1. INTRODUCTION

1.1. These regulations set out the standard of conduct Oxford Brookes University expects of its students and that it believes to be consistent with helping them to undertake their studies in a supportive and non-threatening environment. They are intended to address misconduct by students rather than to resolve disputes between individuals. These regulations are also intended to encourage individuals to accept their obligations to both the University community and the wider communities with which the University interacts and:

   1.1.1 to ensure the safety and security of the University, its students, staff and visitors;
   1.1.2 to enable the University to meet its statutory, legal and contractual obligations;
   1.1.3 to help maintain the University’s good name, reputation and standing.

There are appendices at the end of this document to support these regulations.

2. SCOPE

2.1 These regulations apply to:

   2.1.1. 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.

   2.1.2. 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.

   2.1.3. 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.

2.2 These regulations apply to acts or omissions that:

   2.2.1 occurred on University premises or grounds,
   2.2.2 occurred within accommodation owned by, leased by or affiliated with the University,
   2.2.3 occurred off campus or in private residence where there is a serious risk or serious disruption to the University or members of its community, or there is potential damage to the good name, reputation or standing of the University.
2.2.4 occurred as part of off-campus activities associated with, organised or sanctioned by the University;

2.3 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 these Regulations may result in a referral to the Standards of Conduct: Fitness to Practice Regulations and the case file would be shared with appropriate University staff.

2.4 The University shall, at its sole discretion, decide which set of regulations are the most appropriate in the circumstances. Therefore, cases raised through these regulations may be referred to other procedures for consideration.

2.5 Many circumstances that constitute a breach of these Regulations may create serious concerns about the reported student’s welfare, in which case the Fitness to Study Policy may be invoked, or the Wellbeing Team informed of the case and/or outcome, as necessary.

2.6 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 pending the outcome of that programme.

2.7 The University may at any time suspend or terminate action under these regulations and will notify relevant parties.

2.8 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 which are already underway.

3 PRINCIPLES - GENERAL

3.1 Relevant definitions are provided in the Appendices (Appendix A).

3.1.1 These regulations are intended to ensure that the conduct procedure and outcomes are fair, proportional and reasonable for all involved.

3.1.2 As set out in the Terms and Conditions of Enrolment (formerly the Conditions of Acceptance), all students are bound by the provisions of the University regulations. It is the responsibility of all students to ensure that they are always familiar with the current version of these conduct Regulations. Ignorance of their content will not be accepted as a defence or as mitigation in any cases brought under these Regulations.

3.1.3 The University will make reasonable adjustments to these regulations 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 the Student Investigation and Resolution Team or Conduct Officer.
3.1.4 All parties involved in a disciplinary process should act reasonably and fairly towards each other and should treat each other and the process with respect. A failure to do so may be treated as a breach of these regulations.

3.1.5 All parties involved in the implementation of these regulations will observe the requirements for confidentiality. Whilst confidential information may need to be disclosed or shared in order to consider and determine cases, this will normally only be to those staff and students involved in the procedures. However, confidential information may be disclosed to governmental, police or regulatory authorities as required by English law or by relevant professional or statutory requirements.

3.1.6 If a student is excluded from University via these regulations, a staff member from their course and the accommodation department 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.

3.1.7 The University reserves its right to share information from the conduct process, including the outcome of the process, with the reporting person and witnesses as it deems appropriate in the circumstances. A reporting person or witness cannot challenge a decision made under these regulations, 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.

3.1.8 Where a case has been initiated against an individual under these regulations 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.

3.1.9 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 regulations or Staff Disciplinary procedures.

3.1.10 These regulations are subject to approval by the University’s Academic Board and will be subject to regular review.

3.2 PRINCIPLES- CONDUCT THAT MAY CONSTITUTE A CRIMINAL OFFENCE

3.2.1 Some circumstances that constitute a breach of these regulations may also constitute a criminal offence. In these cases, the police may choose to inform the University about any criminal proceedings and/or any outcome. The University will normally suspend any action under these regulations pending the outcome of the criminal process.

3.2.2 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.
3.2.3 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 regulations and the sentence may be taken into consideration in determining the penalty under these regulations. Where a student is acquitted of a criminal offence, or where the criminal investigation has been dropped, the University may still act under these regulations.

