manner and/or to be present in, or to avoid, specified locations and/or to not contact in any way or knowingly allow themselves to be in the vicinity of specified individuals and/or impose some other requirement or restriction). The terms of the order, including its duration, shall be specified by the Disciplinary Officer or Misconduct Committee and shall relate to the behaviour and/or circumstances that led to the breach of these regulations.

3.3.6 The temporary or permanent confiscation, without compensation, of any object or material prohibited by, or which was involved in a breach of, these regulations.

3.3.7 A fine up to the maximum set out in Appendix 1. All fines shall normally take the form of an invoice raised on the University Finance System and shall be credited to the University's Emergency Fund for distribution by the Financial Aid Committee.

3.3.8 Notwithstanding any action taken by a third party against the student, full or partial restitution of the cost of the damage or loss suffered by the University or any associated organisation, or by any students, employees, agents or guests of the University or an associated organisation, or by any contractors with the University or an associated organisation, or by any visitors to the University or an associated organisation, or by a member of the public. This restitution shall be paid to the University for onward transmission to the aggrieved party and the total amount is not restricted by any limit set out in Appendix 1 or elsewhere.

3.3.9 Community service, which shall normally take the form of specified unpaid activities, up to the maximum number of hours set out in Appendix 1, for which no expenses shall be paid.

3.3.10 The temporary or permanent exclusion of the student from:

(a) one or more of the University’s or an associated organisation’s facilities or services; and/or

(b) one or more parts of the premises or grounds of the University or an associated organisation (other than a property in which they are resident); and/or

the imposition of one or more conditions on the use of such facilities or services, or entry to such areas, by the student.

3.3.11 A requirement that the student relocate within or between residences associated with University. This means that the student shall vacate any accommodation they are currently occupying in a property owned or managed by the University or an associated organisation by a specified date and shall be offered the option of moving into alternative accommodation which may be in the same or a different residence, as designated by the Disciplinary Officer or Misconduct Committee.

3.3.12 The eviction of the student from all residences associated with the University. This means that the student shall vacate any accommodation they are currently occupying in a property owned or managed by the University or an associated organisation by a specified date and shall not be allowed to reside in any such property on any future occasion.

3.3.13 A prohibition on the student re-enrolling at the start of an academic year if they have not complied with some or all of the other penalties imposed at the current interview or hearing and/or outstanding from previous interviews or hearings. The Disciplinary Officer or Misconduct Committee shall specify the academic year in question and which of the penalties must be complied with before the student can enrol.
3.3.14 In the case of a current Sabbatical Officer of the Students’ Union or a candidate for election as a Sabbatical Officer, prohibition from office. If the individual is currently a Sabbatical Officer, they shall cease to be so with immediate effect and, in any case, the individual shall not be permitted to become a Sabbatical Officer at any point in the future.

3.3.15 The required temporary withdrawal of the student from the University. This means that the student shall cease to be an enrolled student on a specified date and shall not be allowed to re-enrol until:

(a) the start of a specified semester, which shall not be more than twelve months after the date enrolment ceased; or

(b) they have received, and/or continue to receive, treatment for a mental illness or other condition; or

(c) they provide medical certification from a General Practitioner or Psychiatrist of their fitness to return to study.

3.3.16 The expulsion of the student from the University. This means that the student shall cease to be an enrolled student on a specified date and shall not be entitled to re-enrol in any capacity on any future occasion at Oxford Brookes or for an Oxford Brookes award.

3.4 **Administration of the Penalties:**

3.4.1 Any penalty imposed upon a student may be imposed conditionally, such that it only comes into effect if the student breaches one, some or any of the Student Conduct Regulations at some point in the future. The Disciplinary Officer or Misconduct Committee shall specify which of these regulations, if breached, shall result in the imposition of the penalty and the length of time, which may be a specified period or for the remainder of the student’s studies at the University, during which this may occur. The Disciplinary Officer or Misconduct Committee may also specify further conditions governing the imposition of any such penalty.

