

REGULATIONS

C1.2 Student Conduct Regulations and Procedure

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. In particular, these regulations are intended to encourage individuals to:

- 1.1.1 Accept their obligations to both the University community and the wider communities with which the University interacts
- 1.1.2 To positively contribute to the educational activities of the University
- 1.1.3 To ensure the safety and security of the University, students, staff and visitors
- 1.1.4 To enable the University to meet its statutory, legal and contractual obligations
- 1.1.5 To help maintain the University's good name, reputation and standing.

2. Scope

2.1 These regulations apply to:

- 2.1.1 All acts or omissions of current students (including those taking approved and unapproved temporary withdrawal) and Sabbatical Officers of the Students' Union whatever their nature and wherever they took place
- 2.1.2 All acts or omissions, past or present, of former students which took place on University premises, or which were related to an award, activity, facility or process of, or linked to, the University or which damage or could have damaged the good name, reputation or standing of the University
- 2.1.3 All acts or 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, reputation or standing of the University
- 2.1.4 All acts or omissions of any of the above groups which occurred before a current student enrolled, which were not declared at the time of the enrolment, if any of the following conditions apply:
 - 2.1.4.1 It constitutes a threat to the safety or welfare of University students or staff
 - 2.1.4.2 There is potential damage to the good name, reputation or standing of the University
 - 2.1.4.3 The decision made in relation to the student's application may have been different had the act been known when the admission decision was made.

- 2.2 Institutions that deliver programmes leading to an award of, or validated by, the University are expected to have student conduct regulations and procedures sympathetic and complementary to these regulations. Student or staff members in these institutions may refer the case to the Oxford Brookes University General Conduct Procedure if they have exhausted their own institution's internal conduct procedure. In these cases, the case will be investigated at Level 2 of the University's General Conduct Procedure.
- 2.3 Students on Research Degree programmes are also expected to adhere to the Research Code of Practice. Where a breach of the Research Code of Practice has been found, research students may be referred to these conduct procedures at Level 2.
- 2.4 Some students enrolled on courses which lead to professional registration are also required to adhere to the Standards of Conduct: Fitness to Practise Regulations. Any breach of the Conduct Regulations may result in a referral to the Standards of Conduct: Fitness to Practice Regulations.
- 2.5 The University will use the most appropriate University procedure to investigate, or determine the validity of a case for students and staff. As such, cases raised through the Conduct Procedure may be referred to other procedures for consideration and, as appropriate, action:
- 2.5.1 Where a case involves allegations of bullying or harassment, those aspects of the case will be progressed in accordance with the Dignity and Respect at Work policy and procedure
 - 2.5.2 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.
- 2.6 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:
- 2.6.1 Academic Conduct Regulations C1.1
 - 2.6.2 Fitness to Study Policy E8
 - 2.6.3 Standards of Conduct: Fitness to Practise Policy
 - 2.6.4 Substance Misuse Policy - Students E16
 - 2.6.5 Equality, Diversity and Inclusion Policy E5
 - 2.6.6 Religion and Belief Policy E18
 - 2.6.7 International Students under Tier 4 Visa D7
 - 2.6.8 The Library Regulations D8
 - 2.6.9 The Regulations for the use of IT Facilities D9
 - 2.6.10 Student Accommodation – Hall Regulations
 - 2.6.11 Student Safety Policy E10
- 2.7 In the event of a conflict between these regulations and any other regulations, policies or procedures, the provisions of these regulations shall take precedence.

