

Student Disciplinary Regulations

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1.0 Preamble

These Regulations aim to make sure that instances of alleged student Misconduct are dealt with fairly and promptly at the appropriate level by those with the relevant authority. These Regulations apply to all cases of student discipline except academic or research misconduct cases, which are dealt with under separate regulations.

Under the University's Articles of Government, the Vice-Chancellor has overall responsibility for the maintenance of student discipline and, within rules and procedures established by the Board of Governors, for the Suspension, Expulsion or Restriction of students on disciplinary grounds. These Regulations set out the rules and procedures established by the Board of Governors.

A breach of discipline is, for the purpose of these Regulations, called 'Misconduct'. Upon enrolment, students accept the University's 'Student Terms and Conditions' for their year of entry. In doing so, students agree to conform to the University's Student Regulations, including these Regulations and the University's Student Code of Conduct ("the Code of Conduct"). Under these Regulations, 'Misconduct' refers to a breach of the Code of Conduct set out in **Annex A**. The University also reserves the right to treat as Misconduct, any activity not covered by the Code of Conduct or University Regulations specifically that is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives.

The General Principles set out at **Annex E** will apply to all stages of disciplinary action under these Regulations (where applicable).

These Regulations are informed by the University's statutory obligations including the Equality Act 2010, Human Rights Act 1998 and the Data Protection Act 2018.

2.0 Scope

2.1 These Regulations apply to students who are registered or enrolled on University approved courses delivered at both the Middlesbrough and Darlington Campuses and to the following non-exhaustive circumstances:

- activities in which they engage in their capacity as students of the University; or
- services or facilities they enjoy by virtue of being a student of the University (e.g. halls of residence, sports facilities, etc.); or

- their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University; or
 - any activity not covered above, which is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives.
- 2.2 Any student undertaking a University affiliated course at a Collaborative Partner Institution is subject to the conduct and disciplinary regulations applicable to that institution. Any such student excluded from the Collaborative Partner Institution on grounds of disciplinary has the right to request a review from the University. A request for a review should be sent to the University Secretary within 10 days of the decision being notified to the student in writing.
- 2.3 These Regulations are applicable to all students throughout their period of enrolment with the University, whatever their registration status, and includes (but is not limited to) students whose enrolment is interrupted, or is precautionary or formally suspended. If a student withdraws from, or leaves, the University part way through a disciplinary process, the University reserves the right to continue that process, or where a disciplinary issue is discovered after a student has left, to hear the process in full.
- 2.4 Where a student is referred for action under these Regulations and he/she is also an employee of the University, any allegation of Misconduct will be notified to the Director of Human Resources. The University reserves the right to take action under staff disciplinary processes as well as these Regulations. The student will be notified if this is the case and will be informed which process will operate and in what order (if necessary).
- 2.5 Graduation from certain courses offered by the University entitles a graduate to practice in a profession or to obtain professional status. In cases where professional fitness to practise issues arise, the University reserves the right to invoke relevant procedures under its Fitness to Practise Regulations instead of or, if appropriate as well as these Regulations. The student will be notified if this is the case and will be informed which process will operate and, if necessary, in what order. In such cases the disciplinary case file may be shared with other University Officers responsible for such procedures.
- 2.6 The University reserves the right not to grant an award or an intermediate award, provide certification of an award or allow a student to attend a graduation ceremony whilst a matter of alleged Misconduct is still in the process of being dealt with under these Regulations or following the

conclusion of an investigation under these Regulations where the allegations has been upheld.

- 2.7 If at any time during the investigation of a complaint under the University's 'Student Complaints Policy and Procedure' it appears that the complaint raises allegations of Misconduct that would be more appropriately dealt with under these Regulations, the matter may be transferred for consideration under these Regulations. In such cases, any decision to invoke these Regulations will not be taken until after consultation with the University Secretary.
- 2.8 The Financial or similar consequences which may affect a student subject to an investigation or action under these Regulations will not be considered under the disciplinary process prescribed in these Regulations. Such consequence will be the sole responsibility of a student. Where a student has been precautionary or formally suspended, the University will be required to inform the relevant funding bodies (for example, Student Finance England, NHS Student Bursaries or equivalent) of a student's status, which may result in a suspension of funding for the period of absence from the course. However, where a student is restricted from University accommodation, the University may consider, in certain circumstances, whether payment of the student's accommodation fees will be suspended until the conclusion of proceedings.
- 2.9 A Tier 4 sponsored student's right to study in the UK may be at risk should they be subject to proceedings under these Regulations, and subsequently any outcome/penalty imposed.
- 2.10 Where more than one student is involved in the same incident of alleged Misconduct, the appointed Case Officer or the Chair of the Student Disciplinary Committee, will decide whether to hold meetings or hearings separately or jointly.
- 2.11 These Regulations do not cover misconduct within the jurisdiction of the Students' Union, which may be dealt with under the Students' Union's own disciplinary procedures.

