

## **Policy: STUDENT CONDUCT POLICY**

Policy Title	Student Conduct Policy
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Responsible Office	Provost
Responsible Executive(s)	Student Affairs, Registrar

### **I. INTRODUCTION**

The Policy explains the standards of conduct which are expected, and specifies the procedures which are followed when misconduct is alleged. It further sets out the entitlement of the student to expect that the University will meet its own clearly stated objectives, standards and performance targets within a supportive environment.

#### **1.1 Student Obligations and Conduct**

##### **1.1.1 Student Conduct**

Students are expected to behave courteously, and not to engage in behaviour which is, or is likely to be, prejudicial to the good order or to the reputation of the University.

Students are required to treat University property and equipment with respect.

Students are required to abide by all requirements for professional conduct and behaviour be they defined by the University or an associated professional and/or statutory body.

Students are expected not to attempt to gain unfair advantage in assessments and examinations.

Breaches of the above will be deemed to constitute misconduct.

##### **1.1.2 Misconduct**

All students at the University are subject to the jurisdiction of the Provost in respect of their conduct. However, the Provost may delegate his/her powers in this respect to another senior officer of the University or the authority of the Students' Conduct Committee.

Where misconduct is alleged, students shall be liable to disciplinary procedures provided for non-academic misconduct. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the Disciplinary Procedure - Non-Academic Misconduct.

Where misconduct is alleged, students shall be liable to disciplinary procedures as provided for in the Disciplinary Procedure - Academic Misconduct. Action under the Disciplinary Procedure - Academic Misconduct does not preclude action also being taken under the Disciplinary Procedure - Non-Academic Misconduct.

### **1.1.3 Disciplinary Procedure for Non-Academic Misconduct**

An allegation of Non-Academic Misconduct may be made by a member(s) of staff of the University against a student(s), by a student(s) against another student(s), or by a person external to the University against a student(s). If an allegation involves misconduct by a member(s) of staff, this will be dealt with separately in accordance with the Disciplinary Procedures. This Regulation shall apply to any activities engaged in, or services and facilities enjoyed, as a student at the University, or in the vicinity of any premises owned, leased or managed by the University. Non-Academic Misconduct may involve conduct relating to (though not limited to) the following:

1. Conduct involving breaches of stated instructions or regulations issued by the University, associated professional or statutory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional or statutory bodies.
2. Conduct that bring or could bring, the reputation of the University, or associated professional or statutory bodies into disrepute.
3. Conduct that constitute unauthorised acts, including (though not limited to):
4. assault of or threatening behaviour towards any student(s) of the University;
5. damage to the property of the University, student(s) of the University; harassment on the grounds of gender, sexuality, disability, age, race or
6. behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s), or which disrupts or interferes with University processes or procedures;
7. student/s attempts to subvert University processes or procedures by means of false claims or fraudulent documents;

8. unauthorised appropriation by student/s of offensive materials and publications, in printed or electronic format.

9. Student/s conduct that endanger the safety or well-being of others

Any action taken under the Disciplinary Procedure will take precedence over any disciplinary action being taken under other rules or regulations of the University.

#### **1.2.4 Initial Intimation - Non-Academic Misconduct**

All cases shall be referred in the first instance to the Student Conduct Committee, to whom the Provost has delegated disciplinary authority. Provost shall inform the student concerned and any other relevant parties in writing of the details of the alleged misconduct and shall arrange a meeting with the student at the earliest possible opportunity and not normally later than 10 working days after the alleged complaint has been received by the provost. The provost shall issue such notification of the date, time and venue of the meeting and the details of the alleged misconduct to the student by recorded delivery. The student shall be advised by the Student Conduct Committee that they may contact the Student Union for advice and support. The student shall be entitled to be accompanied by a person of his/her choosing and shall be given every opportunity to explain the circumstances of the case and to submit any mitigating evidence for consideration. If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence, if necessary, without these constituting grounds for appeal.

The Student Conduct Committee shall examine the facts and interview the student and may consult with other staff and students as appropriate.

If, as a result of the meeting with the student, the Provost, or nominee, is satisfied non-academic misconduct has not taken place, no further action against the student will be taken and the student and the original complainant shall be informed of the outcome in writing by the Head of Student Affairs Department within five working days of the meeting. A copy of the written outcome shall be retained in the College's file, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student at the University.

