

Academic Regulations

Section 16

Student Conduct Regulations and Procedure

2021-22

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Part 1 General provisions

Introduction

1. London Metropolitan University is a community that fosters an environment of professionalism, trust, responsibility and mutual respect. As members of the community, students are expected to conduct themselves in such manner, whether that be to other students, members of staff, visitors to the University or members of the local community.
2. The University is committed to the fair and equal treatment of all individuals taking into account age, race, colour, ethnic or national origin, sex, marital or civil partnership status, religion or political beliefs, sexual orientation, gender identity, or socio-economic status. By accepting an offer at the University, students agree to conduct themselves in a manner consistent with the fulfilments of the University's expectations and in accordance with its Regulations.
3. All members of the community have a responsibility to support each other in maintaining good order and creating a safe environment which is conducive to study and working. Staff are encouraged to address poor behaviour through early intervention, positively supporting students to develop their understanding of what constitutes professionalism and acceptable behaviour before circumstances escalate towards student conduct proceedings.
4. Nothing in these regulations is intended to limit students' freedom of expression within the law, or to prevent students from openly criticising, disagreeing with or peacefully protesting against the University.
5. Any student who is accused of misconduct is advised to contact the Students' Union as soon as possible for independent advice, support and representation where required.

Applicability

6. These Regulations apply to:
 - 6.1. any person who is registered as a student of the University (including those students who have taken a break from their studies);
 - 6.2. so far as is practicable, and any person to whom an offer of a place has been made and who subsequently becomes a student;
 - 6.3. any student against whom an allegation was pending when their registration, by withdrawal or otherwise, was terminated and who subsequently re-joins the University.
7. These regulations apply where the alleged misconduct:
 - 7.1. affects the University or its property; or
 - 7.2. affects the person or property of its students, staff, visitors;

- 7.3. occurred during or arises out of university activities (including placements or field work or trips) or use of University facilities or premises; or
- 7.4. brings the University or its community into disrepute.
8. It does not matter whether the alleged conduct takes place on or off University premises. These Regulations also apply to conduct on social media.
9. Students at a collaborative/partner institution are subject to that institution's code of discipline or disciplinary regulations. An appeal may only be accepted at the University's appeal stage where students have reached the end of their collaborative/partner institutions internal procedures.
10. Where the alleged misconduct arises or appears to arise from a physical or mental health condition (including from a failure to take prescribed medication), the allegation shall be dealt with in accordance with the University's Fitness to Study regulations. This can be done at any Stage of the procedure where issues giving cause for concern may come to light.
11. In respect of all interviews, hearings and decisions under these regulations, the reported student(s) shall be presumed innocent of the alleged misconduct until a decision or determination has been made;
12. Where a student is enrolled on a course that is regulated by a professional, statutory or regulated body (PSRB) and under the provisions of these regulations, if the misconduct is substantiated, the University may, depending on the nature of the misconduct, be obliged to report that fact to the PSRB and take separate action (in addition to any action under these regulations) under its Fitness to Practise policy, Academic Regulations or course regulations. The University may use any evidence compiled according to these regulations in any Fitness to Practise proceedings or vice versa.

Standard of Conduct

13. Students are expected to:
- 13.1. respect and uphold the rights and dignity of others regardless of race, colour, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or socio-economic status;
- 13.2. uphold the integrity of the University as a community of scholars in which freedom of speech within the law is available to all;
- 13.3. respect university policies as well as the law;
- 13.4. not improperly interfere (by act or omission) with the functioning or activities of the University, or of those who work or study in the University, or improperly damage the University or its reputation;
14. Breach of this standard of conduct shall be misconduct. A non-exhaustive list of examples of misconduct is set out in Schedule 1.

15. Where misconduct is substantiated and where appropriate, the intention will be to provide a corrective response in addition to any reasonable and proportionate disciplinary response.
16. The standard of proof to be adopted during the application of these regulations will be on the balance of probabilities, that is, if it is found that it is more likely than not that the misconduct occurred. The person (whether the University or the student) making an allegation or stating a particular fact is responsible for proving it. There is no need to prove an allegation or a fact that has been admitted or is proven by the existence of a relevant criminal conviction.