3. Principles

- 3.1 These regulations are intended to ensure that the conduct procedure and outcomes are fair, proportional and reasonable for all involved.
- 3.2 Under these regulations the University has the power to discipline, suspend or require students to withdraw. Once disciplinary proceedings have been instituted against a student under these regulations, no disciplinary action may be taken against the student under other disciplinary rules or regulations within the University for the same episode of misconduct.
- 3.3 As set out in the Conditions of Acceptance, all students are bound by the provisions of all Oxford Brookes University regulations. 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.
- 3.4 Guidance on these regulations and procedure, for staff and students, is available on the University website (University Regulations and Student Disputes pages) or from the Student Disputes Officers in Student Central. In the event of any uncertainty or dispute, the Student Disputes Officer's interpretation shall be used.
- 3.5 Students living in or visiting Hall accommodation are subject to regulations which are designed to preserve a safe study environment. As the University has a diverse portfolio of accommodation which it offers to students, they are advised to check their "Licence to occupy" or "Tenancy agreement" for details of these regulations which are applicable in their accommodation. Students living in University managed Halls are required to adhere to the University Hall Regulations which are a subset of the main University Conduct Regulations. Students living in halls not managed by the University are subject to the terms and conditions which form part of their tenancy. The University Hall Regulations include a Fixed Penalty Policy for:
- 3.5.1 Interfering with health and safety equipment, flat and kitchen fire-doors or breaches of safety
 - 3.5.2 Smoking within student residences
 - 3.5.3 Bringing a car to Oxford as this is in breach of the accommodation contract.
- 3.6 Residence managers, Hall wardens and 24 hour support are responsible for ensuring that Hall Regulations are upheld at all times and they (or any other member of the university community) may at any time initiate disciplinary proceedings if residents or visitors breach any regulations. Many Hall staff are nominated as Conduct Officers by the Director of Estates and Facilities Management and they may become involved in disciplinary proceedings.
- 3.7 Details of the Fixed Penalty Policy in place for first and subsequent breaches of the Hall Regulations are contained within the Hall Regulations.
- 3.8 Some circumstances that constitute a breach of these regulations will 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 ordinarily suspend its investigations pending the outcome of criminal investigations. 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.

- 3.9 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 only be to those staff relevant to the procedures. However, confidential information may be disclosed to governmental, police or regulatory authorities as required by English law or by relevant professional, statutory and/or regulatory bodies.
- 3.10 Students must declare any criminal offence for which they have been convicted after enrolling with the University.
- 3.11 The provisions of these regulations are without prejudice to the rights of the University, the Students' Union and any other associated body:
- 3.11.1 Under any contract entered into by a student
- 3.11.2 And as prescribed by English law.
- 3.12 These regulations are subject to approval by the University's Academic Board and the Board of Governors and will be subject to regular review.

4. Behaviour which will be regarded as misconduct

- 4.1 Misconduct includes, but is not to be limited to the following:
- 4.1.1 Failure to observe all University rules and regulations, (academic and non-academic, and those governing the use of University premises and residences)
- 4.1.2 Failure to respond to a reasonable request from a staff member or agent of the University
- 4.1.3 Improper interference with the functioning or activities of the University, or those who work or study in the University
- 4.1.4 Conduct which damages the reputation of the University
- 4.1.5 Assisting, encouraging or inciting any other person to behave in a way which constitutes a breach of, or an attempt to breach, these regulations.
- 4.2 The following paragraphs set out specific examples of general behaviour which will be considered misconduct, but these are not exhaustive.
- 4.2.1 Bullying, harassment or discrimination against another person, including the use of discriminatory language
- 4.2.2 Physical, written, or verbal abuse or intimidation against another person, including communications via social media
- 4.2.3 Sexual harassment, violence or abuse
- 4.2.4 Relationship abuse
- 4.2.5 Any criminal activity (including breaking the conditions of an Acceptable Behaviour Contract or an Anti-Social Behaviour Order)
- 4.2.6 Disorderly, disruptive, threatening, indecent, offensive or violent behaviour directed towards any member of the University community or member of the public
- 4.2.7 Damage to or theft of property from the students, staff or the University
- 4.2.8 Keeping or using any offensive weapons, within the premises or grounds of the University or any University residences, without written authorisation from the University
- 4.2.9 Dishonesty, including theft, fraud and deceit, in relation to the University, its staff, students, visitors, or procedures

- 4.2.10 Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University
- 4.2.11 Vexatious, reckless or malicious allegations or complaints against any member of the University community or member of the public
- 4.2.12 Persistent failure to respond to or to comply with formal disciplinary sanctions imposed under the Student Conduct Regulations or other University policies or procedures
- 4.2.13 Provision of false or misleading information, or withholding relevant information from any staff member or visitor to the University
- 4.2.14 Victimization of 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
- 4.2.15 Misuse or interference with any equipment provided in the interests of health and safety, including negligent behaviour leading to the activating of a fire or smoke alarm
- 4.2.16 Breaching the terms of the regulations governing student use of residences owned or managed by or on behalf of the University (the Hall Regulations)
- 4.2.17 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
- 4.2.18 Failure to comply with all of the outcomes imposed by a Conduct Officer, Suspension Officer or University Conduct Committee
- 4.2.19 Invading or abusing 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
- 4.2.20 Any act which brings or threatens to bring the University's reputation into disrepute
- 4.2.21 Any acts which relate to politically, racially or religiously motivated violence and/or hate crimes or intolerance
- 4.2.22 Any other act or behaviour which may be reasonably interpreted as misconduct.