If the student admits to the misconduct, the Student Conduct Committee, shall prepare notes of the meeting, including the student's admission, and request the student to sign the notes as representing an accurate record of the meeting. The



Student Conduct Committee shall decide the appropriate penalty or penalties, and taking account of the extent of the misconduct, whether wilful deception was involved, together with the student's overall record. The Student Conduct Committee shall also take any mitigating circumstances into consideration, as well as any regulations, notices or announcements of the University, including those specifying the conduct and obligations of students in, in connection with, inter alia, information technology usage and security policies, or University Library, and any other such agencies within or associated with the University. The Student Conduct Committee shall provide the Provost with a statement of the circumstances relating to the misconduct together with written notification of the penalty or penalties imposed. The Student Conduct Committee shall provide the student with a copy of the signed notes of the meeting, notification of the penalty or penalties to be imposed, and advise the student of their entitlement to lodge an appeal.

If the student denies the misconduct and Student Conduct Committee is satisfied the alleged misconduct merits investigation, he/she shall prepare notes of the meeting, including the student's denial, and request the student to sign the notes as representing an accurate record of the meeting. The Student Conduct Committee shall immediately refer the case to the Provost, providing a copy of the signed notes of the meeting. The Student Conduct Committee shall then endorse the commencement of an investigation and decide whether it is appropriate to make a recommendation to the Provost to suspend the student in question.

### **1.2.5 Suspension of a Student Pending a Disciplinary Hearing**

A student who is the subject of an allegation of non-academic misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be suspended by the Provost pending the meeting of the investigating Committee, or the trial, or the outcome of the police investigation, as appropriate. In the absence of the Provost a nominee, to whom the Provost has delegated the authority, shall exercise the powers of the Provost in relation to the suspension of students. Any decision taken by the nominee to suspend a student shall be reported in writing to the Provost. If the Provost disagrees with the recommendation from the Student Conduct Committee to suspend a student, the meeting of the Provost's office shall proceed.

Suspension involves a total prohibition or selective restriction on attendance at or access to the University and/or its resources and facilities, and on any



participation in University or Student Union activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.

The student should not be suspended unless he/she has been given an opportunity to make representations in person to the Provost or the nominee. Where it is not possible for the student to attend in person, he/she shall be entitled to make written representations. In all correspondence the Provost or nominee shall ensure the student is advised in writing of the date, time and venue of the meeting, issuing such notification by recorded delivery.

In cases of great urgency, the Provost/or nominee shall be empowered to suspend a student with immediate effect. However, in these cases the student should be given an opportunity to make representations to the Provost or nominee, as appropriate, following the suspension decision.

### **1.2.6 Investigating Committee - Non-Academic Misconduct**

The Student Conduct Committee shall meet normally within 10 working days of the allegation being received by the Provost. The Committee shall consist of a minimum of three and a maximum of five members of staff nominated and shall also include a university management member. The members of the Committee shall be chosen from staff of the College concerned with the alleged misconduct.

The student shall receive written notification from the Provost not less than five working days before the meeting of the Student Conduct Committee of the allegation(s) to be considered and of the date, time and venue of the meeting. The Student Conduct Committee shall issue notification by recorded delivery.

The Student Conduct Committee shall examine the facts and shall interview the student. The student may present documentation and/or supporting evidence and may be accompanied by one other person, who may be a legal agent. The Committee shall interview members of staff and students as appropriate and shall decide on the evidence presented, whether the circumstances involved non-academic misconduct. In the event of the Committee being unable to establish that on the balance of probabilities non-academic misconduct was involved, the presumption shall be that the student is innocent of the misconduct.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence, if necessary, without these constituting grounds for appeal.



### **1.2.7 Student Conduct Committee**

Where non-academic misconduct is established, the Committee shall take account of the extent of the misconduct, together with the student's overall record. The Committee shall also take any mitigating circumstances into consideration. The Committee shall determine the appropriate penalty, as well as any regulations notices or announcements of the University, including those specifying the conduct and obligations of students in, or in connection with inter alia, information technology usage and security policies, University Library, or the Student Union and any other such agencies within or associated with the University. Following a third proven case of non-academic misconduct, there shall be an automatic recommendation to the Provost for the immediate and permanent exclusion from the University's facilities and properties, and withdrawal of enrolment and all corresponding rights of the student.