3.4.2 The Vice-Chancellor may designate certain breaches of these regulations, for which the normal penalty would be a fine, as breaches suitable for a “fixed penalty” system. Such a system shall permit a student alleged to have committed such a breach and informed in writing of the fine proposed:

(a) to pay a specified reduced fine without the need for a Disciplinary Interview, if they do so within a prescribed period;

(b) to pay the proposed fine without the need for a Disciplinary Interview, if they do so within a longer but still limited period;

(c) to refer the allegation to a Disciplinary Interview, where it will be treated as any other alleged breach of these regulations, provided that the student pays either the reduced or the proposed fine as appropriate when they refer the allegation, on the basis that this shall be returned to them if the Disciplinary Officer does not find that the student committed the alleged breach.

3.4.3 Failure to do one of the above within the prescribed time-scales shall be a breach of Regulation 2.5.5 in its own right, regardless of the merits or otherwise of the underlying alleged breach. The breaches that have been designated as suitable for a fixed penalty system are set out in Appendix 5.

3.4.4 Where a Disciplinary Officer or a Misconduct Committee believes it appropriate in all the circumstances, it may make no finding as to liability in respect of an alleged breach of these regulations but recommend instead that the student seek counselling or some other specified form of support. Non-compliance with this recommendation is not, in itself, a breach of these
regulations. However, the recommendation shall be recorded formally and, in the event of a further breach of these regulations by the student, the circumstances of this alleged breach, the fact of the recommendation and any evidence as to the extent to which the student complied with it, shall be taken into account when considering the penalty for the subsequent breach.

3.4.5 If a student is expelled or required to temporarily withdraw from the University at a point part way through a semester, they shall receive no academic credit in respect of any module or unit that are currently studying for and their current programme shall be deleted. During a period of required temporary withdrawal, they shall not be permitted to take any exit award from the University or to transfer any academic credit earned at the University to another institution. After a period of required temporary withdrawal, they shall not be permitted to submit any academic credit that they acquired during the period of suspension for credit towards an Oxford Brookes award.

3.4.6 If a student is expelled or required to temporarily withdraw from the University at a point part way through a semester, the standard University policy in respect of fees payable by students who withdraw from a course voluntarily shall apply in respect of any fees paid or outstanding.

3.4.7 If a student has been expelled or during a period of required temporary withdrawal, they may not be present on any part of the premises or grounds of the University or an associated organisation, or use any of the facilities or services of the University or any associated organisation.

3.4.8 If a student is required to relocate within or between or is evicted from residences associated with the University, as set out in sub-paragraphs 3.3.11 and 3.3.12, they shall remain liable for all the charges relating to the accommodation that they have been required to vacate until the University or associated organisation has relet that accommodation having used reasonable efforts to do so. However, if a student required to relocate takes up the option of moving to the designated alternative accommodation, they shall cease to be liable for any further charges relating to the accommodation they have been required to vacate, and become liable for all the charges relating to the new accommodation, as from the date they relocate.
4. THE CONDUCT PROCEDURE

4.1 Initiating the Conduct Procedure:

4.1.1 The Conduct Procedure may be initiated by any Disciplinary Officer who has reason to believe that a student may have breached the Student Conduct Regulations in circumstances that fall within their jurisdiction as set out in Appendix 1 (such a student is referred to throughout Section 4 as “the student”). Where a member of staff who happens to be a Disciplinary Officer is the primary witness to an alleged breach of the Student Conduct Regulations or is otherwise significantly involved in substantiating the breach or has a close personal relationship with any individual involved in the case, the case shall normally be dealt with by another Disciplinary Officer.

4.1.2 The Disciplinary Officer shall, as soon as reasonably practicable, carry out whatever investigations are necessary in order to decide whether to pursue the matter further (see Handbooks and Guidance Notes). Depending on the circumstances they may decide to take one or more of the following actions:

(a) refer the matter to the University Police Liaison Officer with a recommendation that it be reported to the Police;

(b) refer the matter to the appropriate individual so that it can be considered through another procedure or process, and decide whether or not to suspend this procedure pending the conclusion of that other procedure or process;

(c) convene a Disciplinary Interview (see sub-section 4.4 below);

(d) recommend to the student that they seek counselling or some other form of support or guidance;

(e) recommend to all the parties involved in the issues in dispute that they agree to participate in mediation;

(f) take no further action.