4.3 Students are responsible for any breaches of these regulations:

- 4.3.1 Committed by any person whom the student has 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, unless the student can show that they took all reasonable steps to prevent the breach
- 4.3.2 Committed by any person whom the student is in the company of within the premises or grounds of the University unless the student can show that they took all reasonable steps to prevent the breach
- 4.3.3 Where the student refuses to identify a person who has committed a breach of the regulations under 4.3.1. or 4.3.2 when requested to do so, unless the student can show that they took all reasonable steps to prevent the breach
- 4.3.4 Which occur in their accommodation (i.e. 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 no other person could access that accommodation without their permission.

5. **Penalties**

- 5.1 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 of Government, Oxford Brookes University). 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 of Government).
- 5.2 The penalties available to be imposed in the case of a breach of the student conduct regulations are:
- 5.2.1 An absolute discharge. This means that the student technically breached the regulation but no blame should be attached to them
 - 5.2.2 A formal warning about future behaviour, which shall indicate the errors or omissions
 - 5.2.3 A requirement that the student make an oral or written apology to one or more individuals
 - 5.2.4 The imposition of a personal conduct order
 - 5.2.5 The temporary or permanent confiscation, without compensation, of any object or material prohibited by, or which was involved in a breach of, these regulations
 - 5.2.6 A fine
 - 5.2.7 A fixed penalty
 - 5.2.8 Community service, which shall normally take the form of specified unpaid activities, for which no expenses shall be paid
 - 5.2.9 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
 - 5.2.10 The temporary or permanent exclusion of the student from one or more of the University's, or an associated organisations, premises, grounds, facilities or services
 - 5.2.11 A requirement that the student relocate within or between residences associated with University
 - 5.2.12 Expulsion from University owned or managed accommodation
 - 5.2.13 In the case of a current Sabbatical Officer of the Students' Union or a candidate for election as a Sabbatical Officer, temporary or permanent prohibition from office
 - 5.2.14 The required temporary withdrawal of the student from the University¹
 - 5.2.15 The expulsion of the student from the University.
- 5.3 Any penalty imposed will be commensurate with the seriousness of the breach of the Conduct Regulations.
- 5.4 Each case will be judged on its own merits and is generally subject to the University's discretion. However, Conduct Officers, University Conduct Committees and Appeal Committees may be guided by a tariff of penalties when deciding which penalty to impose.
- 5.5 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.

¹ This penalty will only be imposed if, at the point of imposition, it does not prevent the student from completing their study within the required timeframe.

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

5.7 All penalties issued under these Conduct Regulations will take precedence over any outcome of a mitigating circumstances application or course withdrawal request, for the relevant period of time.

6. The General Conduct Procedure

6.1 Initiating the Conduct Procedure:

6.1.1 All staff or students who become aware of a potential breach of the regulations are required to report the matter to the relevant Officer as soon as possible, but within 5 working days of the discovery of the potential breach.

6.1.2 For potential breaches occurring in Halls associated with the University, the relevant Officer is usually the Residence Manager, Hall Warden or other Hall staff.

6.1.3 Potential breaches occurring outside of University accommodation should be referred to the Student Disputes Officers.

6.1.4 The relevant Officer will decide whether the case is appropriate for the Conduct Procedure, the Fixed Penalty Policy outlined in the Hall Regulations (for Halls associated with the University) or another University procedure e.g. Fitness to study.

6.1.5 The student will be informed of how the matter is to be taken forward within 5 days of the referral.

6.2 Level 1: Investigation by the Conduct Officer

6.2.1 The Conduct Officer (CO) shall carry out an investigation following the procedure detailed in the Conduct Officers' Handbook and Guidance Notes.