The Student Conduct Committee shall issue a written notification of the outcome and penalty, if appropriate, to the student normally within five working days of the meeting. In addition, he/she shall notify the student of his/her right to submit an appeal against the decision and/or penalty. Furthermore, the Student Conduct Committee shall prepare notes of the meeting and request the student sign the notes.

Where such misconduct may also constitute a criminal offence, and the police or other appropriate authority are involved, this shall be reported to the Provost (or nominee in his/her absence) who shall decide, whether disciplinary proceedings under the Disciplinary Procedure should be deferred pending possible criminal proceedings. However, the student may still be suspended pending the outcome of any proceedings. Where alleged misconduct leads to criminal proceedings the University shall not be precluded from also taking action under the Disciplinary Procedure

### **1.2.8 Penalties - Non-Academic Misconduct**

Penalties for non-academic misconduct shall be in accordance with the provisions of this Regulation.

### **1.2.9 Recording of Misconduct and Penalties - Non-Academic Misconduct**

Where the Student Conduct Committee concludes that non-academic misconduct has not been established, no record of the investigation shall be held in the Student



Affairs Department student file, though a central record shall be retained by the Academic Registrar, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

In all instances where the Student Conduct Committee concludes that non-academic misconduct has been established, the Student Conduct Committee shall lodge a copy of the written notification in the Student Affairs Department student file and shall distribute a copy to the Academic Registrar. Copies of the written notifications of outcomes shall only be distributed to those central Departments to which the case relates. The Academic Registrar shall maintain a central record of all disciplinary cases and penalties in accordance with current legislation concerned with data protection. All cases of non-academic misconduct shall be reported by the Student Affairs to the Academic Council.

## **2 Appeals Procedure-Non-Academic Misconduct**

A student found guilty of non-academic misconduct by Student Conduct Committee shall be entitled to submit an appeal against the decision and/or the penalty or penalties to the Student Conduct Committee. No person involved in the original decision shall be a member of the Student Conduct Committee which has the appeal. The Student Conduct Committee may hear more than one appeal at the same meeting and does not require to be convened separately for each.

Any such appeal must be submitted in writing to the Provost normally within 10 working days of the student receiving notification of the decision of the Committee indicating whether the appeal refers to the decision and/or the penalty. The Committee shall inform in writing to the student the date, time and venue for the Committee at least 20 working days prior to the meeting issuing the correspondence by recorded delivery. The student shall be entitled to appear before the Committee, and to be accompanied by one other person, who may be a legal agent, and to call witnesses in support of his/her case as appropriate. The Committee shall have the authority to call witnesses as appropriate of the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting will proceed in his/her absence, if necessary, without these constituting grounds for appeal.

Having considered the appeal against the decision, the Committee shall determine that the appeal be dismissed, the decision of the Student Conduct Committee be confirmed, and the penalty be confirmed or modified; or that non-academic



misconduct has not been established, and that the penalty be cancelled. Having considered the appeal against the penalty, the Committee shall determine either: that the appeal be dismissed, and that the penalty be confirmed; or that the appeal be sustained and that a lesser penalty be substituted.

The Student Conduct Committee shall issue a written notification of the outcome to the student within five working days of the Appeal Hearing. In respect of the University's internal Disciplinary Procedure for Non-Academic Misconduct, the decision of the Student Conduct Committee shall be final.

### **3. Recording of Misconduct and Penalties - Appeals (Non-Academic Misconduct)**

Where the Student Conduct Committee concludes that non-academic misconduct has not been established, no record of the investigation shall be held in the Student Affairs Department student file, though a central record shall be retained by the Academic Registrar, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

In all instances where the Student Conduct Committee concludes that non-academic misconduct has been established, Student Conduct Committee shall lodge a copy of the written notification in the Student Affairs Department student file and shall distribute a copy to the Academic Registrar. Copies of the written notifications of outcomes shall only be distributed to those central Departments to which the case relates. The Academic Registrar shall maintain a central record of all disciplinary cases and penalties in accordance with current legislation concerned with data protection.