4.1.3 If the Disciplinary Officer decides not to convene a Disciplinary Interview immediately, they shall inform the student in writing of their decision as to how the case is to be dealt with, whenever it is appropriate to do so.

4.1.4 Where there are related allegations against, or referrals or appeals by, more than one student, the Disciplinary Officer shall investigate the allegations and hold Disciplinary Interviews, and the University Student Complaint Officer shall convene Misconduct and Appeal Committees, jointly or independently as they see fit, provided that each student is allowed the rights set out in paragraphs 4.3.1 to 4.3.4 and the Disciplinary Officer or the Committee reach a separate decision in relation to each alleged breach by, or point of appeal from, each student.

4.2 Suspension from one or more or all of the services, facilities or activities of the University and/or an associated organisation

4.2.1 If, at any time following the initiation of this procedure, the Disciplinary Officer has reason to believe that:

(a) the student may:

   (i) interfere with the investigation or any witnesses;

   (ii) repeat the alleged breach or commit another similar breach;
(iii) pose a danger to themselves or others; or

(b) 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 student while the allegation is investigated;

the Disciplinary Officer may refer the matter to a Suspension Officer with a recommendation that the student be suspended from one or more (or all) of the services, facilities, activities, premises and grounds of the University and/or an associated organisation and/or required to have no contact with one or more identified people pending the conclusion of this procedure.

4.2.2 Any such suspension shall be subject to the following conditions and safeguards:

(a) the details and conditions of the suspension shall be proportionate to the risks identified;

(b) the student shall be informed of the details and conditions of the suspension and the reasons for them in writing as soon as reasonable practicable and shall be given an opportunity to make representations about them;

(c) the suspension shall be reviewed regularly and in the light of changing circumstances.

4.2.3 Where they believe it to be appropriate, any Disciplinary Officer may temporarily suspend a student pending the determination of their recommendation by a Suspension Officer. Similarly, where they believe it to be appropriate and in the absence of a Disciplinary Officer, any member of staff responsible for a particular facility, activity or area may temporarily suspend a student from that facility, activity or area pending reference of the case to the appropriate Disciplinary Officer.

4.3 The procedure in operation (see Handbooks and Guidance Notes)

4.3.1 Whenever a Disciplinary Interview, a Misconduct Committee or an Appeal Committee is convened, the convening officer shall give all parties reasonable notice of the arrangements for the interview or hearing, except that a student may waive this right in relation to a Disciplinary Interview in order to complete the process expeditiously, or for some other reason.

4.3.2 The convening notice for a Disciplinary Interview, a Misconduct Committee or an Appeal Committee shall:

(a) in the case of a Disciplinary Interview, include the details of the allegations against the student;

(b) in the case of a Committee hearing, include:

(i) the details of the parties to the hearing;

(ii) the full outcome of, and evidence considered by, the previous stage of this procedure, the documentation that led to the Committee being called, and any other material that either party wishes the Committee to consider;

(c) inform the student of:

(i) their rights under this procedure;

(ii) their obligations under this procedure and the potential consequences of not complying with them;

(d) require the student to, as soon as possible, confirm their attendance at the interview or hearing, or contact the convening officer to explain why they are unable to attend.
4.3.3 Where the student has, in the view of the convening officer, a valid reason why they are unable to attend the interview or hearing in person, the convening officer shall consider whether it is reasonably practicable to make alternative arrangements that would enable the student to take part in the interview or hearing without attending. If the student does not attend the interview or hearing and does not provide a valid reason for their non-attendance, the Disciplinary Officer or Committee may, at their discretion, postpone the interview or hearing or proceed to consider and determine the allegations in the absence of the student. In either case and regardless of any findings in respect of the substantive allegations against the student, they may find that the student has breached Student Conduct Regulation 2.5.1(d) and impose an appropriate penalty.