6.2.2 Depending on the circumstances they may decide to take one or more of the following actions:

6.2.2.1 Refer the matter to the University Police Liaison Officer with a recommendation that it be reported to the Police

6.2.2.2 Arrange an Interview with the student, or anyone relevant to the case. The Conduct Officer will write to the student giving full details of the alleged breach, giving at least 5 working days' notice of the interview

6.2.2.3 Give a fixed penalty as outlined in the Halls Regulations (for Halls managed by the University)

6.2.2.4 Decide there is no case to answer.

6.3 The Conduct Interview (Level 1)

6.3.1 The exact arrangements will be organised by the Conduct Officer. All students will have the right to:

6.3.1.1 Be accompanied by a friend or other person who is not acting in a legal capacity

6.3.1.2 Make representations/comments about any procedural issues

6.3.1.3 Hear the case and ask about the detailed allegations made against them

- 6.3.1.4 Access all the evidence against them, excluding legal, confidentiality and safety considerations
- 6.3.1.5 State their case, including liability, mitigation, evidence, witness testimony
- 6.3.1.6 Question any witnesses and challenge any submissions made and/or evidence produced by the Conduct Officer.

- 6.3.2 The Conduct Officer may be accompanied by a note-taker during the interview.
- 6.3.3 At the end of the conduct interview, the Conduct Officer will normally state their decision as to whether there has been a breach of the regulations and the liability incurred, and impose a penalty within the range delegated to them (if applicable).
- 6.3.4 On occasion, the Conduct Officer may reconvene the interview if, for example, more evidence is required.
- 6.3.5 The Conduct Officer may give penalties appropriate to the breach up to and including 5.2.8. The maximum fine which a Conduct Officer can impose is £250 and the maximum period of unpaid community service is 10 hours per breach of the Student Conduct Regulations.
- 6.3.6 The Conduct Officer may also refer the case to a University Conduct Committee (UCC) if they decide a breach of the regulations has been committed, but the penalty they believe to be appropriate is not one which they are permitted to award 5.2.9 to 5.2.15.
- 6.3.7 The student will receive written confirmation of the decision at Level 1, any penalty and an explanation of the appeal process where applicable within 5 working days from the date of the Interview and within 20 working days of the original contact by the Conduct Officer.

6.4 Request to progress to a University Conduct Committee (Level 2)

- 6.4.1 If the student is dissatisfied with the outcome, penalty² or procedure they may request that the case is heard by a University Conduct Committee. To do this the student must write to the Student Disputes Officer. This request must be within 10 working days from the date of the Conduct Interview outcome letter and must state which aspect of the decision, penalty or procedure they disagree with and on which of the following grounds:
 - 6.4.1.1. The student would like to present new evidence that they could not have reasonably produced before the interview
 - 6.4.1.2. There was a procedural irregularity
 - 6.4.1.3. The decision regarding liability was not fairly or reasonably made
 - 6.4.1.4. The penalty is unfairly disproportionate to the breach of regulations.
- 6.4.2 Evidence, where appropriate, will be required.
- 6.4.3 The Student Disputes Officer may do one of the following:
 - 6.4.3.1. Require clarification of the request, or further documentation before proceeding
 - 6.4.3.2. Not permit the student to go to a University Conduct Committee, if the application is out of time, without a valid reason and/or with insufficient evidence.

² Students are not permitted to appeal on the grounds that the value of a fixed penalty is too high

6.4.3.3. Convene a University Conduct Committee.

6.4.4 The student will be informed of the decision within 5 working days.

6.4.5 A student who believes that the Student Disputes Officer's decision not to permit the student to go to a University Conduct Committee because the request is out of time, without a valid reason and/or there is insufficient evidence is inappropriate may request that it be reviewed by the Academic Registrar or nominee.

6.4.6 A student who wishes to do so must write to the Student Disputes Officer, setting out the reasons why they believe the decision was inappropriate within ten working days.

6.4.7 The Academic Registrar or nominee will review the Student Disputes Officer's decision and either uphold the decision or allow the student to proceed to a University Conduct Committee within ten working days.

6.4.8 If the Academic Registrar or nominee upholds the Student Disputes Officer's decision they will issue the student with a Completion of Procedures Letter.