Criminal Offences

17. The University cannot determine whether a criminal offence has been committed – that is a matter for the criminal courts. However, the University recognises that some misconduct may also constitute a criminal offence.
18. Where alleged misconduct is or could also be a criminal offence, the Student Conduct Officer shall confer with the University Secretary's Office. The University may:
 - 18.1. report the matter to the police or other relevant authority, but this does not affect the right of any person affected by the alleged misconduct to report it to the police on their own behalf;
 - 18.2. defer taking action until the police, Crown Prosecution Service and courts have dealt with the matter; and/or
 - 18.3. continue with its investigation, where it is confident that the University's investigation will not prejudice or hinder the police investigation or criminal proceedings.
19. Where a matter has been deferred according to paragraph 18.2 no period of time stipulated under these regulations shall run until the police, Crown Prosecution Service and courts have dealt with the matter and the University has been notified of this;
20. The University is entitled to rely on the fact of a criminal conviction (whether on a guilty plea or otherwise) or acceptance of a caution as proving that an offence was committed and the facts on which the conviction is based occurred.
21. The University will take into account any caution accepted or sentence imposed when deciding the appropriate penalty.
22. Save as provided for by paragraph 20 and 21, proceedings under these regulations are separate from and additional to the criminal law. A student is not exempt from proceedings under these regulations simply because they have been convicted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed. Similarly, a student is not exempt from proceedings under these regulations simply because they have been acquitted of a criminal offence arising out of the same set of facts and no defence of double jeopardy can be claimed.

Licensed Premises

23. While an alleged incident takes place on licensed premises (whether on University premises or elsewhere) that incident may give rise to both proceedings under these regulations and exclusion, barring or suspension of access to the licensed premises by the licensee in accordance with the general law.
24. Proceedings under these regulations are separate from and additional to any decision of a licensee regarding exclusion, barring or suspension of access to licensed premises. A student is not exempt from proceedings under these regulations simply because of a licensee's decision based on the same set of facts and no defence of double jeopardy can be claimed.
25. No decision under these regulations may overrule, reverse or amend any decision of a licensee regarding licensed premises.

Precautionary Suspension and Conditions

26. Where a student is suspected of misconduct, a Student Conduct Officer may, with the consent of a member of Senior Staff, suspend the student for a period of time or indefinitely if:
 - 26.1. a criminal charge is pending against the student; or
 - 26.2. they consider that the student's presence on University premises would:
 - 26.2.1. breach the University's duty of care to the students or others; or
 - 26.2.2. cause the University to be in breach of its wider obligations (including, but not cause limited to, obligations under the UK immigration regulations); or
 - 26.2.3. impede an investigation into the allegation;
27. A member of Senior Staff may suspend a student in the circumstances set out in paragraph 26 in the absence of the Student Conduct Officer.
28. Suspension means that the student shall be excluded from all University premises. The student may seek independent advice from the Students' Union, but this must be by appointment. A student who has not made an appointment will not be admitted to the University's premises.
29. Where a student is suspected of misconduct, a Student Conduct Officer may, with the consent of a member of Senior Staff, impose conditions on the student for a period of time or indefinitely, whether in addition to a suspension or not, to ensure that:
 - 29.1. The student does not cause the University to be in breach of its:
 - 29.1.1. wider obligations (including, but not limited to, obligations under the immigration regulations); or
 - 29.1.2. duty of care to the student or others or
 - 29.2. the student does not impede an investigation into the allegation.

30. A member of Senior Staff may impose conditions on a student in the circumstances set out in paragraph 29 in the absence of the Student Conduct Officer.
31. A student who has been suspended or had conditions imposed under paragraph 26 - may:
 - 31.1. Ask the Student Conduct Officer or Pro Vice-Chancellor Student Services (or nominee) to review the suspension or condition. Any such request must be in writing and may be made not more frequently than once a month or where there has been a material change of circumstances.
 - 31.2. Ask the Student Conduct Officer or Pro Vice-Chancellor Student Services (or nominee) for temporary permission to attend the University or temporary variation of the conditions for examinations, for submission of coursework or to access student support or advice from Student Services or the Students' Union. Such request must be in writing.
32. Suspension and conditions under this paragraph 26 are precautionary and do not mean that the allegation has been judged or proven. A suspension or conditions must not be used as a punishment or used in place of conduct proceedings.

Part 2 Procedure

Initial Formal Interventions

33. Initial formal interventions normally involve interventions by a School or Professional Service staff at an early stage where an incident occurs or arises which is relatively contained and minor or, a potential and/or actual breach of regulations or policies by students occurring in any part of the University. This may include giving the student an oral warning or requiring a student to leave a particular area of the University's premises, such as a lecture room or library, for a specified period not exceeding 1 hour or the end of the teaching session (whichever is longer). Because it is a short-term measure, there is no right of appeal against a member of staff's decision.
34. Where it is reasonably believed that a student is not following the standard of conduct set out in these regulations and/or the General Student Regulations, a Facilities Manager may, or on the report of a member of staff, ban the student from the University's premises for 24 hours. As it is a short-term measure, there is no right of appeal against a Facilities Manager's decision.
35. Where a staff member has put in place an initial formal intervention under paragraph 33 or 34, they should inform the Student Conduct Officer of the incident.

Initiation of the Misconduct Procedures

36. Allegations of misconduct by a student and any supporting evidence should be reported by completing a Misconduct Incident Report Form to the Student Conduct Officer.

