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## Senate Regulation 11: Regulations governing student conduct and discipline

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### Introduction

- 11.1 These Regulations explain the University's requirements with respect to student conduct and behaviour and the action the University will take when students breach those requirements.
- 11.2 The University is authorised to implement student disciplinary regulations in accordance with Ordinance 23, which gives Senate the power to suspend, exclude or expel a student or to impose other sanctions as appropriate in accordance with the Student Conduct and Discipline Regulations. Senate also has the authority to revoke an award of the University where there is good cause.
- 11.3 These Regulations set out what constitutes misconduct and the sanctions the University may apply when, following investigation, students are found to have breached its Regulations.
- 11.4 These Regulations deal with the following two types of misconduct: (1) academic misconduct, and (2) non-academic misconduct.

### Application of the Regulations

- 11.5 These Regulations apply to all students who have entered into a contract with the University under the Terms & Conditions of Offer, and also include those students in suspense of studies.
- 11.6 In certain circumstances, these Regulations may apply to an applicant who has accepted an offer to study at the University or to a student's actions before they registered with the University, where their behaviour would put them in breach of the Regulations.
- 11.7 The Regulations may also apply to former students of the University, for example, where there is evidence that they obtained an award of the University through fraudulent means, and where major academic misconduct is proven this can lead to an award being revoked.
- 11.8 If a student withdraws from the University before, during or following investigation into alleged misconduct, the University may commence or continue action under these Regulations.
- 11.9 If a student sponsored under the University's Tier 4 UKVI license has potentially breached or is found to have breached the Regulations, including before and during the investigation and this brings their immigration status into question, the matter will be referred to the Academic Registrar or nominee to determine whether the University can continue to sponsor the student.

### Fundamental Principles underpinning the Regulations

- 11.10 The University is primarily an academic community with the principal functions of learning, teaching and research. Students are members of this community study and sometimes work and live in close proximity with one another and with other members (including staff). In order for this community to function effectively and safely, students are required to comply with the University's prescribed standards of conduct.
- 11.11 The University is firmly committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse and discrimination as detailed in the University's Dignity and Respect Policy that applies to all students and staff of the University.
- 11.12 The key principles underpinning these Regulations are that:
- a) the University will act transparently, impartially, promptly, proportionately and fairly in implementing these Regulations and associated disciplinary procedures (including in respect of any investigation into alleged student misconduct);

- b) the University will provide support as required to students who report or who are reported for alleged misconduct and also signpost or refer to specific external services as appropriate;
- c) the University will make reasonable adjustments in accordance with the Equality Act 2010 to the disciplinary procedures where required to accommodate the needs of disabled students;
- d) decisions on whether or not a student has breached the University's standards of conduct will be determined on the balance of probabilities (that it is more likely than not that the alleged misconduct occurred);
- e) any sanction imposed following a finding that a student has committed misconduct will be proportionate to the nature and extent of the misconduct;
- f) University disciplinary processes are internal University processes and distinct from the criminal justice system; University procedures can only determine whether its regulations and requirements have been breached and not whether a criminal offence has taken place;
- g) these Regulations are not designed to deal with or resolve disputes between individual students but, rather, for the University to deal with individual instances of student misconduct and generally to regulate student conduct and discipline;
- h) the University may commence or continue with steps under these Regulations, including an investigation or panel hearing, in the absence of the student (including where they have withdrawn or graduated);
- i) these Regulations do not apply to allegations of misconduct by staff (or to investigations thereof) which will be dealt with under the University's staff disciplinary procedures;
- j) the University may reconsider old allegations and take steps under these Regulations, including an investigation or panel hearing, where new evidence not previously available has come to light.

### **Student Code of Conduct**

- 11.13 The University is firmly committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse and discrimination.
- 11.14 Students are required to behave with respect and courtesy at all times, as such behaviours demonstrate due regard for the feelings and rights of others, and in turn create an environment where dignity can be preserved and enhanced.
- 11.15 Students are required to contribute to ensuring that the University of Leicester is a safe, welcoming, productive and inclusive environment, which operates within a wider community, and where there is equality of opportunity and valuing of diversity, fostered in an environment of mutual respect and dignity.
- 11.16 Students are required to comply with University and government guidance with respect to measures taken in response to Covid-19 as articulated in Appendix 1.
- 11.17 Students are required to adhere to these Regulations in relation to expected standards of behaviour as follows:
  - a) Students must respect the views and beliefs of others. The University will not tolerate any behaviour which is intolerant of others' views and beliefs or which incites hatred or aims to coerce others into accepting their views or beliefs.

- b) Students are required to adhere to the values of academic integrity and honesty and not to engage in forms of academic dishonesty, such as plagiarism or cheating.
- c) Students must not engage in any form of sexual misconduct and the University will not tolerate any such misconduct.
- d) Students must not behave or use language that is abusive, threatening, or offensive. The University will not tolerate violence, indecency or bullying and harassment in any form.
- e) Students must respect University property and facilities. The University will not tolerate damage to its assets, or any behaviour that presents a risk to safety on University premises.
- f) Students must not engage in any potentially criminal activity. The University will not tolerate theft or fraud, or the possession, supply or production of controlled substances.

11.18 Detailed examples of misconduct are given in the Regulations on Non-Academic Misconduct and Academic Misconduct.

#### **Regulations on Non-Academic Misconduct**

11.19 Non-academic misconduct includes any act or behaviour that is detrimental to a member of staff, student or visitor to the University, its property, interests or to the reputation of the University.