6.5 Level 2: The University Conduct Committee

6.5.1 The University Conduct Committee will normally consist of the following:

6.5.1.1 A Chair (member of the University's Senior Management)

6.5.1.2 Two Conduct Officers

6.5.1.3 Two representatives of the student body.

6.5.2 The University Conduct Committee will be quorate with the Chair plus three members.

6.5.3 The Student Disputes Officer or nominee will act as Secretary to the Committee.

6.5.4 If the alleged breach of the regulations is solely on the grounds of potential reputational damage to the University, the Conduct Committee shall also include an external member.

6.5.5 The University Conduct Committee will allow:

6.5.5.1 The Conduct Officer to state their case and provide relevant evidence, including testimony from witnesses, question any witnesses and challenge any submissions made and/or evidence produced by the student

6.5.5.2 The Conduct Officer to state their recommendation for the outcome of the University Conduct Committee

6.5.5.3 The 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

6.5.5.4 Members of the Committee to question any witnesses and clarify any evidence or statements produced by either party.

6.5.6 The University Conduct Committee will normally will normally state their decision as to whether there has been a breach of the regulations and the liability incurred, and any penalty during the meeting.

6.5.7 On occasion, a decision may be taken to reconvene the committee if, for example, more evidence is required.

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

- 6.5.9 The student will receive an outcome letter explaining the decision, penalty and next steps within 5 working days of the University Conduct Committee.
- 6.5.10 If the University Conduct Committee has decided a penalty which is 5.2.1 - 5.2.8. The student will receive a Completion of Procedures letter which will explain to the student how to raise the matter with the Office of the Independent Adjudicator should the student wish to do so.
- 6.5.11 If the University Conduct Committee has decided a penalty which is 5.2.9 - 5.2.15. The student may request for their case to be heard by the Appeal Committee.

6.6 Request to Progress to an Appeal Committee (Level 3)

- 6.6.1 If the student is dissatisfied with the outcome, penalty, or procedure from the University Conduct Committee, they may request that the case is heard by an Appeal Committee.
- 6.6.2 To initiate an Appeal Committee the student must write to the Student Disputes Officer within 10 working days from the date of the University Conduct Committee outcome letter, stating which aspect of the decision, penalty or process the student disagrees with and on which of the following grounds:
 - 6.6.2.1 The student would like to present new evidence that they could not have reasonably produced before the University Conduct Committee
 - 6.6.2.2 There was a procedural irregularity
 - 6.6.2.3 The decision regarding liability was not fairly or reasonably made
 - 6.6.2.4 The penalty is unfairly disproportionate to the breach of regulations.
- 6.6.3 Evidence, where appropriate, will be required.
- 6.6.4 The Student Disputes Officer may do one of the following:
 - 6.6.4.1 Require clarification of the request, or further documentation before proceeding
 - 6.6.4.2 Not permit the student to go to the Appeal Committee, if the application is out of time, without a valid reason and/or with insufficient evidence. Convene an Appeal Committee.
- 6.6.5 The student will be informed of the decision within 5 working days.
- 6.6.6 A student who believes that the Student Disputes Officer's decision not to permit the student to go to an Appeal Committee because the request is out of time, without a valid reason and/or there is insufficient evidence is inappropriate may request that it be reviewed by the Academic Registrar or nominee.
- 6.6.7 A student who wishes to request a review by the Academic Registrar or nominee must write to the Student Disputes Officer, setting out the reasons why they believe the decision was inappropriate within ten working days of the issue of the Student Disputes Officer's decision.
- 6.6.8 The Academic Registrar or nominee will review the Student Disputes Officer's decision and either uphold the decision or allow the student to proceed to a University Conduct Committee within ten working days.
- 6.6.9 If the Academic Registrar or nominee upholds the Student Disputes Officer's decision they will issue the student with a Completion of Procedures Letter within ten working days.