37. Where a student wants to report an allegation of misconduct by another student, they can report the matter to the Student Conduct Officer.
38. In exceptional cases or in cases involving a sabbatical officer of the Students' Union a Student Conduct Officer may be nominated by the Head of Student Casework.
39. A Student Conduct Officer should not investigate allegations where:
 - 39.1. they have a close connection with the reported student or the reporting person;
 - 39.2. they have previously advised the reported student or the reporting person regarding the allegation under the provision of the Fitness to Study Regulations;
or
 - 39.3. a reasonable independent third party would conclude there was a real possibility that they would not be impartial.
40. A Student Conduct Officer's authority to act may be confirmed retrospectively in cases where it has been called into question. Unless a Student Conduct Officer is disqualified from acting for reasons of actual or apparent bias, the Pro Vice-Chancellor Services (or nominee) or Head of Student Casework's confirmation of the Student Conduct Officer's authority shall be final.
41. Any time frame stipulated for the completion of any stage of the procedure, by the University, may be extended:
 - 41.1. at the request of the student (including, but not limited to, a request to reschedule an interview or hearing);
 - 41.2. with the agreement of the student;
 - 41.3. with the agreement of the Head of Student Casework or the Pro Vice-Chancellor Student Services (or nominee) in the event of matters outside the University's control or where the complexity of the matter so requires.
42. Any time frame stipulated for the completion of any stage of the procedure, by the student may be extended with the agreement of the Student Conduct Officer or the Head of Student Casework. Such agreement shall usually only be given in the event of matters outside the student's control or where the complexity of the matter so requires.
43. The reporting person will be kept informed of the progress of their case at each stage of the procedure within the confines of data protection legislation.

Stage 1 Formal Exploratory Investigation

44. Where a Student Conduct Officer receives an allegation of misconduct, they shall investigate matters relevant to the alleged misconduct to determine whether misconduct has taken place. This investigation will usually be completed within 20 working days of the receipt of the Misconduct Incident Report Form. In complex matters the investigation may take longer than this.

45. The nature of the exploratory investigation will depend on the nature and complexity of the allegation, but the investigation:
 - 45.1. may include an interview with the person reporting the alleged misconduct;
 - 45.2. may include enquiries of the University's Disability and Dyslexia Service and where relevant to the allegation members of staff in Schools and/or Professional Service Departments.
 - 45.3. should include an interview with the reported student alleged of misconduct.
46. The standard of proof to be adopted during the application of these regulations will be the balance of probabilities, that is, if it is found that it is more likely than not that the misconduct occurred. Where the Student Conduct Officer is satisfied that there is sufficient evidence to proceed, they shall inform the reported student. Notification to the student shall include:
 - 46.1. an invitation letter to attend an interview in person or via Microsoft (MS) Teams. The student(s) should be given at least 5 working days' notice of the interview;
 - 46.2. a copy of the Misconduct Incident Report Form
 - 46.3. any evidence in support of the allegation;
 - 46.4. a copy of these regulations;
47. The reported student will have the opportunity to respond to the allegation and see any evidence in support of it. They will have the opportunity to ask questions to clarify the allegations and facts that are being alleged, and/or offer information or explain their behaviour.
48. Any student invited for interview can be accompanied by a "Friend" who shall normally be a member of staff, student at the University or Students' Union advisor by way of support and not by way of legal representation such as a Solicitor or Barrister. The accompanying person's capacity at the meeting is one of a silent observer. The Student Conduct Officer may permit the "Friend" to speak on behalf of the student if it would assist the investigation. The student is responsible for arranging the "Friend's" attendance at the interview.
49. The student(s) will also be invited to inform of any reasonable adjustments they might require to access the interview. Reasonable adjustments such as the video or audio recordings of the Formal Exploratory Meeting will only be permitted by the Student Conduct Officer having been permitted by the Head of Student Casework (or nominee) in advance: where a written record is insufficient, as part of a support need; only where it is in the legitimate interests of the University, and when there is explicit consent from those whose personal data is being collected through the recording. Recording other than for a reasonable adjustment, is not permitted.
50. Any student can decline to be interviewed and/or may give a written response. A student who refuses or fails to attend 2 interviews without good reason, shall be deemed

to have declined the opportunity to be interviewed. The Student Conduct Officer shall proceed on the basis of the evidence available to them.