3.0 Delegation of Authority

- 3.1. Authority to deal with alleged Misconduct is delegated by the Vice-Chancellor to the University's Pro-Vice Chancellors, Deans and Associate Deans of School, Directors and Deputy/ Assistant Directors of Service and such other staff as may be required to deal with Misconduct, to be appointed

as Case Officer or be appointed to serve on Disciplinary Committees or Appeal Panels. A recommendation to a Pro Vice-Chancellor is required for Exclusion, Restriction or Suspension from the University.

- 3.2 The University Secretary can be consulted on formal student disciplinary matters and has delegated responsibility for the management and operation of these Regulations and the provision of advice and guidance on disciplinary matters to staff and students.
- 3.3 References in these Regulations to members of staff include references to their nominees.

4.0 Misconduct and Criminal Proceedings

- 4.1 Where an allegation of Misconduct is also subject to a criminal investigation, the University may suspend the disciplinary process under these Regulations until the criminal investigation and any connected legal proceedings have been concluded. The fact that the police or other legal authorities might be unable, unwilling or not yet able to proceed will not automatically preclude the University from instigating its own disciplinary action.
- 4.2 Whilst criminal investigations are underway students will be obliged to keep the University informed of any progress and/or change in status regarding their case. The University Secretary or his/her nominee will review the case on a monthly basis and will determine if any action is required during this review period.
- 4.3 Where the student is convicted of a criminal offence, the University may take action under these Regulations. In such cases, the conviction in a criminal court shall be taken as conclusive evidence that the alleged offence has occurred, and no further investigation shall be required by the University prior to taking any action under these Regulations.
- 4.4 Where a criminal conviction has been made, the focus of the University in taking disciplinary action may include an assessment of the risk posed to University staff or students. It may also include an assessment of the material impact caused by reputational damage to the University, particularly when this impedes or interferes with its normal operations, or when it affects important relationships between the University and key individuals, agencies and stakeholders. If disciplinary action is taken, the penalty imposed by the Court shall be taken into account when determining what action the University takes.

- 4.5 In the case of a criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time spent in custody following conviction) result in a student being absent from their studies for a period of less than 12 months, it will normally be the case that his/her studies will be interrupted in this time. In such circumstances, it will be the responsibility of the student to notify the University Secretary regarding the date of any release from custody. The University Secretary will then assess whether the nature of the offence committed poses an ongoing risk to the University, and whether there are any outstanding matters of concern that have not been addressed. In the case of either, the University may instigate disciplinary proceedings under these Regulations.
- 4.6 In the case of criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from their study for a period in excess of 12 months, the student will be deemed withdrawn from the University. Where a student has been withdrawn, an Assessment Board will formally record a student as being discontinued, and reserves the right not to provide an intermediate award in recognition of any achieved credits. The student may then reapply for admission to the University, and as part of the standard admissions process will be required to declare criminal convictions to be considered prior to a decision regarding the offer of a place.
- 4.7 Where the student has been acquitted of a criminal offence, the University will take into account the decision of the Court. However, it may be the case that it is reasonable and within the University's interests to pursue outstanding matters of concern to the University that have not already been addressed or only partially addressed.
- 4.8 Where, following a police investigation, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting further investigations and/or instigating disciplinary proceedings in respect of outstanding matters of concern to the University that have not been addressed or only partially addressed.

5.0 Vice-Chancellor's discretion to dismiss a complaint

Where a complaint of Misconduct has been made, the Vice-Chancellor, may determine that the complaint should not be subject to further action under these Regulations; such a ruling shall not preclude informal action by way of a warning or otherwise if appropriate.

6.0 Vexatious cases

The University will not act on allegations of Misconduct which it considers to be vexatious (for example, to purely cause annoyance or a form of harassment). Additionally, if it is determined, at any stage, that a false allegation has been made by a student or member of staff with vexatious or mischievous intent, the University may initiate an appropriate disciplinary process against the person(s) making the allegation.