3.2.4 Students must declare any criminal offence for which they have been convicted after enrolling with the University.

4 SUSPENSION AND PRECAUTIONARY MEASURES

4.1 If, at any time following the initiation of these regulations 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.

The matter may be referred to a Suspension Officer with a recommendation that the reported student be suspended from one or more (or all) of the services, facilities or activities of the University until the conclusion of the case.

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

- Details and conditions of the suspension shall be proportionate to the risks identified;
- The reported student shall be informed of the proposed details and conditions of the suspension and the reasons for them in writing as soon as reasonably practicable and shall be given an opportunity to make representations about them;
- The suspension decision can be appealed by writing a letter of appeal to the Student Investigation and Resolution Team. The appeal shall be considered by an alternative Suspension Officer. It is the student’s responsibility to include any relevant information;
- The suspension conditions shall be reconsidered regularly and in the light of changing circumstances, as identified by any external organisation, or by the student.

4.3 Whether suspension is appropriate or not, the Suspension Officer may choose to introduce a no-contact agreement, or require the reported student to move accommodation.
4.4 If a temporary suspension, no-contact agreement or a requirement to move accommodation is implemented, it does not indicate that the University has concluded there has been a breach of these regulations or that the reported student is to blame; it is a precautionary measure designed to protect the reported student and others while a conduct investigation is completed.

5 MISCONDUCT

5.1 Examples of breaches of these regulations 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 regulations.

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 Regulations and Policies also apply and should be followed where appropriate:

5.3.1 Fitness to Study Policy E8
5.3.2 Standards of Conduct: Fitness to Practise Policy C
5.3.3 Equality, Diversity and Inclusion Policy E5
5.3.4 Religion and Belief Policy E18
5.3.5 International Students under Tier 4 Visa D7
5.3.6 The Library Regulations D8
5.3.7 IT Acceptable Use Policy D9
5.3.8 Accommodation Tenancy Agreements*
5.3.9 Student Safety Policy E10
5.3.10 Sports Club Behavioural Contract

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

5.5 *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.

5.6 The fixed penalty policy is described in Appendix B.
5.7 Minor Breaches

5.7.1 Dishonesty and deceit, in relation to the University, its staff, students, visitors, or procedures.
5.7.2 Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University.
5.7.3 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.
5.7.4 Disorderly or disruptive, behaviour directed towards, or affecting, any member of the University community or visitors.
5.7.5 Negligent behaviour that presents a risk to health and safety for any member of the University community.
5.7.6 Misuse or interference with any equipment provided in the interests of health and safety.
5.7.7 Possession or use of Class B and / or C drugs that are prohibited by the University.
  • Illegal drugs covered under the Misuse of Drugs Act 1971;
  • Prescribed medications covered under the Medicines Act 1968, that have not been prescribed to that individual student;
  • Novel psychoactive substances and compounds that produce a psychoactive effect by stimulating or depressing the central nervous system and affect mental functioning or emotional states.
5.7.8 Breach of one or more of the University Regulations and Policies listed in 5.3.

5.8 Major Breaches

5.8.1 Persistent failure to comply with reasonable requests from staff, or failing to respond to or to comply with disciplinary sanctions imposed under the Student Conduct Regulations for minor breaches, or penalties imposed under other University policies or procedures.
5.8.2 Provision of false or misleading information, or withholding relevant information from any staff member or agent of the University.
5.8.3 Vexatious, reckless or malicious allegations or complaints or reports against any member of the University community or visitors.
5.8.4 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.)
5.8.5 Keeping any offensive weapons within the premises or grounds of the University or any University residences.
5.8.6 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 the police dispute.
5.8.7 Damage to, or taking property from University staff or the University without permission.
5.8.8 Possession or use of Class A drugs that are prohibited by the University.
  • Illegal drugs covered under the Misuse of Drugs Act 1971;
  • Prescribed medications covered under the Medicines Act 1968, that have not been prescribed to that individual student;
• Novel psychoactive substances and compounds that produce a psychoactive effect by stimulating or depressing the central nervous system and affect mental functioning or emotional states.

5.8.9 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.

5.8.10 A third breach under the fixed policy procedure.

5.8.11 Failure to declare any criminal offence for which a conviction has occurred after enrolling with the University.

5.8.12 Bullying, harassment or discrimination against another person, including the use of discriminatory language.

5.8.13 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.

5.8.14 Physical, written, or verbal abuse or intimidation against another person, including communications via social media.