6.7 Level 3: The Appeal Committee

- 6.7.1 The Appeal Committee will normally consist of:
 - 6.7.1.1 A Chair (member of the University's Senior Management)
 - 6.7.1.2 A member of the Board of Governors
 - 6.7.1.3 A representative of the student body.
- 6.7.2 Representation from the University's Senior Management, the Board of Governors and the student body will be required for the Appeal Committee to be quorate.
- 6.7.3 Members of the Appeal Committee must not have been involved with the case previously.
- 6.7.4 A Student Disputes Officer not previously involved in the case or nominee will act as Secretary to the committee.
- 6.7.5 The student and the Chair of the University Conduct Committee have the right to attend.
- 6.7.6 The Appeal Committee shall normally only consider issues raised in the appeal by the student. The Committee will allow:
 - 6.7.4.1 The Chair of the University Conduct Committee to state their case and provide relevant evidence (including testimony from witnesses), question any witnesses and challenge any submissions made and/or evidence produced by the student
 - 6.7.4.2 The student to state their appeal and provide relevant evidence (including testimony from witnesses), question any witnesses and challenge any submissions or evidence produced by the Conduct Officer
 - 6.7.4.3 Members of the Appeal Committee to question any witnesses and clarify any evidence or statements produced by either party.
- 6.7.7 The Chair of the Appeal Committee will state their decision as to whether there has been a breach of the regulations, any liability incurred, and any penalty. The Appeal Committee may uphold the decision of the University Conduct Committee or they may conclude a different outcome.
- 6.7.8 The student will receive an outcome letter, explaining the decision and penalty and will be issued a Completion of Procedures letter.

7. Timeframes

University Stage of Procedure	Timescale	Responsibility
Referral of case to relevant conduct officer or another procedure	As early as possible, but within 5 working days of the discovery of the potential breach	Any person suspecting a breach of the conduct regulations
Conduct Officer contacts the student for more information or to arrange an interview	5 working days from referral	Conduct Officer
Student Response to Conduct Officer (CO)	5 working days from Conduct Officer contact	Student
Interview Date and Level 1 Outcome Letter	20 working days from initial contact from Conduct Officer	Conduct Officer
Student Request to Progress to University Conduct Committee (Level 2)	10 working ways from outcome letter	Student
CO refers case to go to University Conduct Committee	5 working ways from interview date	Conduct Officer
Acknowledgement of Request to Progress to Level 2	5 working days from Student Request	Student Disputes Officer
University Conduct Committee (Level 2)	30 working days from either the penalty letter or Student request to go to Level 2	Student Disputes Officer
Level 2 Outcome Letter	5 working days from Conduct Committee	Student Disputes Officer
Student Request to Progress to Appeal Committee (Level 3)	10 working days from Outcome Letter	Student
Acknowledgement of Request to Progress to Level 3	5 working days from Student Request	Student Disputes Officer
Appeal Committee (Level 3)	30 Working Days from Student request to go to Appeal Committee	Student Disputes Officer
Level 3 Outcome Letter (Completion of Procedures)	5 working days from Appeal Committee	Student Disputes Officer

- 7.1 The University will endeavour to respond to any conduct case as rapidly as possible and will, where possible, adhere to the timeframes above.
- 7.2 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 or extensive, involves external agencies or was submitted at a time when key staff are away from the University.
- 7.3 Timescales may be varied by the University where there is good reason to do so.

8. Other procedural matters

- 8.1 Disciplinary procedures started prior to a student's enrolment end date may continue beyond the expected end date but must normally be concluded prior to any degree or award being conferred. Where this is not possible the University reserves the right to delay the conferment of any degree or award until the disciplinary procedures have been concluded.
- 8.2 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.
- 8.3 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 association, the case can be reallocated.
- 8.4 Whenever a Conduct Interview, a University Conduct Committee or an Appeal Committee is convened, the convening officer shall give all parties at least 5 working days' notice of the arrangements, including the names of the people who will be dealing with the case.
- 8.5 If a student cannot attend a Conduct Interview, University Conduct Committee or an Appeal Committee, they must write to the Student Disputes Officer before the meeting with reasons and evidence. The Student Disputes Officer will consider the reasons given and, at their discretion, rearrange the interview or Committee, or inform the student that the reason given for not attending is invalid and that the interview or Committee will go ahead as scheduled. If the 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 student.
- 8.6 It is the responsibility of the student wishing to be accompanied to inform the friend or colleague of the date, time and place of the interview or Committee. The friend or colleague may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student's behalf. The Conduct Officer may be accompanied by a note taker.
- 8.7 At all stages of the disciplinary process decisions will be based on the evidence available and the balance of probability. Conduct Officers, the University Conduct Committee or the Appeal Committee will accept the explanation that is most likely to be true.
- 8.8 At a Conduct Interview, all decisions shall be made by the Conduct Officer alone. At a University Conduct Committee or Appeal Committee, all decisions shall be made by a simple majority of the members of the Committee. In the event of a tied vote, the Chair shall have a second and deciding vote.
- 8.9 If this procedure is initiated on behalf of a student or staff member, the Conduct Officer or University Conduct Committee shall keep that person informed about the general progress of the investigation and the general outcome of it, but specific details will not be shared.
- 8.10 While every decision in relation to the case shall be for the Conduct Officer or University Conduct Committee, they shall give consideration to the views of the complainant about the original circumstances and any subsequent developments. A complainant is expected to fully co-operate with the Conduct Officer throughout the proceedings.