51. When the investigation is complete, the Student Conduct Officer shall decide whether it is more likely than not that the student has committed the misconduct and if there is sufficient evidence to proceed. The Student Conduct Officer will provide the Misconduct Incident Report Form, notes from the exploratory interview and evidence to the Head of Student Casework (or nominee), including the student's response to the allegation if provided and their recommendation as to how proceed with the allegation.
52. Following consideration and/or guidance from the Head of Student Casework (or nominee) the Student Conduct Officer will determine either:
 - 52.1. that the allegation is unsubstantiated, in which case the case will be dismissed and a record of the allegation will be kept on the student's file; or
 - 52.2. that the misconduct is substantiated, that is, it is more likely than not that the student has committed the misconduct. In which case, the Student Conduct Officer will either:
 - 52.2.1. notify the student and the Student Casework Office of the conclusion to the exploratory investigation within 5 working days and provide a summary of the reasons for their decision. Where the misconduct is substantiated (that is on the balance of probabilities), the Student Conduct Officer may impose one or more of the sanctions in Schedule 2 and record the decision and sanction on the student's file; or
 - 52.2.2. within 5 working days make a recommendation to the Student Casework Office that a formal misconduct panel hearing be convened under Stage 2 of the procedure where the case cannot be resolved, giving reasons, following the formal exploratory investigation.
53. Where the misconduct is substantiated under paragraph 52, a Panel will not be convened if it is determined that:
 - 53.1.1. there is a real risk that proceeding will adversely affect the student's health or safeguarding of the welfare of another person; or
 - 53.1.2. that it is not in the University's interests for the matter to proceed.
54. If the Student Conduct Officer has given the student a reprimand or conditional warning and the student does not comply with the conditions, both the original misconduct and the failure to comply with the conditions may be referred to a formal misconduct panel hearing for consideration as misconduct.
55. Imposition of a financial condition under paragraph 54 shall not prevent the University or any other person from seeking compensation from the student for the costs of repair to their property.

56. A Student Conduct Officer cannot impose one or more of the sanctions in Schedule 2 where:
- 56.1. there is repeated or systematic misconduct;
 - 56.2. attempts to influence or victimise the reporting staff member or student(s) or witnesses involved with any proceedings under these regulations or criminal proceedings;
 - 56.3. failure to comply with a sanction imposed under these regulations, the conditions of a conditional reprimand or reprimand;
 - 56.4. submission of falsified documents to the University (including documents provided evidence in support of mitigating circumstances claims or academic appeals, or in support of an application to study, enrolment, or access to student funding, or a visa sponsorship);
 - 56.5. a criminal offence where a custodial sentence (immediate or suspended) has been given.
57. At any time before a decision has been made according to paragraph 52.2. or 62, the Student Conduct Officer may, agree with the reported student not to proceed subject to agreed conditions, provided that:
- 57.1. the reported student(s) admits the misconduct; and
 - 57.2. the reported student(s) undertakes to abide by the conditions of the agreement; and
 - 57.3. the Pro Vice Chancellor Student Services (or nominee) and the Head of Student Casework consent to the agreement.
58. Conditions may include, but are not limited to, a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures and/or corrective response to prevent future misconduct.
59. If the student breaches the conditions of the agreement, the University may proceed with the original misconduct (together with any subsequent misconduct) on the basis of the admission and a sanction may be imposed by the Student Conduct Officer and/or the formal misconduct panel for all instances of misconduct (taking into account any partial compliance with the conditions of the agreement);
60. No student shall be required to conclude an agreement according to paragraph 57;
61. A student shall not be subject to any detriment (other than a continuation of proceedings under these regulations) for declining to conclude an agreement according to paragraph 52. The fact that such an agreement has been declined shall be disregarded when considering the matter.

Stage 2 Formal Misconduct Panel Hearing

62. Where the Student Conduct Officer has referred the misconduct to the Student Casework Office, the Student Casework Office shall inform the student that a formal misconduct panel hearing will be convened under Stage 2 of the procedure. Notification to the student shall include:
 - 62.1. an invitation letter to attend a panel hearing in person or via Microsoft (MS) Teams. The student(s) should be given the proposed date of the panel hearing (at least 5 working days after the date given for any written submission) and the names and/or the job titles of the Panel members, including the Chair;
 - 62.2. a copy of the Misconduct Incident Report Form and any evidence in support of it;
 - 62.3. a copy of these regulations;
63. The student(s) will have the opportunity to respond to the allegation and evidence in support of it, to make any written submissions in response to the allegation and invite witnesses to submit a written statement within a period of 10 working days to the Student Casework Office. The student should submit any documents that they intend to rely on in response to the allegation
64. In respect of any oral hearing (in person or via MS Teams) before a Panel:
 - 64.1. The student shall be given at least 5 working days' notice of the hearing, which will include a list of witnesses that the Student Conduct Officer intends to call;
 - 64.2. The student can submit to the Student Casework Office no later than 3 working days before the hearing, a list of witnesses whom they intend to call. It is the student's responsibility to arrange for these witnesses to attend the hearing. The Panel may decline to hear a witness if their evidence is not relevant
65. Any student invited for interview can be accompanied by a "Friend" who shall normally be a member of staff, student at the University or Students' Union advisor by way of support and not by way of legal representation such as a Solicitor or Barrister. The accompanying person's capacity at the meeting is one of a silent observer. The Chair may permit the "Friend" to speak on behalf of the student if it would assist the investigation. The student is responsible for arranging the "Friend's" attendance at the hearing.
 - 65.1. Students will not normally need to seek legal representation at the Panel or Appeal Stage, although it may be permitted where necessary for fairness. For instance, in misconduct cases where the consequences for the student are potentially very serious, where it prevents a student practising the relevant profession, or it could involve matters under criminal law.
66. The student(s) will also be invited to inform of any reasonable adjustments they might require to access the Hearing. Reasonable adjustments such as the video or audio recordings of Panel Hearings will only be permitted by the Chair in advance: where a

written record is insufficient, as part of a support need; only where it is in the legitimate interests of the University, and where there is explicit consent from those whose personal data is being collected through the recording. Recording other than as a reasonable adjustment, is not permitted;