5.8.15 Threatening, indecent, offensive or violent behaviour directed towards any member of the University community or member of the public.

5.8.16 Sexual harassment, violence or abuse.

5.8.17 Any criminal activity (including breaking the conditions of a Community Protection Notice or a Criminal Behaviour Order) or any equivalent notice or order.

5.8.18 Any threatening, violent or discriminatory act that is motivated by prejudice based on any protected characteristic under the Equality Act 2010.

5.8.19 The supply of drugs, or possession with intent to supply drugs that are prohibited by the University.

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 regulations (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 regulations 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 regulations and will consider any aggravating or mitigating factors, as well as previous breaches of these regulations.
6.4 Penalties for a minor breach

(One or more of the following):

6.4.1 An absolute discharge. This means that the student technically breached these regulations but no blame should be attached to them.
6.4.2 A formal warning about future behaviour, which shall indicate the errors or omissions.
6.4.3 A requirement that the student make an oral or written apology to one or more individuals.
6.4.4 The imposition of a personal conduct order.
6.4.5 A fixed penalty.
6.4.6 Community service, 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):

6.5.1 Any penalty available for a minor breach, as listed above.
6.5.2 The temporary or permanent confiscation, without compensation, of any object or material prohibited by, or which was involved in a breach of, these regulations.
6.5.3 A fine*
6.5.4 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.
6.5.5 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.
6.5.6 A requirement that the student relocate within or between residences associated with the University.
6.5.7 Expulsion from University owned or managed accommodation.
6.5.8 The required temporary withdrawal of the student from the University.
6.5.9 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. The recommendation shall be recorded formally. In the event of a further breach of these regulations by the student, the previous recommendation and associated information may be taken into account when considering the penalty for the subsequent breach.

6.7 Exceptionally, where none of these penalties is deemed to be appropriate by the Conduct Officer or University Conduct Committee, they may determine another penalty. This penalty would need to be approved by the Vice-Chancellor before being imposed.
6.8 All penalties issued under these regulations will normally take precedence over any outcome of an exceptional circumstances application or course withdrawal request, for the relevant period of time. A student can inform the Conduct Officer or University Conduct Committee of personal circumstances, if they wish for them to be considered as part of the conduct procedure. The Conduct Officer or University Conduct Committee may take this into account when deciding a penalty.

7 THE CONDUCT PROCEDURE

A diagram of the overall procedure and a table of timescales are provided in the Appendices.

7.1 Initiating the conduct procedure

7.1.1 All staff or students who become aware of a potential breach of these regulations 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. A Student Conduct Report form can be submitted to the relevant team.

7.1.2 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. Advice about whether to report the behaviour/incident to external organisations, e.g. the police, can be sought from the Student Welfare Team, or Brookes Union Advice Service. People submitting a report are expected to understand the regulations, procedure and potential outcomes.

7.1.3 For breaches occurring in accommodation associated with the University, the relevant Conduct Officer is usually the Residence Manager, Hall Warden or other Hall staff.

7.1.4 For potential breaches occurring during an examination, the relevant Conduct Officer is usually the Head of Examinations.

7.1.5 Potential breaches occurring outside of University accommodation or examinations should be referred to the Student Investigation and Resolution Team.

7.1.6 Based on the report and any information or evidence, the relevant Conduct Officer or the Student Investigation and Resolution Team will first assess whether the case is appropriate and eligible for any of the following:

- investigation by a conduct officer under these regulations,
- referral to a Suspension Officer, because suspension or other precautionary action may be necessary
- 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.
7.2 **Eligibility**

7.2.1 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 regulations as described in the 'Scope' section, paragraphs 2.1 and 2.2 and the exclusions below. They will write to the reported student to let them know the outcome within 10 working days of receiving the report.

7.3 **Exclusions**

7.3.1 The following will not normally be considered under these regulations:

(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, hall meetings, 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 regulations.

7.3.2 The Conduct Officer or the Student Investigation and Resolution Team may write to the reporting person to inform them whether the case has progressed to an investigation, or if the report cannot be progressed under these regulations.

7.3.3 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.

7.3.4 If it has been confirmed a report can proceed to an investigation, the case will be referred to a Conduct Officer(s) to carry out the investigation. Where the alleged misconduct may constitute a criminal office the case may be referred to two specially trained Conduct Officers.