11.20 With respect to interpersonal misconduct, these Regulations apply to allegations made about student members of the University.

11.21 If a reporting student makes an allegation about a member of staff, the allegation will be considered through the University's staff disciplinary procedure with support provided to the student through the Case Management Protocol.

11.22 A report made about a student from an individual who is not a member of the University will be considered as far as is reasonable or practicable.

11.23 Students are required to comply with the University's conduct requirements outlined in the Code of Conduct above. Examples of non-academic misconduct are detailed below, but this list is not exhaustive and the University may investigate any act that its view constitutes misconduct:

- Conduct that may constitute a criminal offence
- Failure to declare a conviction when required to do so
- Causing or threatening physical harm
- Violent behaviour of any kind, for example punching, kicking, slapping, biting
- Indecent or offensive behaviour or language expressed in any way, including verbally, in writing, through messaging services or on social media or physically
- Sexual misconduct through unwanted behaviour of a sexual nature
- Abusive, disorderly, threatening or stalking behaviour, expressed in any way whether physically, through messaging services or on social media
- Harassment or unwanted behaviour on the grounds of race, disability, ethnicity, gender, sexual orientation, gender reassignment, age, religion, or belief
- Bullying

- Coercion
- Organising or participating in initiation activities
- Producing, consuming, possessing or supplying controlled or illegal substances
- Producing or supplying new psychoactive substances
- Damaging or defacing University property
- Smoking inside University premises
- Vandalism
- Disruptive behaviour on University premises
- Stealing from the University or any other party
- Action likely to cause injury through reckless behaviour
- Attending teaching under the influence of alcohol or drugs
- Action compromising health and safety, for example setting off fire alarms or extinguishers or obstructing access to rooms or buildings
- Unauthorised access to property or facilities
- Unauthorised use or misuse of property or facilities
- Misuse of IT facilities which may include internet access abuse such as visiting inappropriate websites, uploading/downloading inappropriate content or propagation of computer viruses
- Fraud, deceit, deception or dishonesty in relation to any activities of the University, for example submitting fraudulent documentation to gain advantage, this may include submitting fake certificates or transcripts to gain a place at the University or fraudulent evidence in support of a claim for mitigating circumstances
- Making accusations against staff or students maliciously, in bad faith or accusations which are vexatious
- Making false accusations against staff or students, where there are reasonable grounds to demonstrate that these were malicious or made in bad faith
- Actions which may or do bring the University into disrepute
- Misuse of a student ID card, for example allowing another person to use the card or allowing another student to use it to record attendance for the cardholder at a teaching event
- Failure to comply with measures in place to respond to COVID-19
- Failure to comply with a previously imposed sanction under these Regulations

11.24 Allegations of sexual misconduct will be considered under these Regulations and in accordance with the Policy on Sexual Misconduct.

- 11.25 If during the course of dealing with an individual matter, information comes to light that suggests further alleged misconduct by the reported student under investigation, the University will normally deal with the additional misconduct allegation separately under these Regulations.

#### **Confidentiality and Disclosure of Information**

- 11.26 All information considered during the consideration, investigation and determination of alleged misconduct will be treated with due confidentiality and normally only shared as required with those who are involved in the conduct or management of the matter.
- 11.27 The University will, where it is required to do so by law, disclose any information to appropriate authorities, including the police. The University may also decide to disclose information voluntarily, where it determines it appropriate to do so.

#### **Police/Criminal Investigation and Proceedings**

- 11.28 The University may at its discretion refer a matter to the police, taking account of, as relevant and appropriate, the individual circumstances arising in the particular case (such as the nature, circumstances and degree of seriousness of the alleged misconduct) and its data protection and confidentiality obligations to relevant individuals.
- 11.29 The University may, at its discretion, commence, take or continue with any step or action under the disciplinary procedures set out in these Regulations (including but not limited to investigation, imposition of a precautionary measure or the holding a disciplinary hearing) notwithstanding any prospective or current police or criminal investigation or proceedings in relation to the matter or the University.
- 11.30 The University may also at its discretion postpone, suspend or stay any step or action in light of such investigation or proceedings. The University will consider matters on a case-by-case basis.
- 11.31 The University may take precautionary measures, where necessary, at any point during or following an investigation, such as temporarily suspending or excluding a student or putting in place 'a no-contact order' as a protective measure whilst police or criminal investigations or proceedings are underway.
- 11.32 If a student is acquitted or convicted of a criminal offence the University may take account of this in dealing with a matter under these Regulations but it is not bound by the outcome of any police or criminal investigation or proceedings.
- 11.33 If at the end of criminal proceedings, a student receives a conviction, the student will not have an automatic right to resume their studies. The University may consider the student's right to resume studies without invoking the University Disciplinary procedure and on the basis of an individual case the Academic Registrar has authority to determine whether expulsion would be an appropriate outcome taking full account of all circumstances.
- 11.34 In such cases, where a decision is taken to expel, a student will have the right of appeal to the Registrar and Secretary.

#### **Roles and Responsibilities**

- 11.35 The Senate Student Discipline Committee is responsible for the operation and review of policies and procedures relating to student conduct and discipline and for ensuring that Student Conduct and Discipline Regulations are consistently applied across the University.
- 11.36 The Major Misconduct Review Group considers all reported cases of major non-academic misconduct to review risks and decide on initial courses of action. All cases of sexual or violent misconduct are considered to be major and will be referred on receipt for consideration by this Group. Other cases

that are deemed to be major by the Academic Registrar will be referred to the group on a case-by-case basis.