67. The reported student will have the opportunity to respond to the allegation and see any evidence in support of it. They will have the opportunity to ask (via the Chair of the Panel) questions of witnesses or the Student Conduct Officer presenting the case against them; questions to clarify the allegations and facts that are being alleged, and/or offer information or explain their behaviour by making representations to the Panel including putting forward any mitigation.
68. The student may attend either in person or by via MS Teams agreed by the Chair of the Panel in which all participating in the meeting may communicate with all the other participants. The student does not need to attend the hearing, the Panel can however, make a decision in the student's absence, provided that the Panel is satisfied the student was informed of the date of the hearing and has not provided a reasonable excuse (supported by evidence) for absence. An oral hearing will only be postponed more than once in exceptional circumstances.
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69. A Panel shall consider all allegations of misconduct referred to it by the Student Casework Office. Where the misconduct has been admitted or is deemed to have been admitted by the reported student(s) the Panel shall only consider the question of the appropriate sanction.
70. A hearing before a Panel shall be convened by the Student Casework Office, which shall also appoint a clerk to the Panel. Such hearing shall usually take place within 30 working days of receipt of the Student Conduct Officer's referral by the Student Casework Office.
71. The composition of the Panel should be:
 - 71.1. a senior member of academic or professional service staff (as Chair) from a School other than that in which the student's programme of study is located and a service with no prior involvement in the matter;
 - 71.2. a member of academic or professional service staff from a School other than that in which the student's course of study is located and a service with no prior involvement in the matter and;
 - 71.3. a nominee from the Students Union.

72. All members shall be independent of the cases and shall not be a member of a Panel if they:
 - 72.1. are a member of the same School as the student or have a close connection with the student; or,
 - 72.2. have a close connection with the reporting person and/or the reporting student(s) and/or the reported student(s); or
 - 72.3. have been previously involved in a review of an allegation involving the same student(s); or
 - 72.4. have previously advised the reporting person and/or the reported student(s) regarding the allegation; or
 - 72.5. a reasonable independent third party would conclude there was a real possibility that they would not be impartial.

73. The Panel shall be conducted in accordance with the directions (whether given at the hearing or beforehand) of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
 - 73.1. hearing of related allegations against two or more students at the same hearing;
 - 73.2. requiring the provision of written witness statements or summaries of the witnesses' evidence before the hearing;
 - 73.3. the manner in which any witnesses' evidence will be taken (for example, in person or by suitable electronic means);
 - 73.4. imposing time limits on submissions;
 - 73.5. adjourning the hearing to another time or place;

74. the Chair will state the process to be followed and inform parties of the purpose and objective of the hearing;
 - 74.1. the Student Conduct Officer (or nominee) will present the alleged misconduct;
 - 74.2. the Panel will ask questions of the Student Conduct Officer and all witnesses through the Chair;
 - 74.3. the student(s) will present their case and any mitigation;
 - 74.4. the Panel will ask questions of the student(s) and all witnesses through the Chair;
 - 74.5. the student will have the opportunity, through the Chair, to ask questions of the witnesses and to make a final presentation to the Panel;

- 74.6. may take advice from the clerk, a legal advisor or other advisors.
 - 74.7. the panel will deliberate in private and reach its decision by majority vote. In the event of a tie, the Chair of the Panel shall have a second or casting vote;
 - 74.8. shall be conducted in private, except that members of staff may attend for training purposes, with the agreement of the student.
75. Once the Hearing is concluded and all evidence has been considered, the Panel will determine either:
 - 75.1. that the allegation is unsubstantiated, in which case the case will be dismissed and a record of the allegation will kept on the students file; or
 - 75.2. that the misconduct is substantiated, that is, it is more likely than not that the student has committed the misconduct. In which case, the Panel can apply one or more of the sanctions set out in Schedule 2.
 76. The Panel shall not be made aware of any previous misconduct by the student, except where:
 - 76.1. the previous misconduct is relevant to the current allegation. This information may be provided when the Panel is considering the appropriate sanctions.
 77. A record of the Panel meeting, and the Panel decision (including the Panel's reasons), shall be kept and shall be agreed by the Chair of the Panel and will be shared with the student.
 78. The clerk to the Hearing shall notify the student(s) and the Student Conduct Officer of the Panel decision in writing, normally within 10 working days of the Hearing, and shall record the decision on the student's file.
 79. Where the Panel determines that it is more likely that not that the student has committed misconduct, the student is subject to misconduct proceedings and sanctions. The Panel can apply one or more of the sanctions set out in **Error! Reference source not found.**