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

7.4.1 The Conduct Officer(s) shall carry out an initial consideration of the case at their discretion, following the regulations and principles of natural justice. The Conduct Officer(s) may decide to take one or more of the following actions:

- Refer the matter to the University Police Liaison Officer with a recommendation that it be reported to the police;
- Refer the matter to a Suspension Officer to assess whether suspension or other precautionary action is required;
- 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 (Appendix B);
• Decide there is no case to answer.

7.4.2 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.

7.4.3 The Conduct Officer(s) will notify the reported student in writing of the outcome of the investigation within 15 working days of receiving the referral.

7.5 Conduct Interview

7.5.1 The Conduct Officer(s) will write to the reported student giving full details of the alleged breach, and giving at least 5 working days’ notice of the conduct interview.

7.5.2 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;
• 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;
• question any witnesses and challenge any submissions made and/or evidence produced by the Conduct Officer(s).

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

7.5.4 On occasion, the Conduct Officer(s) may adjourn and reconvene the conduct interview for example, if more information is required.

7.5.5 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 up to and including 6.4.6. The maximum fine which a Conduct Officer can impose is £100 and the maximum period of unpaid community service is 10 hours.

7.5.6 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.

7.5.7 The reported student will receive written confirmation of the decision, any penalty and an explanation of the appeal process where applicable within 5 working days from the date of the Conduct Interview and within 25 working days of the referral to the Conduct Officer.
7.6 The University Conduct Committee

7.6.1 The Secretary to the University Conduct Committee will write to the reported student giving at least 10 working days’ notice of the meeting of the University Conduct Committee.

7.6.2 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
- A representative of the student body

7.6.3 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.

7.6.4 The University Conduct Committee will allow:

The Conduct Officer

- to state the University's case and provide relevant evidence, including testimony from witnesses, question any witnesses and challenge any submissions made and/or evidence produced by the reported student
- to state their recommendation for the outcome of the University Conduct Committee

The reported student:

- to state their case and provide relevant evidence, including testimony from witnesses, question any witnesses and challenge any submissions or evidence produced by the Conduct Officer. Questions shall normally be directed via the Chair of the Committee;
- to be accompanied by a friend, colleague or a legal representative acting in a legal capacity (See paragraph 6.8). This person should not have been involved in the circumstances/incident.

Members of the Committee:

- to question the Conduct Officer, the reported student and any witnesses and clarify any evidence or statements produced by either party.

7.6.5 The Conduct Officer 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.

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

7.6.7 The University Conduct Committee may impose the full range of penalties.
7.6.8 On occasion, a decision may be taken to adjourn and reconvene the Committee, for example, if more information is required.

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

7.7 Request to progress to an Appeal Committee

7.7.1 Where the reported student is:

- 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,

- 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 their case is heard by a University Appeal Committee.

7.7.2 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 and on which of the following grounds:

7.7.2.1 the student would like to present new evidence that they could not have reasonably produced before the conduct interview

7.7.2.2 there was a procedural irregularity

7.7.2.3 the decision regarding liability was not fairly or reasonably made

7.7.2.4 the penalty is unfairly disproportionate to the breach of these regulations.

7.7.3 The Student Investigation and Resolution Team may do one of the following:

- require clarification of the request, or further documentation before proceeding
- 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
- convene an Appeal Committee.

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

7.7.5 A reported student who believes that the decision not to permit the case to go to a University Conduct Committee is inappropriate may request that the decision be reviewed by the Academic Registrar or nominee.

7.7.6 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 inappropriate within 10 working days of the decision.
7.7.7 If the Academic Registrar 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 Academic Registrar overturns the decision, the case shall be referred to an Appeal Committee.

7.8 The Appeal Committee

7.8.1 The Secretary to the Appeal Committee will write to the reported student giving at least 10 working days’ notice of the meeting of the Appeal Committee.

7.8.2 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.

7.8.3 Members of the Appeal Committee must not have been involved with the case previously and must be trained in these regulations.

7.8.4 A member of the Student Investigation and Resolution Team or nominee will act as Secretary to the Appeal Committee.

7.8.5 The reported student and the Chair of the University Conduct Committee, or the investigating Conduct Officer have the right to attend.