### **4. Categories of Academic Misconduct**

Academic Misconduct is defined as any attempt by students to gain an unfair advantage in assessments. An allegation of academic misconduct may be made by a member(s) of staff of the University against a student(s). Academic misconduct or cheating may include (though not be limited to): plagiarism; falsifying or fabricating data, collusion; bribery or attempted bribery; personation; or any other activity intended to provide an unfair advantage such as: the taking of any unauthorised material into an examination; the unauthorised use of programmable calculators and dictionaries in examinations; obtaining copy of "unseen" papers in advance of an examination; communicating or attempting to communicate in any way with another student during an examination; copying





or attempting to copy from another student during an examination or in the production of coursework; wilful deception in any element of an assessment.

**Plagiarism** is the practice of presenting the thoughts, writings or other output of another or others as original, without acknowledgement of their source(s). All material used to support a piece of work, whether a printed publication or from electronic media, should be appropriately identified and referenced and should not normally be copied directly unless as an acknowledged quote. Text translated into the words of the individual student should in all cases acknowledge the source.

**Falsification** or fabrication of data consists of the misrepresentation of the results of experimental work or the presentation of fictitious results.

**Collusion** involves two or more students working together, without the prior authorisation of the Course Leader, tutor or supervisor, to produce the same piece of work, and then attempting to present this work as entirely their own work. Collusion may also be suspected when one student copies work from another student, without the knowledge of the first student.

**Bribery** is the paying, offering or attempted exchange of an inducement for information or material intended to advantage the recipient in an assessment.

**Personation** consists of a substitute taking the place of a student in an examination or undertaking an assessment on behalf of another, etc

A student who aids and abets a fellow student to commit academic misconduct shall be deemed to have committed academic misconduct and will be dealt with accordingly.

#### **4.1 Initial Intimation - Academic Misconduct**

When a case of suspected academic misconduct has been identified, the Provost shall be informed in the first instance. The Course Leader, the tutor, the student concerned, and any other relevant parties are informed in writing of the details of the alleged misconduct and shall arrange a meeting with the student and Course Leader at the earliest possible opportunity and not normally later than 10 working days after the alleged complaint has been received by the Provost. The Provost shall issue such notification of the date, time and venue of the meeting and the details of the alleged misconduct to the student by recorded delivery. The student shall be advised by the Provost that they may contact the Student Union for advice and support.



The student shall be entitled to be accompanied by a person of his/her choosing and shall be given every opportunity to explain the circumstances of the case and to submit any mitigating evidence for consideration.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence, if necessary, without this constituting grounds for appeal.

The Student Conduct Committee and Course Leader shall examine the facts and interview the student and may consult with other staff and students as appropriate. If, as a result of the meeting with the student, Student Conduct Committee and Course Leader are satisfied that no academic misconduct has taken place, no further action against the student will be taken and the student and the original complainant shall be informed of the outcome in writing by the Student Conduct Committee within five working days of the meeting. A copy of the written outcome shall be retained in the Student Conduct Committee's file, in accordance with current legislation concerned with data protection, and which shall be destroyed when the student graduates or otherwise ceases to be a student of the University.

Where the student admits to the academic misconduct, the Student Conduct Committee shall prepare notes of the meeting, including the student's admission, and request the student to sign the notes as representing an accurate record of the meeting. The Student Conduct Committee shall decide the appropriate penalty or penalties, and taking account of the course stage, the extent of the misconduct, whether wilful deception was involved, the extent to which the assessment would have contributed to the final award, together with student's overall record. The Student Conduct Committee shall also take any mitigating circumstances into consideration, as well as any regulations, notices or announcements of the University, including those specifying the conduct and obligations of students in, or in connection with, *inter alia*, information technology usage and security policies, University Library, and any other such units within or associated with the University. The Student Conduct Committee shall provide the Provost with a statement of the circumstances relating to the misconduct together with written notification of the penalty or penalties imposed. The Student Conduct Committee shall provide the student with a copy of the signed notes of the meeting, notification of the penalty penalties to be imposed, and advise the student of their entitlement to lodge an appeal.



Where the student denies the allegations, but the Course Leader and Student Conduct Committee consider that there is a case to be answered, The Student Conduct Committee shall prepare notes of the meeting and request the student to sign the notes as representing an accurate record of the meeting. The Student Conduct Committee shall provide a copy of the signed notes of the meeting to the Provost and the student concerned. In such a case a formal investigation shall be established to investigate the evidence and to determine any action to be taken.