THE DISCIPLINARY PROCEDURE

7.0 Normally, where the University becomes aware of an allegation of Misconduct, it will be reported to the Dean of the School to which the student belongs by a member of staff or student of the University. However, alleged Misconduct incidents that arise within the provision of a University service (for example, within student accommodation, car parking or the Library) should be reported to the relevant Director for that service. Where an allegation is made involving one or more students from different Schools, advice should be sought from the University Secretary (or his/ her nominee) regarding which School should deal with the allegation. Where the School of the student against whom an allegation is made is not known (but the name of the student subject to the allegations is known), the report may be made to the Office of Student Complaint, Appeals & Regulations (OSCAR) in the first instance, who will then identify the appropriate School or Service.

7.1 The Informal Disciplinary Procedure

7.2 The Informal Stage of the disciplinary process can be used to deal with some instances of Misconduct. It is likely that most instances of Misconduct will be of a minor nature and as such can be dealt with locally and informally by the member of staff most closely involved, simply and quickly by way of an oral warning and/or by advice and guidance to correct the behavior or conduct. This can include advice that any repetition or escalation of the behavior could lead to formal disciplinary proceedings under these Regulations. If the member of staff believes the situation warrants it, they may place a record of the incident on the student's file.

7.3 The Disciplinary Procedure referred to in paragraph 8 (below) should be invoked where informal action has failed to address the matter, or where the allegation is of such a serious nature that informal action would not be appropriate and/or where the Misconduct calls for an investigation.

8. The Formal Disciplinary Procedure

8.1 Initiation of the Disciplinary Procedure and Investigation

8.1.1 The Disciplinary Procedure will be invoked pursuant to paragraph 7.3 above when the University becomes aware of an allegation of Misconduct.

8.1.2 Upon receipt of an allegation of Misconduct, the relevant Dean or Director will normally appoint a Case Officer within five days of receipt of the allegation, and report the case to OSCAR. The Case Officer will inform the relevant parties that an allegation of Misconduct has been received, and carry out an investigation normally within 20 days of his/her appointment and determine, unless he/she decides (in consultation with the Dean or Director (and the University Secretary where necessary) that:

- a) the matter is not sufficiently serious enough to justify formal disciplinary action; or
- b) due to the serious nature of the alleged Misconduct, Suspension, Restriction or Expulsion should be considered, and the alleged Misconduct should be dealt with under the Formal Procedure under paragraph 8.3 of these Regulations; or
- c) the matter may constitute a criminal offence and a decision is taken to report it to the police; or
- d) the matter should be dealt with under another of the University's Policies or Procedures; or
- e) the matter should be considered under the Summary Procedure outlined in paragraph 8.2 of the Regulations; or
- f) there is insufficient evidence to proceed with a finding and the matter is deemed closed.

8.1.3 For the purpose of these Regulations, Deans and /Associate Deans of Schools, Directors and Deputy/Assistant Directors of Services and designated nominees have the power to act as Case Officer.

8.1.4 Any investigation into an allegation of Misconduct should normally include the offer of a meeting with the student who is the subject of the

allegation and/or the student being able to make their case in writing, and informing the student in writing of the evidence that has been presented against them. The invitation to any such meeting should be in writing and should inform the student that they will have the right to be accompanied to the meeting by a 'friend' as referred to in **Annex E** (paragraph 1 a)). Where possible this invitation should give the student five days' notice of the meeting. The Case Officer will collect factual evidence in connection with the matter, which can include identification of any witnesses or relevant written statements.

8.2 Summary Procedure

- 8.2.1 If, following the investigation, the Case Officer considers it appropriate to do so (and in consultation with the University Secretary if necessary), he/she can make a summary finding. This decision will normally be relayed to the student in writing within five days of the completion of the investigation. A copy of the decision will be sent to OSCAR and will also inform the student of his/her right of Appeal to the Misconduct Appeals Committee ("the Appeal Committee").
- 8.2.2 In reaching a decision on whether the matter should be dealt with summarily, the Case Officer shall consider the nature of the allegation and whether the penalties available in the event of a decision that an act of Misconduct has occurred would in the Case Officer's opinion be sufficient.
- 8.2.3 The outcomes and penalties available to a Case Officer are set out at **Annex B**. (Multiple penalties can be combined where reasonable and appropriate. Consideration of appropriate penalties may also take into account misconduct, which is minor but persistent).
- 8.2.4 Further to the outcomes and penalties available to the Case Officer in **Annex B**, where he/she determines that the case of Misconduct is one of serious Misconduct and/or punitive Suspension, Restriction or Expulsion may be a more appropriate penalty, he/she may, following advice from the University Secretary, refer the case under the Formal Procedure to the Student Disciplinary Committee.