7.8.6 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. The Committee will allow:

The reported student:

- to state the grounds of their appeal, provide relevant evidence and challenge any submissions made by the Chair of the University Conduct Committee
- to be accompanied by a friend, colleague or legal representative acting in a legal capacity (See paragraph 6.8). This person should not have been involved in the circumstances/incident or be called as a witness

The Chair of the University Conduct Committee:

- to state their response to the grounds of appeal
- challenge any submissions made and/or evidence produced by the reported student.

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.

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

7.8.8 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, or reach a different outcome and/or impose an alternative penalty.

7.8.9 The Appeal Committee may impose the full range of penalties.

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

7.8.11 The reported student will receive an outcome letter explaining the decision, penalty and next steps within 5 working days of the Appeal Committee.

7.8.12 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

8.5 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.

8.6 If a Conduct Officer starts to investigate a case and decides that it would be more appropriately handled by another Conduct Officer, either because of the nature of the alleged breaches or an association, the case can be reallocated.

8.7 Whenever a meeting is convened, the organiser shall give all parties sufficient notice of the arrangements, including the names of the people who will be dealing with the case. Conduct Interview (5 working days), a University Conduct Committee (10 working days), or an Appeal Committee (10 working days).
8.8 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 will hear the case in the absence of the reported student.

8.5 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.

8.6 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.

8.7 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 prove 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 that is most likely to be true.

8.8 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. If a reported student chooses to do so the University may also seek legal advice for University Conduct Committees and Appeal Committees.

8.9 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 fully 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. A reporting person cannot appeal the outcome of an investigation or the decision of the Conduct Officer, University Conduct Committee or Appeal Committee. However, they can make a complaint under the complaints procedure, or via Human Resources (for staff), if they have concerns about how the case was handled. A complaint could result in potential change in future practice, it cannot change the outcome of the original conduct case.

8.10 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.
8.11. All staff and students who become aware of anyone who may have already committed a breach of these regulations may report it to the appropriate Conduct Officer. 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.

8.12. 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.

8.13. 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.

8.14. 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.

8.15. 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.

For further information about these regulations, please contact the Head of Investigation and Resolution.

Approved by: Academic Board, 3 July 2019

Next reviewed: July 2020
APPENDICES

Appendix A - Definitions

Completion of Procedures Letter - means the letter issued on completion of the University’s internal procedures. This letter gives details of the grounds upon which a student may take the matter to the Office of the Independent Adjudicator for Higher Education (OIA) should the student remain dissatisfied with the outcome of the conduct process.

Conduct Officers - are trained staff, nominated by a Dean or Director. All Conduct Officers (including those working in Halls) are authorised to investigate, hear and determine any case which has been referred to them under these regulations or apply fixed penalties. The Conduct Officers can access and process personal data for these purposes. The Conduct Officer may give penalties that fall into the ‘Minor’ range.

Reported Student - means the student who has been accused of breaching the Student Conduct Regulations.

Reporting Person - the person who has made a conduct report to accuse a student of breaching the Student Conduct Regulations.

Senior Staff - are trained staff from across the University. They can chair University Conduct Committees and Appeal Committees. They will be appointed from a pool of Heads of Departments, Directors, Deans or their nominees.

Student Investigation and Resolution Team Completion of Procedures Letter – means the letter issued on completion of the University’s internal procedures. This letter gives details of the grounds upon which a student may take the matter to the Office of the Independent Adjudicator for Higher Education (OIA) should the student remain dissatisfied with the outcome of the conduct process.

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Senior Staff - are trained staff from across the University. They can chair University Conduct Committees and Appeal Committees. They will be appointed from a pool of Heads of Departments, Directors, Deans or their nominees.

Student Investigation and Resolution Team – are trained staff within Academic and Student Affairs who manage the Student Conduct Regulations. They can determine whether a case is eligible for the conduct procedure, whether reported students can proceed to the next level and they handle the investigation.
Suspension Officers - are trained staff, nominated by a Dean or Director. They have the authority to temporarily suspend a reported student.

University Appeal Committee (UAC) - is a committee authorised to hear and determine any case which has been referred to the committee by a reported student following a Conduct Investigation or University Conduct Committee.

University Conduct Committee (UCC) - is a committee authorised to hear and determine any case which has been referred to it by a Conduct Officer, under these regulations. are trained staff within Academic and Student Affairs who manage the Student Conduct Regulations. They can determine whether a case is eligible for the conduct procedure, whether reported students can proceed to the next level and they handle the investigation.