Stage 3 Appeal

80. A student who has received a sanction according to these regulations (whether given by a Student Conduct Officer or by a Panel) may appeal the decision and/or the sanction.
81. The appeal must be submitted on the prescribed Appeal Form not more than 10 working days after the student was notified of the decision being appealed;
82. An appeal may only be made on the grounds that:

- 82.1. the student was unable to respond to the allegation within the timeframes provided in these Regulations for valid reasons beyond the student's control; or
 - 82.2. there has been a material procedural defect, other than one for which the student is responsible, resulting in substantial unfairness to the student; or
 - 82.3. the evidence of alleged misconduct was insufficient to substantiate the allegation; or
 - 82.4. new evidence has become available which was not, and which could not reasonably have been provided during the time the case was considered. Other than this, no new evidence shall be considered; or
 - 82.5. the sanction imposed was disproportionate to the misconduct.
83. The grounds for appeal must be made clear in the Appeal Form to the Pro Vice-Chancellor Student Services (or nominee).
84. The Student Casework Office shall determine whether the grounds(s) listed in paragraph 82 have been clearly demonstrated and whether it is reasonable to consider the appeal.
85. Where the review is considered frivolous, vexatious or where the student engages in unacceptable behaviour, for instance harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and/or have unrealistic expectations and/or unreasonable outcomes, the appeal may be dismissed, or conditions imposed on how the student can conduct the appeal.
86. The Student Casework Office may reject an appeal that:
- 86.1. is received late and there is no reasonable explanation why it could not be brought in time; or
 - 86.2. does not clearly state the grounds on which the appeal is being made; or
 - 86.3. does not disclose any reasonable grounds of appeal; or
 - 86.4. is entirely without merit.
87. Unless the appeal is rejected in accordance to paragraph 86, the Student Casework Office shall refer the appeal to the Pro Vice-Chancellor Student Services (or nominee) within 10 working days of receiving the student's completed Appeal Form.
88. The Pro Vice-Chancellor Student Services (or nominee) shall consider the appeal on the basis of the written appeal papers, unless an oral hearing would assist their consideration or otherwise in the interest of fairness, in which case a hearing shall be convened. A decision on the basis of the written appeal papers or a decision to convene a hearing shall usually be made within 25 working days of the Student Casework Office's receipt of the completed Appeal Form.

89. After reviewing the decision and the appeal, the Pro Vice-Chancellor Student Services (or nominee) may:
 - 89.1. reject the appeal and uphold the original decision and sanction; or
 - 89.2. uphold or partially uphold the appeal and substitute such other decision as the Pro Vice-Chancellor Student Services (or nominee) considers fit –
 - 89.2.1. that the allegation is unsubstantiated, in which case the case will be dismissed and a record of the allegation will be kept on the students file; or
 - 89.2.2. that the allegation is substantiated, that is, it is more likely than not that the student has committed the misconduct and apply one or more of the sanctions set out in **Error! Reference source not found.**
 - 89.3. the Pro Vice-Chancellor Student Services (or nominee) may not impose a penalty more severe than that originally invoked.
 - 89.3. the Pro Vice-Chancellor Student Services (or nominee) may not impose a penalty more severe than that originally invoked.
 - 89.4. refer the matter, or any part of it or any decision to the Misconduct Panel for further consideration, with any such guidance as the Pro Vice-Chancellor Student Services (or nominee) thinks fit.
90. The decision of the Pro Vice-Chancellor Student Services (or nominee) shall be final. The Pro Vice-Chancellor Student Services (or nominee) shall within 5 working days of their decision notify the student and the Student Casework Office.
91. At this point the student(s) have completed the University's internal procedures. Students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the University's final decision. The OIA cannot consider complaints about:
 - 91.1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student;
 - 91.2. academic judgment;
 - 91.3. student employment;
 - 91.4. something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;
 - 91.5. something that has already been considered by another alternative dispute resolution body.

92. Conduct matters that do not proceed to a Stage 3 Appeal within 10 working days after the student was notified of the decision being appealed will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University's internal procedures are not complete at this stage.
93. Confidentiality and reporting. The University will process all information in accordance with its [Student Privacy Notice](#) and the principles of the General Data Protection Regulation (GDPR). Student Conduct will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating, responding to the appeal, or panel hearings. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.
94. The University may consider it appropriate to discuss and or refer matters to third parties such as Social Services, the Disclosure and Barring Service or the Police. The University will normally notify the student when doing so, but may do so on occasion without notification to the student such as in situations deemed to be of risk.
95. The outcomes and recommendations from Student Conduct may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, any personal information will be removed and handled in accordance with the University's Privacy Notice.