- 11.37 The President and Vice-Chancellor can exclude a student permanently from the University and may delegate such action to the Registrar & Secretary or the Academic Registrar or nominee.
- 11.38 The Academic Registrar or nominee may determine precautionary measures such as no-contact orders, temporary exclusion orders or temporary suspensions.
- 11.39 Student Conduct Officers are appointed within the Division of Student and Academic Services to support the discipline process and undertake investigations as required and, in cases of non-major misconduct, may make recommendations to the Academic Registrar or nominee on the imposition of sanctions in accordance with published guidance.
- 11.40 The Academic Registrar or nominee undertakes the initial consideration of all cases and may impose sanctions for non-major misconduct following investigation and will review and determine the eligibility of appeals against the outcome of a Student Discipline Panel.
- 11.41 Heads of School and Divisions or their nominees can deal with cases of non-major misconduct in the first instance and if not resolved at this stage, or where not considered appropriate, can decide to refer formally through the student discipline process.
- 11.42 Student Discipline Panels are established by the Senate Student Discipline Committee to consider individual cases of alleged misconduct and recommend sanctions where appropriate.
- 11.43 Student Discipline Appeals Panels are established by the Senate Student Discipline Committee to consider appeals by students against the outcome of Student Discipline Panels.
- 11.44 The Cause for Concern Group is the operational group of University services which meets regularly to ensure high risk student cases are appropriately supported, managed and risk-assessed. The Group undertakes initial risk assessments and makes recommendations to the Academic Registrar or nominee for any precautionary measures that need consideration.
- 11.45 The Case Management Protocol refers to whenever a supported (disclosing, reporting or reported) student is receiving specific, ongoing support from a member of Student Support Services staff in relation to a particular 'case' or incident. This process begins at the point of disclosure and ends either when the supported student wants it to, or when they cease being a registered student.
- 11.46 Case Workers are trained member of staff with specialist knowledge from Student Support Services with responsibility for discussing the disclosing/ reporting/ reported students' options with them and enabling the appropriate support to happen for as long as the Case Management Process is in progress.

### **Managing Risk**

- 11.47 The University has a duty to manage the risk to students, staff, visitors and its reputation in relation to the report of any allegation that the Student Conduct and Discipline Regulations have been breached.

#### *Risk Assessment & Review*

- 11.48 A risk assessment may be conducted for any such allegation but will be required for all cases of major misconduct, defined as:
- a) an allegation of sexual misconduct;
  - b) an allegation of violent misconduct;
  - c) there is a risk of harm to students, staff or others;

- d) the alleged misconduct involves the police or other authorities;
  - e) there is a serious risk to the reputation or another aspect of the University.
- 11.49 The risk assessment will be conducted as soon as possible by members of the Cause for Concern Group, for consideration by the Academic Registrar.
- 11.50 Following consideration of the Risk Assessment the Academic Registrar can decide: (i) that no action is required, (ii) that an investigation is initiated, and (iii) in some cases introduce or change pre-existing precautionary measures, including:
- a) A requirement that students comply with certain conditions, for example, having no contact with named students (a 'no-contact' order), this may apply to reporting and reported students in cases of inter-personal misconduct;
  - b) A requirement that students are not be permitted in certain buildings or have access to particular facilities or services.
- 11.51 A precautionary measure is taken to mitigate risk for all parties concerned and is not a sanction nor a presumption that a student has breached the University's Regulations.

*Precautionary Measures*

- 11.52 In certain circumstances, where it is deemed necessary to ensure the safety of students or staff and/or protect University property, the University may temporarily suspend or exclude a student for a defined period of time which will be reviewed on a regular basis, usually at least every four weeks and can be extended as necessary.
- 11.53 Precautionary measures, one or more of which may be imposed on any student, are defined as:
- a) Temporary Exclusion Orders, under which a student is excluded from entering some or all University premises, but continues with their academic studies;
  - b) Temporary Suspension Orders, under which a student is excluded from entering some or all University premises, and suspended from continuing with all or part of their academic studies, including teaching events, assessment, placements or examinations;
  - c) No-Contact Orders, under which a student is prohibited from making contact with another student(s), physically, verbally or via social media platforms;
  - d) The above measures may also include exclusion from accessing the facilities and societies/groups operated by the Students' Union. In all such cases the agreement of the Students' Union will be sought in advance.
- 11.54 An initial decision to temporarily exclude or suspend a student or issue a no-contact order will normally be taken by the Academic Registrar or nominee on the advice of the Cause for Concern Group.
- 11.55 Students can request a review of the decision to issue a precautionary measure, within five working days of the notification. Requests for a review are considered by the Major Misconduct Review Group.

**Disciplinary Procedures for Non-Academic Misconduct**

- 11.56 Allegations of misconduct will be actioned by the Student Conduct Team on receipt of a Misconduct Formal Reporting Form.