4.3.4 At any Disciplinary Interview, Misconduct Committee or Appeal Committee, the procedure is at the discretion of the Disciplinary Officer or Chair, provided that they:

(a) allow the student to be accompanied by a friend or other person who shall not be a legally qualified person acting in a professional capacity and shall not be involved in any way in the case or a related one;

(b) at the start of any interview or hearing:

(i) remind the student of their rights under this procedure;

(ii) allow the student to make representations about any procedural issues;

(c) at a Disciplinary Interview:

(i) remind the student of the detailed allegations against them;

(ii) set out all the evidence against the student, including the testimony of any witnesses who are a necessary part of the case against the student;

(d) at a Misconduct Committee or Appeal Committee:

(i) allow the Disciplinary Officer or Chair of the Misconduct Committee to state their case and provide relevant evidence, including testimony from witnesses that they have brought;

(ii) allow the Disciplinary Officer or Chair of the Misconduct Committee to question any witnesses and challenge any submissions made and/or evidence produced by the student;

(iii) allow the members of the Committee to question any witnesses and clarify any evidence produced by either party;

(e) allow the student to state their case as to liability and penalty, including any submissions as to mitigation, and to provide relevant evidence, including testimony from witnesses that they have brought;

(f) allow the student to question any witnesses and challenge any submissions made and/or evidence produced by the Disciplinary Officer or Chair of the Misconduct Committee.

4.3.5 The rights of the student, the Disciplinary Officer and the Chair of the Misconduct Committee set out above are subject to them having informed the convening officer in advance of the details of anyone that they are bringing to the interview or hearing as a witness or, in the case of the student, to accompany them and, in the case of a hearing, having provided the University Student Conduct Officer in advance with all the documentation that they wish the Committee to consider. These rights are also subject to the relevant party and anyone accompanying them or giving evidence on their behalf behaving appropriately and the Disciplinary Officer or Chair of
the Committee may exclude from the interview or hearing any person, including the student, who does not do so.

4.3.6 At a Disciplinary Interview or a Misconduct Committee, the burden of proof is on the Disciplinary Officer. When requesting a referral or an appeal, and at an Appeal Committee, the burden of proof is on the student. At each stage of the procedure, all decisions as to liability and whether or not the student has established a case for referral or appeal shall be made on the balance of probabilities.

4.3.7 At a Disciplinary Interview, all decisions shall be made by the Disciplinary Officer alone. At a Misconduct or Appeal Committee, all decisions shall be made by a simple majority of the members of a Committee present including the Chair. In the event of a tied vote, the Chair shall have a second and casting vote.

4.3.8 If the University Student Conduct Officer does not receive the full details of a request to refer a case or to appeal against a decision within fifteen working days of the dispatch of the written notification of the outcome of the previous stage of the procedure, they will normally summarily dismiss the request, in accordance with paragraph 4.9.1. In this paragraph, the notification of a suspended penalty is that immediately following the Disciplinary Interview at which the suspended penalty was imposed, and not any subsequent notification that the penalty has been brought into effect.

4.4 The Disciplinary Interview (see the Handbooks and Guidance Notes)

4.4.1 Wherever possible, a Disciplinary Interview should be seen as a further opportunity to explore the reasons for the student’s actions and clarify the standards of conduct that the University requires of all its students. Consequently, the primary interaction should be between the Disciplinary Officer and the student.

4.4.2 At the end of the Disciplinary Interview, in relation to each alleged breach, the Disciplinary Officer shall decide whether to:

(a) find the student not guilty, or the case not proven, and take no further action;
(b) make no finding on the alleged breach and recommend counselling or, where the case has involved conflict between the student and another person, mediation;
(c) find that the student did breach the regulation and impose a penalty within the range delegated to them in Appendix 1; or
(d) find that the student did breach the regulation and refer the matter to a Misconduct Committee, on the grounds that the maximum penalty they are authorised to impose is an inadequate response to the seriousness of the breach.

4.4.3 Where possible the Disciplinary Officer shall inform the student at the end of the Disciplinary Interview of the decisions they have made but in any event they shall write to the student and the University Student Conduct Officer as soon as reasonably practicable setting out:

(a) their decision as to liability in respect of each alleged breach and any consequent recommendations, penalties or references;
(b) the brief reasons for the decisions, including the key facts and/or evidence that they considered in reaching them;
(c) in the case of a finding under paragraph 4.4.2(c), the student’s right to request that the case is referred to a Misconduct Committee and how they can exercise it.
4.5 Referral of a case to a Misconduct Committee

4.5.1 Where the Disciplinary Officer makes a finding under paragraph 4.4.2(c) and the student believes that one or more of the findings that they breached the regulations and/or of the penalties imposed are inappropriate, the student may request that the case be referred to a Misconduct Committee. A student who wishes to do so shall write to the University Student Conduct Officer, setting out which findings and/or penalties they do not believe to be appropriate and the reasons for their belief, together with any additional evidence they wish considered by the Misconduct Committee.