Schedules

Schedule 1. Misconduct

Non-academic misconduct includes, but is not limited to, the following:

1. Any conduct that has resulted in conviction by a criminal court or for which a caution has been accepted. Non-declaration of a criminal conviction(s) prior to the point of enrolment, will be considered under the General Student Regulations;
2. Any conduct that has the potential to or negatively impacts the reputation of the University or others. This does not apply to genuine concern regarding malpractice provided that they are not frivolous, threatening or vexatious.;
3. Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University;
4. Obstruction of or improper interference with the functions, duties or activities of any student, member of staff or visitor to the University;
5. Sexual violence and/or misconduct, violent, indecent, disorderly, threatening, or intimidating behaviour or language, including physical misconduct;
6. The use of Hate speech, expressions, imagery or derogatory language, related but not limited to the following: race, ethnicity, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership, gender, age and/or socio-economic status;
7. Harassment of any student, member of staff or visitor, including but not limited to harassment related to one or more of the following: race, ethnicity, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership, gender, age and/or socio-economic status;
8. Victimising any student, member of staff or visitor because of anything done or not done in connection with these Regulations (including making a complaint or giving evidence);
9. Bullying by the use of force, coercion, harmful teasing, threats or abuse to aggressively dominate or intimidate, either as an instigator or as part of a group dynamic directed at an individual person or as part of a group;
10. Deception, dishonesty, lying either overtly or by omission, or corruption in relation to the University, its staff, students or visitors;
11. Misappropriation or misuse of University property (including computer misuse), likeness or identity, including taking property from University premises, or from other members of the University community (staff, students or visitors) without consent;

12. Damage to, or defacement of, University property, or to the property of the University's staff, students or visitors, whether or not caused intentionally or through negligence;
13. Misuse or unauthorised use of University premises, property, services, equipment or resources, of the University's staff, students or visitors;
14. Action likely to cause injury or to impair safety on University premises/or as part of University activities;
15. Failure to respect the rights of others to freedom of belief and freedom of speech and/or freedom of expression;
16. Breach of the provisions of any University code, policy, rule or regulation, including (but not limited to) Premises Rules, Library Code, ITS Rules or the Research Code;
17. Failure to disclose personal details, including criminal convictions, when required (whether by University policy or otherwise), to a member of staff at the earliest opportunity;
18. Failure to comply with an instruction issued by a security officer or by a member of staff;
19. Conduct or behaviour which raises questions about a student's fitness to practise, by reference to the relevant professional body's guidance, any profession for which you are studying at the University;
20. Failure to comply with a sanction or condition imposed under these regulations
21. Coercing, inducing or intimidating any person into not reporting a matter to the police or the University;
22. Inducing or intimidating any person into not giving evidence.
23. Agreeing or attempting to persuade another member of the University (student or staff) to participate in actions that would breach these regulations.
24. Assisting, encouraging or advising another member of the University (student or staff) to participate in actions that would breach these regulations.

Schedule 2. Misconduct Sanctions

Provides an indication of the sanctions likely to apply in different circumstances depending on the types of misconduct offences and its seriousness. In respect of misconduct a Panel may impose one or more of the following sanctions:

Apology Requirement	Require the student to apologise formally (orally or in writing) to an individual(s) affected by the student's behaviour within a specified period. An apology is expected to be genuine, centred around those affected by the misconduct and avoids including excuses for the misconduct.
A reprimand	Formal note that the misconduct has been substantiated by the student in which a student can receive a warning, but no further sanction will be applied. It is sufficient to record the matter on the student's file.
Conditional reprimand	This notes that the misconduct has been substantiated. The student will be expected to comply with certain conditions. Such conditions may include a requirement to apologise, to make reparation (financial restitution or otherwise) and/or to accept behavioural measures and/or corrective response to prevent future misconduct. If the conditions are breached, sanctions can be imposed for the original misconduct and the further misconduct. It is sufficient to record the matter on the student's file.
Suspended sanction	A sanction is imposed, but does not take effect provided that no further misconduct is committed in a period specified by the Panel. If further misconduct is committed the original sanction take effect and new proceedings can be taken for the further misconduct.
Fine	Pay a sum of up to a maximum of £500 within a specified period. It is sufficient to record the matter on the student's file.
Compensation Requirement	Require the student to pay reasonable sum to compensate for any loss or damage sustained by the University or any other person within a specified period. The compensation shall be payable to the person who has sustained the loss.
Restriction	Restrict the student from contacting a specified person or person; and/or restrict the student from accessing specified facilities or premises of the University. Such a restriction shall be for a fixed period of time. Notwithstanding the time limit for appeals, the student may ask the Pro Vice-Chancellor Student Services (or nominee) to review a restriction at any time while the

	restriction is effective on the ground that the restrictions is seriously impeding the student's academic progress.
Exclusion	Exclude the student from the University for a fixed period of time. While excluded, the student is not permitted to access the University's premises or its facilities, or to participate in its activities.
Transfer	The student may be transferred or move to a different seminar group, module or course at the request and discretion of the Panel (subject to the programme of study, to be confirmed before imposing this sanction).
Termination of Enrolment and/or	Termination of the student's enrolment on their current course. The student remains liable for any tuition fees that fell due for payment before termination of enrolment and the University reserves the right to take action to recover the debt.
Expulsion	Expel the student from the University. The student ceases to be a member of the University and loses all rights and privileges of membership. The student remains liable for any tuition fees that fell due for payment before expulsion and the University reserves the right to take action to recover the debt.