Initial Consideration Stage

- 11.57 Initial consideration of the case is made by the Academic Registrar or nominee, who may determine:
- a) To dismiss the case;
  - b) To refer the case to the Major Misconduct Review Group (MMRG), in cases of major misconduct;
  - c) To refer the case to a Student Conduct Officer for follow-up, in cases of non-major misconduct.
- 11.58 Allegations of major misconduct, as defined above, will be referred to the Major Misconduct Review Group to review, and to review/impose any precautionary measures and determine next appropriate steps.
- 11.59 Following review, the Major Misconduct Review Group will normally refer allegations to a Student Conduct Officer to undertake a full investigation.
- 11.60 Allegations of misconduct of a non-major nature will normally be investigated by a Student Conduct Officer, who upon completion of the investigation may:
- a) recommend imposing a sanction, for consideration by the Academic Registrar or nominee;
  - b) where this is not considered appropriate, refer the case for full investigation and subsequent consideration by a Student Discipline Panel.
- 11.61 The University will offer appropriate support to all students involved in a student discipline investigation.

Investigating Stage

- 11.62 A Student Conduct Officer will undertake an initial review of the documentation to ensure that they have all the information to start the process as articulated in the Procedures for the Investigation and Consideration of Non-Academic Misconduct.
- 11.63 Interviews will normally form part of the investigation process.
- 11.64 Students may bring a friend or representative to the meeting, but this may not be a qualified member of the legal profession.
- 11.65 Students are required to cooperate with an investigation and, where appropriate, are expected to provide evidence in a timely manner.
- 11.66 If a student refuses to attend an interview, the Student Conduct Officer will proceed with the case taking account of all the available evidence.
- 11.67 On conclusion of their full investigation, the Student Conduct Officer will produce a written report that includes all relevant documentation and findings. This will include a recommendation on whether the case should proceed to consideration by a Student Discipline Panel.
- 11.68 In cases of major non-academic misconduct, if the Student Conduct Officer's findings are that there appears to be insufficient evidence to progress the case to a Student Discipline Panel, the report will be referred to the Major Misconduct Review Group for further consideration. The Group may:
- a) Dismiss the case due to lack of evidence;
  - b) Refer the case to a Student Discipline Panel.
- 11.69 If the case is dismissed by the Major Misconduct Review Group, the reported student will be notified by the Student Conduct Team.



Discipline Panel Stage

- 11.70 Student Discipline Panels are appointed from the membership of the Senate Student Discipline Committee and from a wider group of trained academic and professional services staff and representatives of the Students' Union approved by the Committee to act in this capacity.
- 11.71 A Chair will be appointed for each panel from an approved group of Chairs who have been trained to undertake the role in relation to the type of misconduct under consideration.
- 11.72 Each Panel will consist of three members, one of whom will act as Chair, all of whom are impartial and will have undertaken appropriate training. A Students' Union Sabbatical Officer may be a member of the Panel depending on the nature of the case under consideration.
- 11.73 Additional panel members may be appointed at the discretion of the Chair of the Senate Student Discipline Committee according to the nature of the case under consideration and, if necessary, where particular expertise is required.
- 11.74 Students will be notified of their required attendance at a Student Discipline Panel in writing at least five working days before the scheduled date.
- 11.75 The reported student is required to attend the hearing and it is expected that this will usually be in person, except in cases where the Chair of the Panel has agreed that attendance may take place by alternative means.
- 11.76 In the event that a reported student does not attend the panel hearing and has not notified the Secretary in advance, the Chair will determine whether on the basis of the evidence available to it, the Panel can proceed and reach a decision in the student's absence, or whether the Panel should adjourn.
- 11.77 Students will be advised that they may be accompanied by a friend or representative at the panel hearing. Student Discipline Panel hearings are internal University proceedings not legal proceedings, students will not normally be permitted to be accompanied by a qualified member of the legal profession.
- 11.78 The Panel will be conducted in accordance with the procedures articulated in the Procedures for the Investigation and Consideration of Alleged Non-Academic Misconduct.
- 11.79 On conclusion of the hearing, the Panel will determine in private session whether or not the allegations of misconduct against the student have been proven on the balance of probabilities and, if proven, determine the imposition of any sanctions.
- 11.80 A decision, with reasons, will be notified to the reported student, in writing normally within five working days of the date of the Panel hearing, along with their right to appeal the decision.

**Appeals against the outcome of Student Discipline Panels**

- 11.81 Reported Students may submit an appeal in writing against the decision of the Plagiarism Officer, Authorised Officer or Student Discipline Panel within ten working days of the date of notification of its decision. Such appeals should be submitted to the Academic Registrar or nominee.
- 11.82 Appeals may be submitted on one or more of the following grounds that:
- a) there was a procedural irregularity in the consideration of the case by the Plagiarism Officer, Authorised Officer or Student Discipline Panel;
  - b) evidence available to the Plagiarism Officer, Authorised Officer or Student Discipline Panel was not fully considered;

- c) there was prejudice or bias in the conduct of the Plagiarism Officer, Authorised Officer or Student Discipline Panel;
  - d) the decision was unreasonable;
  - e) the sanction imposed was excessive;
  - f) that there is new material evidence that for good reason was not available for consideration by the Plagiarism Officer, Authorised Officer or Student Discipline Panel.
- 11.83 Appeals will be reviewed by the Academic Registrar or nominee hereby known as the 'designated member' approved by the Senate Student Discipline Committee to determine whether there are eligible grounds for appeal and whether the appeal should be referred for further consideration by a panel and member of the Senate Student Discipline Committee.
- 11.84 Where grounds for appeal are not determined, the designated member will notify the student that it is not eligible for consideration and will issue notification that this concludes the University's process.
- 11.85 In such cases, a Completion of Procedures letter will be issued, notifying students of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if it is eligible under its scheme, within twelve months of the notification.
- 11.86 Where eligible grounds for appeal are determined, an Appeals Panel will be convened to hear the appeal. In certain circumstances where there is evidence that there was procedural irregularity in the consideration of the case or that the penalty was excessive, the designated member will take action to remedy the procedural irregularity or to reduce the penalty. Provided that there are no further procedural irregularities in this part of the process, there shall be no further right of appeal within the University.
- 11.87 In cases of interpersonal misconduct, reporting party(s) are unable to appeal the outcome of the panel, unless specified otherwise in a Policy supporting these regulations. The primary reason for this is that panel proceedings consider cases in which the reported student and University are the parties to the hearing, and reporting student(s) are normally present in the position of witness.