4.5.2 If the University Student Conduct Officer believes that the reasons given for referring the case are entirely without substance and/or merit, and/or have been occasioned substantially by the default of the student, the University Student Conduct Officer shall normally require the student to pay a contingent fine within the range set out in Appendix 2. If the student does not pay such a fine within fifteen working days of a written request for it, the University Student Conduct Officer shall normally summarily refuse to refer the case, in accordance with paragraph 4.9.1. If the student pays the contingent fine, the Misconduct Committee shall consider the case as normal and, having done so, shall also consider whether the reasons for referring it were entirely without substance and/or merit and/or had been occasioned substantially by the default of the student. If the Misconduct Committee finds this to be the case, it shall, in addition to any other penalty imposed, impose a fine for breach of Regulation 2.5.1(e) that shall not be not greater than the contingent fine and which shall be paid from it. If the Misconduct Committee imposes a fine that is less than the contingent fine, the difference shall be refunded to the student.

4.5.3 If the request to refer the case is not summarily refused, the University Student Conduct Officer shall forward the full request to the relevant Disciplinary Officer for their written comments and shall convene an appropriate Misconduct Committee. Any penalty imposed by the Disciplinary Officer shall be rescinded and the Disciplinary Officer shall consider whether to refer the case to a Suspension Officer as set out in sub-section 4.2.

4.5.4 There shall be the following Misconduct Committees:

(a) the Academic Misconduct Committee, which shall consider all cases of academic misconduct, except the most serious;
(b) the Halls Misconduct Committee, which shall consider all cases of misconduct committed in or related to a residence associated with the University, except the most serious;
(c) the General Misconduct Committee, which shall consider all other cases of misconduct, except the most serious;
(d) the University Misconduct Committee, which shall consider all serious breaches of these regulations.

4.5.5 The precise compositions, areas of authority and powers of each Misconduct Committee shall be as set out in Appendix 2.

4.6 The Misconduct Committee

4.6.1 The hearing shall take the form of a full rehearing of the case where the Misconduct Committee is not bound in any way by any previous finding of, or penalty imposed by, the Disciplinary Officer or by which elements of the Disciplinary Officer’s decision the student believes are inappropriate.
4.6.2 At the end of the hearing, in relation to each alleged breach the Committee shall decide whether to:

(a) find the student not guilty, or the case not proven, and take no further action;

(b) make no finding on the alleged breach and recommend counselling or, where the case has involved conflict between the student and another person, mediation; or

(c) find that the student did breach the regulation and impose a penalty within the range delegated to them in Appendix 2.

4.6.3 Where possible the Chair shall inform the student at the end of the hearing of the decisions they have made but in any event the University Student Conduct Officer shall write to the student as soon as reasonably practicable setting out:

(a) the decision as to liability in respect of each alleged breach and any consequent recommendations and/or penalties;

(b) the brief reasons for the decisions, including the key facts and/or evidence that they considered in reaching them;

(c) where the case was heard by a University Misconduct Committee and it imposed a penalty that is greater than any that an Academic Misconduct Committee, a Halls Misconduct Committee or a General Misconduct Committee could have imposed, the student's right of appeal and how they can exercise it; otherwise that this completes the University's internal procedures, as set out in sub-section 4.10.

4.7 Appealing against a decision of a University Misconduct Committee

4.7.1 Where a University Misconduct Committee imposed a penalty that is greater than any that an Academic Misconduct Committee, a Halls Misconduct Committee or a General Misconduct Committee could have imposed, the student may request an appeal against either the finding that they breached a regulation or the penalty imposed or both, on one or more of the following grounds:

(a) they wish to present new evidence that they could not have reasonably produced before or at the University Misconduct Committee and that casts substantial doubt upon the appropriateness of the decision of that Committee;

(b) there was a procedural irregularity such that there is a reasonable possibility that the decision of the University Misconduct Committee would have been different had the irregularity not occurred;

(c) the decision as to liability is one that no fair and reasonable Committee could have reached;

(d) the penalty is so disproportionate to the breach that no fair and reasonable Committee could have imposed it.