Schedule 3. Examples of Alleged Misconduct

The table below provides examples of behaviours and/or actions of students that can be considered in accordance to the procedures set out within Student Conduct Regulations. The table is not an exhaustive list but serves to ensure that all students are aware of the behaviours and/or actions of students that may constitute misconduct.

Abuse	Abuse is any action that intentionally harms or injures a person either physically or emotionally that is either done purposefully through negligence. Abusive situations can arise when an individual is seeking to control another through abusive behaviour. For example, a person may use abusive language towards another, to express frustration towards a person or situation.
Bullying	Bullying can be described as on-going and intentional verbal, physical and/or socialised behaviour (such as excluding someone from a group) that causes or has the potential to cause physical, social or psychological harm. It can be between two individuals or more, and the instigators can be part of a wider group enforcing its dominance over a person or person(s). It can be in-person or online, on various digital platforms (such as messaging software), or through telecommunications such as texting.
Coercing/Coercion	Coercion is when someone tries to or successfully persuades another to do something by using force, threats or psychological tactics, such as establishing control, or imposing limitations on an individual's social support.
Deception	Deception is an act or a statement which misleads, conceals the truth, promotes a belief or concept that is not true.
Disruption	Disruption refers to behaviour that interferes with the normal functioning of the University, including its digital platforms. Examples include, but are not limited to: using the Chat function in online class for discussion that is irrelevant to the subject being taught; or interrupting staff or other students in-class, and posting inappropriate content on social media sites.
Freedom of Speech Freedom of Expression	<p>Freedom of Speech/Expression refers to the ability of an individual or group of individuals to express their beliefs, thoughts, ideas, and emotions about different issues. This can be expressed verbally, in written form, through gestures and clothes or through creative expression.</p> <p>Freedom of Speech/Expression is not absolute; that is, an opinion can be interfered with to protect the rights and dignities of others. For example, opinions about another person's protected characteristics may be curtailed as this may fall under Hate (see definition of Hate below).</p>

Harassment	Harassment is unwanted behaviour that is often repeated and ongoing. It can be in-person, over email or messages, and on social media sites and platforms. Harassment can be antagonistic, abusive and insulting behaviour that may or may not be concerning: race, ethnicity, sexual orientation, gender reassignment, disability, religion (which includes Islamophobia which exists at the intersection of racial and religious discrimination) or belief, marriage or civil partnership, gender, age and/or socio-economic status.
Hate	Hate, in the context of these Regulations, refers to bias or prejudice motivated incidents or offensive behaviour that targets an individual or community because of a protected characteristic, such as race or religion. Hate crimes can also target intersections of one's identity, such as Islamophobia which is targeted hate at Muslims both in terms of racialisation and religious belief. Hate can be verbal abuse, intimidation, threats, harassment, violence, and bullying, as well as damage to property (such as graffiti).
Misappropriation	<p>The unauthorised use of property belonging to any member of the University community. This can include removing property and/or resources from University premises.</p> <p>Misappropriation can also include using another name or identity without the person's permission resulting in harm to that person or others.</p>
Misuse	<p>Misuse refers to the use of something in the wrong way or in a way other than it was intended to be used. For example, this may include using a University service outside of the remit for which it exists and when the function of the service has been explained. This may be, for example, when a person demands financial advice from a staff member whose role is not linked to giving this advice.</p> <p>Misuse can also include accessing inappropriate materials on University systems.</p>
Obstruction	Obstruction refers to any activity that limits or prevents other students' access to resources or services and/or prevents members of staff, procedures or services from functioning as intended. For example, demanding support above and beyond what is reasonable, outside of service level agreements, resulting in less availability for others to access that service.

Sexual misconduct	Sexual misconduct can be, but is not limited to: making unwanted remarks or comments of a sexual nature; showing indecent images to another, such as sending nude pictures; touching and/or kissing without consent; exposing yourself or flashing another person(s); sharing sexualised images or videos of another person without consent; sexual harassment, stalking and/or unwanted obsessive, aggressive or persistent behaviours and attempted or actual molestation, sexual assault or rape.
Victimising	<p>Victimisation is the act of singling someone out as a result of actions carried out or not carried out. For example, this could include; treating someone unfairly or differently because they are making a complaint, assisting another in making a complaint, and/or reporting another individual's behaviour.</p> <p>A person is not protected against victimisation if they are acting in bad faith by making false accusations or by giving false information.</p>