#### **Student Discipline Appeals Panel**

- 11.88 An Appeals Panel will be established comprising three members who are impartial, appointed from the Senate Student Discipline Committee.
- 11.89 Appellants will be notified in writing at least five working days before the date the panel is to be held and invited to attend.
- 11.90 The appellant and Panel members will receive the same set of documentation relating to the case.
- 11.91 Appellants will be advised that they are required to attend, but in the event that they do not attend the panel hearing and have not notified the Secretary in advance, the Chair will determine whether on the basis of the evidence available to it the Panel can proceed and reach a decision in the student's absence.
- 11.92 Appellants will be advised that they may be accompanied by a friend or representative at the panel hearing. Student Discipline Panel hearings are internal University proceedings not legal proceedings, so students will not normally be permitted to be accompanied by a qualified member of the legal profession.
- 11.93 A Student Discipline Appeal Panel hearing will be conducted in accordance with the procedures articulated in the Procedures for the Investigation and Consideration of Alleged Non-Academic Misconduct.

- 11.94 The Chair may make such adjustments to the procedures they consider reasonable to ensure a fair hearing.
- 11.95 On conclusion of the hearing, the Student Discipline Appeal Panel will determine in private session whether the appeal is upheld or dismissed in whole or in part and any outcome to be imposed. The decision, with reasons, will be notified to the student in writing normally within five working days of the date of the Panel hearing.
- 11.96 On conclusion of its consideration of a case a Student Discipline Appeal Panel may determine one of the following outcomes:
- confirm the outcome of the original decision of the Student Discipline Panel;
  - revise the sanction imposed to a lower sanction;
  - conclude that the original outcome was unsafe and should be overturned and any sanction removed.
- 11.97 The Student Discipline Appeal Panel outcome concludes the University's process and a Completion of Procedures letter will be issued to students, notifying them of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if it is eligible under its scheme, within twelve months of the notification.

### **Sanctions**

- 11.98 The sanctions detailed in the table below can be imposed where a student is found to have breached the University's Regulations with respect to non-academic misconduct.
- 11.99 In reaching their decision on appropriate sanctions following a determination that the non-academic disciplinary allegations against a student have been proven, the Academic Registrar (or nominee) or Student Discipline Panels will consider the individual circumstances of each case. The following factors and any others considered relevant may be factored into determination of the sanction for.

#### Potential Mitigating Factors (Non-academic misconduct)

- Early admission of the breach of regulations and willing cooperation with the investigation
- Genuine remorse for actions and the effect such actions have had on others
- Significant provocation

#### Potential Aggravating Factors

- Failure to respond to previous warnings and/or a record of previous breaches of the regulations
- Behaviour was motivated by or demonstrated hostility to someone with a protected or presumed protected characteristic
- Misconduct was planned
- Misconduct involved personal gain
- Failure to respond to warnings or concerns expressed by others
- Acting under the influence of drugs or drinks
- Use of a weapon

- Use of violence
- Deliberate damage to property
- Abuse of a position of trust
- Serious physical or psychological effect on the victim whether intended or not
- Intention to degrade a victim

**Potential Sanctions (Academic and Non-academic misconduct)**

<b>Sanction</b>	<b>Authorised to impose</b>
Reprimand	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Formal Written Warning	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Written Apology to those affected by the misconduct	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Requirement to attend or complete training/personal development/educational resources	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
Requirement to pay for damages	Head of School or nominee, Academic Registrar or nominee Student Discipline Panel
A fine (£50 - £1000)	Academic Registrar or nominee (up to £250), Student Discipline Panel
Suspension of specific academic and/or non-academic privileges	Academic Registrar or nominee, Student Discipline Panel
Enforcement of No-Contact Order(s) with other named student(s)	Academic Registrar or nominee, Student Discipline Panel
Exclusion from Degree Congregation	Student Discipline Panel
Exclusion from specific buildings/use of facilities for a fixed period	Student Discipline Panel
Suspension from the University for a fixed period	Student Discipline Panel
Permanent exclusion from the University (i.e. expulsion)	Student Discipline Panel or the Academic Registrar in the case of criminal conviction
Prohibited to re-apply to the University	Student Discipline Panel
Revocation of University award	Senate

**Allied Regulations and Procedures**

11.100 The University has published Regulations and procedures for the investigation of the professional conduct of students in relation to fitness to practise on the following programmes: Doctor of Clinical

Psychology, MBChB degrees, BSc in Operating Department Practice, PGCE, MSc in Midwifery and Leadership, MSc in Nursing and Leadership, BSc in Physiotherapy and awards in Counselling.