#### **4.2 Investigating Committee - Academic Misconduct**

The Student Committee to meet normally within 10 working days of the provost being informed. The Committee shall consist of a minimum of three and a maximum of five academic staff of the Faculty as nominated by the provost. The members of the Committee shall be chosen from staff unconnected with the course concerned with the alleged misconduct and shall be convened by the Student Conduct Committee.

The student shall receive written notification from the Provost, not less than five working days before the meeting of the Committee, of the allegation(s) to be considered and of the date, time and venue for the meeting. The Provost shall issue such modification by recorded delivery.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting will proceed in his/her absence if necessary, without this constituting grounds for appeal.

The Student Conduct Committee shall examine the facts and shall interview the student. The student may present documentation and/or supporting evidence and may be accompanied by one other person, who may be a legal agent. The Committee shall interview members of staff and students as appropriate and shall decide on the evidence presented, whether the circumstances involved academic misconduct. In the event of the Committee being unable to establish that on the balance of probabilities academic misconduct was involved, the presumption shall be that the student is innocent of the misconduct.

Where academic misconduct is established, the Committee shall take account of the course stage, the extent of the misconduct, whether wilful deception was involved, the extent to which the assessment would have contributed to the final award, together with the student's overall record. The Committee shall also take any mitigating circumstances into consideration. The Committee shall determine



the appropriate penalty, specifying the conduct and obligations of students or in connection with, inter alia, information technology usage and security policies, University Library, and any other such units within or associated with the University

The Student Conduct Committee shall issue a written notification of the outcome and penalty, if appropriate, to the student normally within five working days of the meeting. In addition, he/she shall notify the student of his/her right to submit an appeal against the decision and/or penalty. The student shall also be advised that a report will be made to the Assessment Board/Faculty at its next scheduled meeting. The Student Conduct Committee shall retain the report and ensure it is submitted to the Assessment Board. Furthermore, the Student Conduct Committee, shall prepare notes of the meeting and request the student sign the notes as representing an accurate record of the meeting. Where there is insufficient time for an allegation of misconduct to be investigated prior to a meeting of an Assessment Board, a decision on the student's progress shall be deferred. Where evidence of academic misconduct becomes available subsequent to the recommendation of an Assessment Board, the Board may consider the matter retrospectively. Following a third proven case of academic misconduct, there shall be an automatic recommendation to the Provost for the immediate and permanent exclusion from the University's facilities and properties, and withdrawal of enrolment and all corresponding rights of the student.

### **4.3 Appeals Procedure - Academic Misconduct**

A student found guilty of academic misconduct by Student Conduct Committee, or who has admitted academic misconduct, shall be entitled to submit an appeal against the decision and/or the penalty or penalties as appropriate to the Student Conduct Committee. No person involved in the original decision shall be a member of the Student Conduct Committee which hears the appeal. The Student Conduct Committee may hear more than one appeal at the same meeting and does not require to be convened separately for each case.

Any such appeal must be submitted in writing to the Student Conduct Committee normally within 10 working days of the student receiving notification of the decision of the Investigating Committee, indicating whether the appeal refers to the decision and/or the penalty, and confirming his/her address for correspondence. The Student Conduct Committee shall confirm in writing to the student the date, time and venue for the Committee at least 10 working days prior to the meeting, issuing the correspondence by recorded delivery. The student shall



be entitled to appear before the Student Conduct Committee, and to be accompanied by one other person, who may be a legal agent, and to call witnesses in support of his/her case as appropriate. The Committee shall have the authority to call witnesses as appropriate.

If the student fails to attend without good reason a further meeting may be arranged, the arrangements for which shall also be confirmed in writing to all interested parties, and the student informed that the meeting would proceed in his/her absence if necessary, without this constituting grounds for appeal.

Having considered the appeal against the decision, the Committee shall determine either:

- that the appeal be dismissed, the decision of the Committee be confirmed, and the penalty be confirmed or modified; or
- that academic misconduct has not been established, and that the penalty be cancelled.

Having considered the appeal against the penalty, the Committee shall determine either:

1. that the appeal be dismissed, and that the penalty be confirmed; or
2. that the appeal be sustained and that a lesser penalty be substituted.

The Student Conduct Committee shall issue a written notification of the outcome to the student within five working days of the Appeal Hearing. The decision of the Student Conduct Committee shall be final.