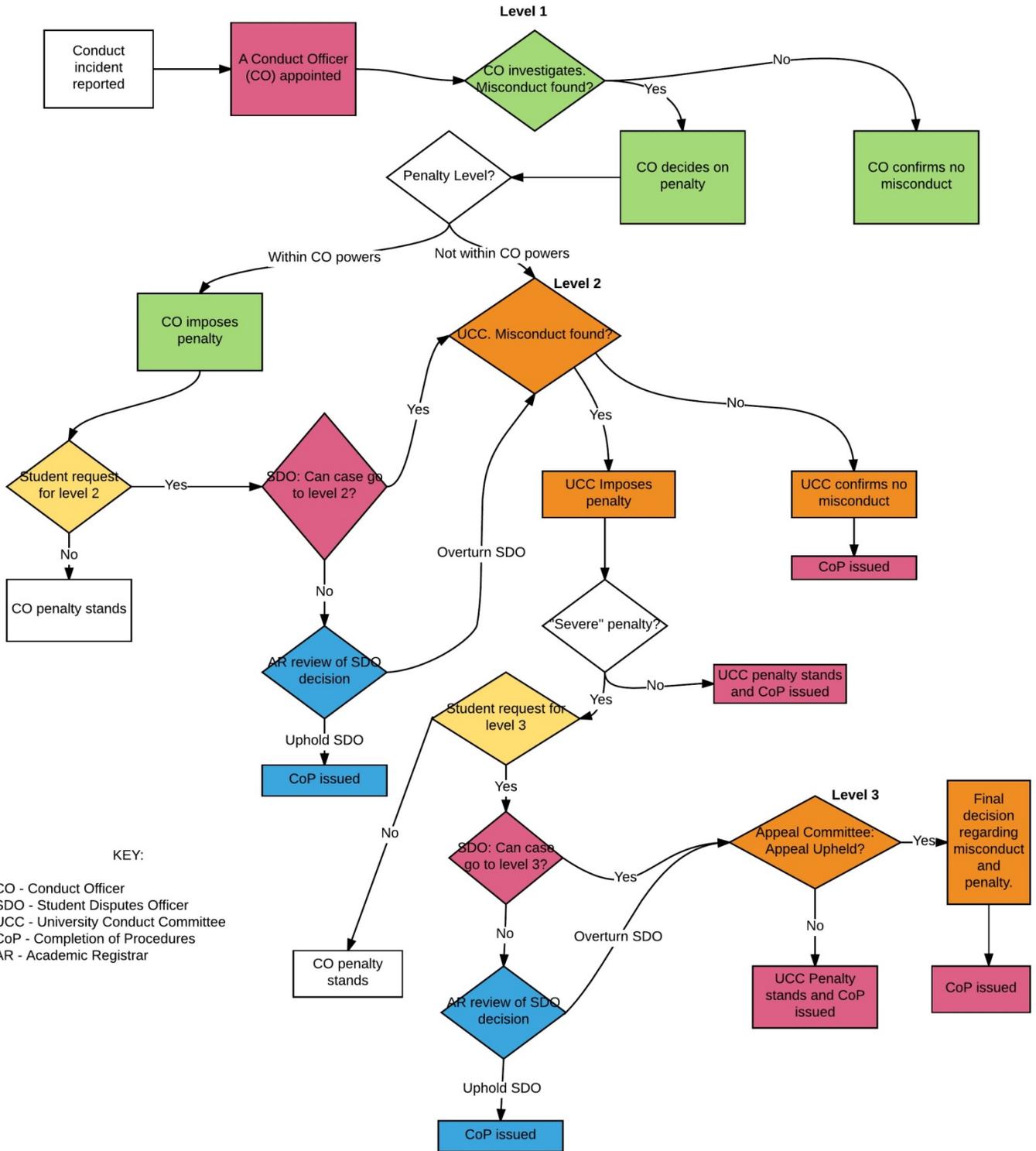
- 8.11 Many circumstances that constitute a breach of these regulations may also constitute a breach of the Professional Standards required of certain professions and, hence, of students on certain courses. As such, the Standards of Conduct: Fitness to Practise Policy may be invoked, and will take precedence, in which case the case file would be shared with appropriate University staff.
- 8.12 Many circumstances that constitute a breach of these regulations may create serious concerns about the student's welfare, in which case the Fitness to Study Policy may be invoked, or the Wellbeing Team informed of proceedings and/or outcome as necessary.
- 8.13 All staff and students who become aware of anyone who may have committed a breach of these regulations are authorised and required to take whatever steps are reasonable and, without risk to themselves, to stop the breach and to prevent a recurrence, and 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.
- 8.14 If a student is the subject of a criminal investigation or has criminal proceedings pending against them or has been convicted of a criminal offence, the University may initiate, proceed with and/or suspend its investigations under the Student Conduct procedure as seems appropriate.
- 8.15 If, at any time following the initiation of these Regulations, the Conduct Officer has reason to believe that the student may:
- 8.15.1 interfere with the investigation or any witnesses
 - 8.15.2 repeat the alleged breach or commit another similar breach
 - 8.15.3 pose a danger to themselves or others
- or
- 8.15.4 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 Conduct 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.
- 8.16 Any such suspension shall be subject to the following conditions and safeguards:
- 8.16.1 The details and conditions of the suspension shall be proportionate to the risks identified
 - 8.16.2 The student shall be informed of the 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
 - 8.16.3 The suspension shall be reviewed regularly and in the light of changing circumstances.
- 8.17 Where the statement of allegations involves more than one student, the Conduct Officer or the Chair of the Committee shall determine whether the cases should be heard individually or by a single hearing for all the students.
- 8.18 All investigated cases will be recorded and the information logged with the Student Disputes Officers. Conduct Officers, Conduct Committees or Appeal Committees will have access to information relating to a previous breach (if any) by the same 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.

