

# Guidance to Students on the Student Conduct Regulations

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This guidance is to assist students who are the subject of an investigation or proceedings under the Student Conduct Regulations. The full Student Conduct Regulations are available at: [www.londonmet.ac.uk/conduct](http://www.londonmet.ac.uk/conduct)

This document is guidance only and does not form part of the regulations. It is an add-on to the regulations and you should read the regulations themselves for the definitive position. If there is any ambiguity or confusion, the regulations will take precedence.

**If you have any concerns regarding the Student Conduct Regulations or any misconduct investigation or proceedings, please contact the Students' Union casework team (details are at <http://www.londonmetsu.org.uk/advice/>). The Students' Union can provide independent advice, assistance and representation to students who are the subject of a misconduct investigation or hearing.**

## Misconduct

Misconduct is not limited to matters that happen on campus or in the course of your studies. Misconduct includes criminal matters and may include matters that take place away from the University's premises where it falls within the definition above. There are examples of misconduct listed in Schedule 1 of the 2018-19 General Student Regulations – Section 9, Student Conduct

The Student Conduct Regulations do not cover ***criticism of, disagreement with or peaceful protest*** against the University.

Misconduct is different to being ***barred from licensed premises (such as the Rocket)***. The same actions may result in being barred and disciplinary action, but being acquitted of a misconduct allegation does not affect any barring, which is a matter for the landlord of the licensed premises.

If you are on a ***professional course***, misconduct is different to a decision on your "fitness to practice". The same actions may result in both disciplinary action and concerns about your fitness to practice in your profession, which may have a higher standards of behaviour for its members.

If the alleged misconduct arises from a ***physical or mental health condition***, you will be asked if you want the matter to be dealt with under the fitness to study regulations instead of the Student Conduct Regulations.

## Process

There is a flow chart of the process at the end of this guide, but you should always check against the actual Student Conduct Regulations for the full detail.

## Investigation

All allegations of misconduct are investigated by a person nominated by the Head of your School called a Proctor. If the Proctor finds evidence of a case against you, you will be interviewed and will have an opportunity to put forward your side of the matter.

You may be suspended from the University while the investigation takes place and while hearings are arranged. This suspension is only a precaution and does not mean that the University has found you guilty. You can ask the University Secretary for permission to come into the University to hand in course work, attend exams or meet with your tutors or advisers in Student Services or the Students' Union. If you want to request permission, you must write to or email the University Secretary stating when (date and time) you want to come in, and why and how long you will be on campus. Please do this well ahead of the day you want to come in.

If the allegation against you is also a criminal offence, the University is likely to put its own investigation on hold until the police have finished their investigation and any trial is over. You should note that the University proceedings and any police/criminal proceedings are separate and therefore have separate standards; a 'not guilty' verdict in a criminal trial does not automatically mean that disciplinary proceedings will stop.

At or after the interview with you, the Proctor shall decide if the allegation is minor or major misconduct. The difference between minor and major misconduct is based on the seriousness of the alleged misconduct, any damage caused, and the impact on any victim. Some matters are always major misconduct: for example, using falsified documents, repeated minor misconduct or failing to comply with a previous sanction applied under the Student Conduct Regulations.

The University handles minor misconduct and major misconduct in different ways. The main difference in way the University handles minor misconduct and major misconduct are:

<i>Minor Misconduct</i>	<i>Major Misconduct</i>
<ul style="list-style-type: none"> <li>• Proctor decides on guilt and imposes sanction;</li> <li>• Limited sanctions can be imposed – you CANNOT be excluded or expelled</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Panel makes decision on guilt and sanction.</li> <li>• All sanctions can be imposed including exclusion or expulsion.</li> </ul>

## **Rights**

During an investigation by the Proctor, you have the following rights:

- To be presumed innocent until proven guilty;
- To be given 3 days' notice of any interview;
- To be provided with a summary of the allegation before the interview
- To attend the interview with a Friend;
- To see any document on which the decision may be made;
- To ask questions to clarify the allegation and any facts.

## **Minor Misconduct**

If the Proctor decides the allegation is minor misconduct, he or she will then decide if you have committed the minor misconduct in question. The test the Proctor will use when making this decision is whether it is more likely than not that you committed the misconduct (this means that the University is using the "balance of probabilities" standard of proof, the case does not need to be proved "beyond reasonable doubt").

If the Proctor decides that you have committed minor misconduct, you will be invited to provide a statement of mitigation (that is, a statement that demonstrates reasons why the sanction should be less severe – for example, reasons for the misconduct or other circumstances at the time of the misconduct). You will be given **5 working days** to send this in. Once the Proctor has received your statement of mitigation (or the deadline for doing so has expired), he or she will decide what sanction to impose.

## Appeal

Once you have been notified of the Proctor's decision and the sanction imposed, you can appeal to the Disciplinary Panel within **10 working days** of the notification. The appeal can only be on one or more of the following the grounds of appeal:

- There is new evidence, that was not available before and that will affect the Proctor's decision;
- The Proctor did not follow the procedure in the regulations or was biased; or
- The sanction is obviously disproportionate (for example, it is too harsh)

The appeal must be sent to the University Secretary, who can reject appeals that are late, unclear, unreasonable or totally without merit. If the University Secretary refers the appeal on, the Disciplinary Panel will consider your appeal by looking at the papers and will not normally arrange a hearing. The Disciplinary Panel can overturn, confirm or change the Proctor's decision or send it back to the Proctor to look at again.

## Major Misconduct

If the Proctor decides the allegation is major misconduct, he or she will refer the matter to the Disciplinary Panel, which will consider the allegation at a hearing. The Proctor will provide you with the documents they will rely on at the hearing and a list of witnesses at least **10 working days** before the hearing. ***You must provide copies of any documents you want to rely on and a list of witnesses at least 5 working days*** before the hearing.

The Proctor shall present the case against you at the hearing and the Panel shall listen to the case you present, including any statement of mitigation you want to make. You do not need to attend, but the Panel can make a decision in your absence unless you have a reasonable excuse for not attending.

The Panel will decide if you have committed the misconduct. The test the Panel will use when making this decision is whether it is more likely than not that you committed the misconduct (on the "balance of probabilities"); it is not "beyond reasonable doubt".

## Rights

In respect of a hearing in front of the Disciplinary Panel, you have the following rights:

- To be presumed innocent until proven guilty;
- To be given 5 days' notice of any hearing;
- To be provided with the documents and a list of witnesses the Proctor will rely on;
- To attend the interview with a Friend;
- To see any document on which the decision may be made;
- To ask questions to clarify the allegation and any facts;
- To call witnesses (although the Panel may not let a witness speak unless their evidence is relevant). It is your responsibility to arrange for these witnesses to attend; and
- To put your case, including any mitigation, to the Panel.

## Appeal

Once you have been notified of the Panel's decision and any sanction imposed, you can appeal to the Deputy Vice-Chancellor within **10 working days** of the notification. The appeal can only be on one or more of the following the grounds of appeal:

- There is new evidence, that was not available before and that will affect the Panel's decision;

- The Proctor and/or the Panel did not follow the procedure in the regulations or was biased; or
- The sanction is obviously disproportionate (for example, it is too harsh)

The appeal must be sent to the University Secretary, who can reject appeals that are late, unclear, unreasonable or totally without merit. The Deputy Vice-Chancellor will consider your appeal by looking at the papers and will not normally arrange a hearing. The Deputy Vice-Chancellor can overturn, confirm or change the Panel's decision or send it back to the Panel to look at again.

## Misconduct Procedure – Flowchart