- 11.101 Where students registered on one of these programmes are subject to an investigation under the Student Conduct and Discipline Regulations this is likely to raise an issue of concern for the relevant Fitness to Practise Committee. Fitness to Practise Committees may take appropriate precautionary measure prior to the instigation of the disciplinary investigation.
- 11.102 In such cases the disciplinary process will be concluded first and the relevant Fitness to Practise Committee will then initiate or continue its own procedures. It may take account of the findings of the disciplinary process and any penalties/sanctions imposed.
- 11.103 Additional policies and procedures relating to student conduct and discipline that apply to particular activities or locations within the University will be approved by the Senate Student Discipline Committee.
- 11.104 The Students' Union has its own set of policies and procedures which govern student conduct in relation to the activities of the Students' Union. Relevant information from the Students' Union may be obtained to inform a University disciplinary process, with the agreement of the Students' Union and in accordance with the University's Data Sharing Agreement.
- 11.105 The Senate Student Discipline Committee has authority to review and approve all allied policies and procedures in accordance with the register maintained by the Secretary of the Committee on its behalf.

#### **Regulations on Academic Misconduct**

- 11.106 Academic Misconduct refers to any behaviour by a student which may give an unpermitted academic advantage to that student or another student. Examples of such misconduct are detailed below but the University will investigate any conduct that it considers meets the overall definition of academic misconduct:
- Cheating in written examinations, including copying from the examination script of another candidate, obtaining improper assistance from another person, taking unauthorised material or a device into an examination
  - Allowing another person to impersonate them in an examination or impersonating another student
  - Copying work from or using work written by another person, including published work and online sources (plagiarism)
  - Paying another person to undertake work or buying work from an 'essay mill'
  - Allowing another person to copy their work
  - Falsifying results, data, references or data or claiming to have carried out experiments, interviews or other forms of research
  - Pretending ownership of someone else's ideas
  - Submitting for assessment work that has previously been submitted for another assessment (self-plagiarism)
  - Actively cooperating with other students to jointly produce work where there is a requirement that it is produced independently (collusion)

- Failing to obtain ethical approval when required to do so or failing to comply with conditions of such approval
- Submitting a false claim for mitigating circumstances where the claim or evidence has been falsified or fabricated

11.107 If students do not demonstrate academic integrity and behave dishonestly the University will investigate these actions under these Regulations and apply appropriate penalties.

11.108 In some cases, the university will be required to report any proven acts of academic misconduct to the relevant accrediting body.

#### **Procedures for the Investigation and Consideration of Allegations of Academic Misconduct**

11.109 A Plagiarism Officer will be appointed for each School by the Head of School.

11.110 The role of Plagiarism Officer will be to investigate alleged cases of plagiarism and/or collusion identified in work submitted for assessment, except formal written examinations.

11.111 Where an internal examiner suspects plagiarism and/or collusion they will compile the appropriate evidence. Wherever possible this will include the original source(s) that have been used inappropriately. It may also involve a review of other assessed work submitted by the student for evidence of plagiarism or collusion.

11.112 The internal examiner will submit a report with supporting evidence to the School's Plagiarism Officer. The Plagiarism Office may request further information from the internal examiner or other members of staff in relation to the case.

11.113 If, having reviewed the evidence, the Plagiarism Officer determines that there is no case to answer they will dismiss the case.

11.114 If the Plagiarism Officer determines that there may be a case to answer they will write to the student, presenting the evidence and provide them with an opportunity to make a written response to the allegation.

11.115 Students may submit any mitigating factors of which they consider the Plagiarism Officer should be aware before reaching a decision, along with supporting evidence.

11.116 A deadline will be set for the student's response which will be not less than five working days from the date of notification of this request by the Plagiarism Officer.

11.117 In determining whether factors which mitigate the allegation of plagiarism are established by the student, it is noted that guidance on academic integrity is provided by Schools to all students and ignorance of the rules of academic writing and integrity will therefore not provide a defence to an allegation of plagiarism.

11.118 Circumstances which can provide valid mitigation for an allegation of plagiarism will be exceptional.

11.119 When a Plagiarism Officer writes to a student to present them with the evidence they may also require them to attend a meeting to discuss the allegations in addition to providing a written submission.

11.120 Where such a meeting is required students will normally be given at least five working days written notice.

- 11.121 The Plagiarism Officer may request that the internal examiner who reported the alleged plagiarism/collusion attends the meeting with the student.
- 11.122 The student may be accompanied to the meeting by a friend or representative, who may not be a qualified member of the legal profession.
- 11.123 A member of staff may also be present to take notes of the meeting and make a record of the meeting which will be made available to the student on request.
- 11.124 If, having been given due notice, a student does not submit a response to the allegations and/or fails to attend the meeting the Plagiarism Officer may proceed to determine an outcome to the case without offering further opportunity to the student to make representations.
- 11.125 Having reviewed the evidence and the response (if any) received from the student, the Plagiarism Officer will determine one of the following in respect of the allegation:
- there is no case to answer and dismiss the case;
  - that plagiarism or collusion have not been proven, but that there is evidence of poor academic practice as defined in the table in paragraph 31 below and the student should receive a warning and be directed to academic support within the School and required to undertake the University's on-line plagiarism tutorial;
  - that there is evidence of plagiarism or collusion, and impose a sanction as permitted under these regulations;
  - **either** that there is evidence of plagiarism or collusion for which a Plagiarism Officer cannot impose an appropriate sanction under these regulations **or** the case is too complex to resolve without a full hearing and refer the matter for consideration by a Student Discipline Panel.
- 11.126 In exceptional circumstances where a Plagiarism Officer concludes that relevant mitigating circumstances have been submitted, they will determine the most appropriate sanction and may reduce the severity of the sanction that would otherwise be applied to take account of the mitigating circumstances.
- 11.127 In determining whether particular circumstances are relevant the Plagiarism Officer will consider whether the circumstances have previously been disclosed in a timely manner.
- 11.128 The Plagiarism Officer will notify the student of the outcome of the case, including reasons for their decision, normally within 10 days of the deadline for the student's written response.
- 11.129 If a Plagiarism Officer determines that the student has committed poor academic practice they should be directed to sources of further training and advice.