4.7.2 A student who wishes to appeal shall write to the University Student Conduct Officer, setting out the findings and/or penalties that they wish to appeal against and, for each such finding or penalty, the grounds under which they wish to appeal and the details of the appeal, including any evidence they wish to be considered as part of the appeal.

4.7.3 If the University Student Conduct Officer believes that an appeal is entirely without substance and/or merit, and/or that it has been occasioned substantially by the default of the student, they shall normally summarily dismiss the appeal, in accordance with paragraph 4.9.1. Otherwise they shall forward the full appeal to the Chair of the relevant University Misconduct Committee.
4.8 **The Appeal Committee**

4.8.1 The composition of the Appeal Committee shall be as set out in Appendix 2. At the hearing the Appeal Committee shall only consider the issues raised in the appeal from the student.

4.8.2 At the end of the hearing, in relation to each point of the appeal the Committee shall decide whether to:

(a) reject the appeal; or

(b) uphold the appeal in full or in part.

4.8.3 If the Appeal Committee upholds any part of the appeal, it shall refer the case back to the same or a different University Misconduct Committee for a rehearing of some or all the case, including at least those aspects affected by the successful appeal. If the Appeal Committee rejects the appeal, the penalties imposed by the University Misconduct Committee shall come into effect, subject to any appropriate variations in timings determined by the Chair of the University Misconduct Committee.

4.8.4 Where possible the Chair shall inform the student at the end of the hearing of the decisions they have made but in any event the University Student Conduct Officer shall write to the student as soon as reasonably practicable setting out:

(a) the finding of the Appeal Committee in respect of each point of the appeal and the details of any consequent actions;

(b) the brief reasons for the decisions, including the key facts and/or evidence that were considered in reaching them;

(c) where the Appeal Committee rejected the entire appeal, that the decision completes the University’s internal procedures, as set out in sub-section 4.10.

4.9 **Review of a decision of the University Student Conduct Officer**

4.9.1 If the University Student Conduct Officer summarily dismisses a request to refer a case to a Misconduct Committee or to appeal against a decision of a University Misconduct Committee, they shall inform the student of their decision and the reasons for it.

4.9.2 A student who believes that the University Student Conduct Officer’s:

(a) interpretation of this procedure, an appendix or a Handbook and Guidance Note under paragraph 1.1.7; or

(b) decision to summarily dismiss a request under paragraphs 4.3.8, 4.5.2 or 4.7.3;

is inappropriate may request that it be reviewed. A student who wishes to do so shall write to the University Student Conduct Officer, setting out the reasons why they believe the decision was inappropriate. If the University Student Conduct Officer does not receive the full details of such a request within fifteen working days of the dispatch of their original interpretation or decision, they shall normally summarily dismiss the request. Otherwise they shall forward all the relevant documentation to the Disciplinary Review Officer.
4.9.3 The Disciplinary Review Officer shall decide whether or not to uphold the University Student Conduct Officer’s interpretation or decision and shall write to the student as soon as reasonably practicable after having made their decision, setting out:

(a) whether or not they upheld the University Student Conduct Officer’s interpretation or decision;

(b) if they overturned the University Student Conduct Officer’s interpretation, what the revised interpretation is and that this is final;

(c) if they overturned the University Student Conduct Officer’s decision, that the procedure shall recommence at the point at which it had been terminated;

(d) the brief reasons for their decision, including the key facts and/or evidence that they considered in reaching it;

(e) if the decision was to uphold the University Student Conduct Officer’s decision, that this completes the University’s internal procedures, as set out in sub-section 4.10.

4.10 Completion of the University’s internal procedures

4.10.1 If a student has completed this procedure and they are 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. A letter stating that a student has completed this procedure shall comply with the OIA’s guidance for a “Completion of Procedures” letter.

For further information about these regulations, please contact the Associate Director, Directorate of Academic and Student Affairs.

Approved by: Board of Governors, 5 July 2007

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23 May 2012 (Section 2.2.1)
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