Suspension Officers - are trained staff, nominated by a Dean or Director. They have the authority to temporarily suspend a reported student.

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University Conduct Committee (UCC) - is a committee authorised to hear and determine any case which has been referred to it by a Conduct Officer, under these regulations.

Appendix B 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.
  And/or
- 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
*Smoking in a building. It is against UK law to smoke inside any property.
  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)

*Interfering with health and safety equipment, fire doors or other breaches of safety.
  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

*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 Examinations

*Disturbances e.g. Mobile phones/smart devices going off will result in a fine. Unauthorized item(s) on desk.
  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

*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. In order to request an appeal they must write to the Student Investigation and Resolution Team within 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 Regulations. 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.

Appendix C – Timescales

<table>
<thead>
<tr>
<th>University Stage of Procedure</th>
<th>Timescale</th>
<th>Responsibility</th>
</tr>
</thead>
</table>

University Regulations/C Appeals, Complaints and Conduct; C1.2 Conduct Regulations and Procedure
<table>
<thead>
<tr>
<th>Event</th>
<th>Time Frame</th>
<th>Responsible Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral of case to relevant Conduct Officer, Student Investigation</td>
<td>As early as possible, preferably within 5 working days of the discovery of the potential breach</td>
<td>Person who is aware of the breach (reporting person)</td>
</tr>
<tr>
<td>and Resolution Team or another procedure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision whether the report is eligible to be investigated under the</td>
<td>10 working days of receiving the full conduct report and any relevant evidence</td>
<td>Conduct Officer or Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Student Conduct Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Referral to Conduct Officer if the case is eligible</td>
<td>10 working days of receiving the full conduct report and any relevant evidence</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Conduct Officer(s) carries out an investigation</td>
<td>15 working days from referral</td>
<td>Conduct Officer(s)</td>
</tr>
<tr>
<td>Conduct Officer invites reported student to Conduct Interview</td>
<td>15 working days from referral. At least 5 working days’ notice given</td>
<td>Conduct Officer</td>
</tr>
<tr>
<td>Outcome Letter or referral to University Conduct Committee</td>
<td>25 working days from Referral and within 5 days from conduct interview</td>
<td>Conduct Officer</td>
</tr>
<tr>
<td>University Conduct Committee</td>
<td>20 working days from the Conduct Officer referral</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>University Conduct Committee Outcome Letter</td>
<td>5 working days from University Conduct Committee</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Student Request to Progress to Appeal Committee</td>
<td>10 working days from Outcome Letter from the Conduct Officer or University Conduct Committee</td>
<td>Reported student</td>
</tr>
<tr>
<td>Acknowledgement of Request to Progress to Appeal Committee</td>
<td>5 working days from reported student Request</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Response to Request to Progress to Appeal Committee</td>
<td>10 working days from reported student request</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Request for review of decision</td>
<td>10 working days from date of the decision not to allow an appeal</td>
<td>Reported student</td>
</tr>
<tr>
<td>Academic Registrar review outcome</td>
<td>10 working days from receipt of student request for review of decision not to allow an appeal</td>
<td>Academic Registrar</td>
</tr>
<tr>
<td>Appeal Committee</td>
<td>20 working days from decision to allow reported student request to go to Appeal Committee</td>
<td>Student Investigation and Resolution Team</td>
</tr>
<tr>
<td>Appeal Committee (Completion of Procedures)</td>
<td>5 working days from Appeal Committee</td>
<td>Student Investigation and Resolution Team</td>
</tr>
</tbody>
</table>

Appendix D – Procedure Flow Chart
Student / staff submits conduct report to Student Investigation and Resolution Team, or incident is witnessed by Conduct Officer

Check to see if file complete, e.g. evidence provided

Check whether the case is eligible? (Response to Reporter)

Yes

Proceed to Conduct Officer(s) for investigation (Two if case could constitute a criminal offence)

Major Breach Suspected

Minor Breach Found & Minor Penalty Given

End of process

No breach Found

UCC hears the case

No breach Found

OIA COP issued

Student is satisfied?

Yes

End of process

No

Appeal request considered

Review opportunity

Student satisfied?

Yes

End of process

No

Appeal Committee & Final Decision

Upheld

COP issued

End of process

Upheld

Declined