#### **Penalties for plagiarism/collusion at School level**

- 11.130 The evaluation of individual cases is the responsibility of the School Plagiarism Officer, who is well-placed to determine the severity of the case in the context of the academic discipline and the nature and scale of the assessment.
- 11.131 In applying the penalties set out below the Plagiarism Officer will comply with the principle that the operation of the penalties for plagiarism must not put a student in a better position than if the assessment in question was not plagiarised but did not merit a pass.
- 11.132 The University has defined four categories of plagiarism and a sanction will be applied for each of these. A lesser category of poor academic practice is also recognised and will not attract a sanction.

- 11.133 If plagiarism is found in an honours level or postgraduate research project or dissertation this will normally be considered category 2 or category 4 plagiarism depending on the scale of the plagiarism.
- 11.134 A category 2 sanction applied to a postgraduate dissertation will result in failure to obtain a master's degree as no master's award can be made with a mark of zero recorded for the dissertation.
- 11.135 In such cases resubmission will not be offered but the Board of Examiners will consider whether an intermediate award of Postgraduate Certificate or Diploma can be awarded on the basis of credit obtained from the taught modules.
- 11.136 Where the plagiarism in the project or dissertation is very serious or a repeat offence this will be considered to be category 4 plagiarism.
- 11.137 Where self-plagiarism is found to have occurred, the extent of the offence will be evaluated using the below categories. Self-plagiarism occurs when a student submits material for assessment which s/he has previously submitted as part of another assessment exercise and which has been marked.

Category	Characteristics	Action
Poor academic practice (PAP)  First offences occurring in the first semester of a student's course should normally be treated as poor academic practice	This is not a disciplinary offence and does not count as a first offence in the context of the Category 3 plagiarism definition. PAP involves collaboration or poor citation practice where there is evidence that the student did not appreciate the rules of academic writing or where the extent of copied material can be considered so slight that it does not justify disciplinary proceedings or a sanction. The work in question includes (among other characteristics): <ul style="list-style-type: none"> <li>• a limited amount of material or copied text expressing ideas or concepts taken from the work of others in the student's own words but without appropriate citation.</li> <li>• a limited amount of material or copied text which is referenced in the bibliography but is not properly cited.</li> <li>• a limited amount of material or copied text that has been subjected to minor linguistic changes with or without citation.</li> <li>• a limited amount of material or copied text that is cited but not in quotation marks.</li> <li>• limited collaboration between students as evidenced by structure, source or copied text; this includes cases where the written work is original throughout.</li> </ul>	A formal warning but no sanction is issued by the School's Plagiarism Officer and the student is directed to academic support within the department.  The student is required to undertake the University's on-line plagiarism tutorial.  In cases of poor academic practice the mark will reflect the academic merit of the work; the mark is likely to be low.