- 8.19 If a student has completed the conduct procedure and the appeal process 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.

9. Process Diagram

Conduct Regulations: Process Flow Chart



10. **Definitions**

- 10.1 **Completion of Procedures 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 should the student remain dissatisfied with the outcome of the Disciplinary process.
- 10.2 **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, from within the relevant Faculty or Directorate. The Conduct Officer shall have the power to access and process personal data for the purpose of the investigation. The Conduct Officer may give penalties appropriate to the breach up to and including 5.2.7. The maximum fine which a Conduct Officer can impose is £250 and the maximum period of unpaid community service is 10 hours.
- 10.3 **University Conduct Committee** – is a panel authorised to investigate, hear and determine any case which has been referred to the panel by a student or Conduct Officer, under these regulations. The University Conduct Committee can hear cases from across the University or its Partner Institutions relating to any breach and shall have the power to access and process personal data for the purpose of the investigation. The University Conduct Committee may impose the full range of penalties.
- 10.4 **University Appeal Committee** – is a panel authorised to investigate, hear and determine any case which has been referred to the panel by a student following a University Conduct Committee. The Appeal Committee can hear cases from across the University or its Partner Institutions relating to any breach. They shall have the power to access and process personal data for the purpose of the investigation. The Appeal Committee may impose the full range of penalties.
- 10.5 **Residences** – The University has a diverse portfolio of accommodation which it offers to students. Students living in some of this accommodation are required to adhere to the University Hall Regulations, whilst students living in other parts of the portfolio are required to adhere to the regulations of the particular accommodation provider. Students are advised to check their “Licence to Occupy” or “Tenancy Agreement” for terms applicable to their accommodation.
- 10.6 **Suspension Officers** – are trained staff, nominated by a Dean or Director. They have the authority to temporarily suspend a student.

For further information about these regulations, please contact the Academic Registrar.

Approved by: Academic Board, 13 July 2016
Board of Governors, 28 September 2016

Next reviewed: September 2018