<p>Category 1 plagiarism and/or collusion</p>	<p>The work breaches the rules of academic integrity by presenting the material of others as the student's original material. Category 1 plagiarism includes (among other characteristics):</p> <ul style="list-style-type: none"> <li>• short blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate citation, or copied text that is cited but not in quotation marks.</li> <li>• short blocks of material or copied text which is referenced in the bibliography but is not properly cited</li> <li>• short blocks of material or copied text that have been subjected to minor linguistic changes and presented as the student's own, with or without citation.</li> <li>• short blocks of material or copied text that is cited but not in quotation marks.</li> <li>• collaboration between students as evidenced by structure, sources or short blocks of copied text, (including copied text subjected to minor linguistic changes) or similar bibliographies.</li> </ul> <p>A short block of text may be as small as two continuing lines.</p> <ul style="list-style-type: none"> <li>• Short blocks of copied code, other computer files or experimental results copied from another student or the work of others from online resources or books without appropriate referencing.</li> </ul>	<p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, where resubmission is available, the student may resubmit the assessment for a capped module mark. The cap should be set at the pass mark for the programme.</p>
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<p>Category 2 plagiarism and/or collusion</p>	<p>A Category 2 offence will be committed when the copied material represents a significant proportion of the work. The line between Category 1 and Category 2 offences will be determined by the level of similarity between the work and the source material on a case by case basis. Category 2 plagiarism includes (among other characteristics):</p> <ul style="list-style-type: none"> <li>• significant or numerous blocks of material or copied text expressing ideas or concepts taken from the work of others without appropriate citation.</li> <li>• significant or numerous blocks of material or copied text which is referenced in the bibliography but is not properly cited;</li> <li>• significant or numerous blocks of material or copied text that have been subjected to minor linguistic changes and presented as the student's own, with or without citation.</li> <li>• significant or numerous blocks of material or copied text that is cited but not in quotation marks. Significant blocks of text may be as small as several continuing lines</li> <li>• collaboration between students as evidenced by structure, sources, significant or numerous blocks of copied text, (including copied text subjected to minor linguistic changes) or similar bibliographies.</li> <li>• blocks of copied code, other computer files or experimental results copied from another student or the work of others from online resources or books without appropriate referencing.</li> </ul>	<p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, the student should be required to resubmit the assessment in order to fulfil the learning outcomes and obtain the module credits where this is required for progression purposes. No mark will be awarded.</p> <p>If this sanction does not result in the failure of the module, the module mark obtained for the module should be further reduced by 10% of the maximum available mark.</p>
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<p>Category 3 plagiarism and/or collusion - 'repeat offence'</p>	<p>A Category 3 offence will be committed if a Category 1 or 2 sanction has been applied to a student's work on a previous occasion (i.e. a repeat offence). Contemporaneous offences or offences in which a student has had no opportunity to act upon advice arising from an earlier offence due to close submission dates etc. are not treated as repeat offences but may attract PAP, Category 1 or Category 2 penalties in the normal way.</p> <p>The Plagiarism Officer shall determine whether the latest instance of plagiarism is Category 1 or Category 2 in the level of severity. The sanction to be applied shall then take into account the category of sanction of the prior offence.</p>	<p>If both offences are Category 1 then the sanction on the second offence is a Category 2 sanction. If either of the two offences is a Category 2 offence then the sanction on the second offence is a Category 3 sanction. The Category 3 sanction is as follows:</p> <p>A mark of zero (0) should be awarded for the assessment in which the plagiarism was found to occur.</p> <p>The module mark is calculated on the basis of the zero mark for the plagiarised assessment. If this results in failure of the module, the student should be required to resubmit the assessment in order to fulfil the learning outcomes and obtain the module credits where this is required for progression purposes. No mark will be awarded.</p> <p>If the sanction does not result in the failure of the module, the module mark obtained for the module should be further reduced by 10% of the maximum available mark.</p> <p>If this sanction does not reduce the degree classification at the end of the programme by one class, the degree class should be reduced by one class.</p> <p>Where reduction in the degree class would result in undergraduate students not obtaining an Honours degree, or in Foundation degree students or postgraduate students failing the programme, their cases should be considered by a disciplinary panel.</p>
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Category 4 plagiarism and/or collusion	A Category 4 offence is the most severe plagiarism where the departmental processes do not provide a sufficient sanction. Examples include purchasing of work or soliciting to do so or multiple repeat offences. It may also be appropriate to refer to a disciplinary panel a case which is complex and where the department is unable to establish the facts, for example a case of apparent collusion where the identification of the guilty party cannot be ascertained. A disciplinary panel has the power to impose penalties up to and including expulsion from the University.	Refer to Panel
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11.138 Students have the right of appeal against decisions of a Plagiarism Officer. The procedures for consideration of an appeal are outlined in section 11.81.

#### Cases of Exam Misconduct

11.139 Cases of examination misconduct will be referred to the Academic Registrar or authorised deputy.

11.140 **For first offences of cheating in an examination** the Academic Registrar (or deputy) shall determine whether the circumstances of the incident make the breach of regulation more or less severe and impose one of the penalties at (i) and (ii) below, accordingly. The determination of severity shall be a matter of judgement by the Academic Registrar (or deputy), taking into account previous decisions.

**Either** (i) a mark of zero is assigned to the piece of work in question and to the associated module; a reassessment may be awarded where permitted under the Regulations for progression purposes only; in modules above level 1, the mark of zero may not be excluded from any calculation for the classification of an award

**or** (ii) a mark of zero is assigned to the piece of work in question and a re-assessment is permitted for a capped module mark.

For a second offence of cheating in an examination, the student will be referred to a Student Discipline Panel.

**For other breaches of the examination regulations** the Academic Registrar may impose either of the penalties at (i) and (ii) above or another penalty appropriate to the offence. Such penalty may include a reduction in the mark given for the piece of work in question.

11.141 The application of penalties resulting from cheating in an examination is not intended to have a disproportionate effect on upon overall progression and award decisions for individual students. Once penalties set out under 11.140 (i) have been applied to a module, the following will apply:

When considering a module penalised under 11.140 (i) at the point of progression, the mark obtained at re-sit should be used to consider whether a student may be allowed to progress. Where a student has committed the offence at re-sit the module should count as failed at the second attempt for progression decisions at that stage, however a further re-sit for progression purposes should be offered where permitted under regulations. The mark of zero will remain on the student's formal record of marks.

When considering the degree classification for a student for whom a penalty under 11.140 (i) has been imposed, the mark of zero shall be considered within the calculation of the credit weighted average. However, where the module has been re-sat for progression purposes and the pass mark reached in that re-assessment, the module will not be considered as failed when calculating the amount of failed

credit permitted under the relevant scheme of assessment. The mark of zero will remain on the student's formal record of marks.

- 11.142 In determining penalties, the Authorised Officer/Academic Registrar shall take into account mitigating circumstances material to the case submitted by the student. Where an Authorised Officer concludes that mitigating circumstances are relevant and should be taken into account in determining penalty, a penalty shall be applied according to precedent. In determining whether particular circumstances are relevant, the Authorised Officer will take into account whether the circumstances have previously been disclosed in a timely manner, as required under these Regulations.
- 11.143 Academic offences referred to the Academic Registrar may be referred to an Authorised Officer or to a Student Discipline Panel if appropriate.