8.3 Formal Procedure

- 8.3.1 Pursuant to paragraph 8.2.3 above, where a Case Officer determines that a case of Misconduct is one of serious Misconduct and/or punitive Suspension, Restriction or Expulsion may be a more appropriate

penalty, he/she will, refer the case to OSCAR for a formal hearing by the Student Disciplinary Committee.

- 8.3.2 The Student Disciplinary Committee (“the Committee”) will be made up of:
- (i) A Pro Vice-Chancellor;
 - (ii) A Dean or Associate Dean of School or Director or Deputy Director of Service with no prior involvement in the case (or his/her nominee);
 - (ii) A member of the Students’ Union Executive.
- 8.3.3 Where alleged Misconduct is referred to the Committee, the student will be advised in writing of the nature of the alleged Misconduct, the date of the hearing and be provided with any evidence that will be put before the Committee. Written notification of the hearing and the relevant evidence will normally be provided at least ten days in advance of the hearing. The student will also be informed of their right to be accompanied at the hearing by a ‘friend’ as defined in **Annex E** (paragraph 1 a)). Where the Committee deems there are special circumstances which require a shorter period of notice of hearing be given, the reasons for this will be explained to the student. Any hearing will normally take place within 30 days of referral by the Case Officer.
- 8.3.4 The student must provide, via OSCAR, any evidence which they wish to put before the Committee at least five days prior to the date of the hearing. The Case Officer and/or the student may wish to invite witnesses to appear before the Committee. If this is the case the Case Officer and/or student should notify OSCAR at least seven days before the hearing.
- 8.3.5 An Officer from OSCAR shall act as Clerk in an advisory capacity to the Committee but shall not constitute a member of the Committee or take part in the decision-making. A secretary will also be present to make a record of the hearing.
- 8.3.6 The procedure for the Committee Hearing is set out in **Annex C**. This procedure may be varied by the Committee where appropriate to do so and the Committee has the right to impose reasonable time limits on any aspect of the hearing. In exceptional cases (for example, where the Committee is unable to reach a decision without further information), it may adjourn for up to 20 days and defer its decision. If members of the

Committee do not agree unanimously, a majority verdict may be reached.

8.3.7 Upon making its decision, the Committee may impose any penalty as defined in **Annex B**. The Committee may also impose a punitive Suspension, Restricted or Exclusion. Further, the Committee may choose to dismiss the case altogether. The student will be informed, in writing, of the outcome of the hearing within five days and where the student is subject to a penalty will be informed of his/her right to appeal to the Appeal Committee.

8.3.8 The Committee's determination will be confirmed to other relevant members of the University and relevant associated organisations (for example, the Students' Union) in writing (but limited to only those people and/or departments who are required to know).

9.0 Appeals against the decision of the Case Officer/Student Disciplinary Committee

9.1 A student may appeal any decision of the Case Officer or the Committee, except where the decision is to dismiss the case against him/her in full.

9.2 An appeal must be submitted to OSCAR within 10 days of the date of the decision letter.

9.3 An appeal against a penalty or penalties imposed by the Case Officer or the Committee may be made on one or more of the following grounds:

- (i) that the disciplinary process was not conducted in accordance with these Regulations;
- (ii) that new evidence has become available which was not, and which could not reasonably have been made available at the time the case was considered;
- (iii) the penalty or penalties imposed was/ were disproportionate to the offence.

9.4 The University Secretary will review the case on the basis of such evidence that has been provided to determine whether the grounds permitted under paragraph 9.3 (above) have been satisfied. The University Secretary will then decide on the appropriate action of:

- (i) dismissing the appeal at this stage on the basis that the appeal is not based on any of the permitted grounds; or
- (ii) direct the Case Officer or Committee to reconsider the earlier decision; or
- (iii) refer the appeal to the Misconduct Appeals Committee (“the Appeal Committee”).

The decision of the University Secretary will not be subject to further internal appeal.

- 9.5 The University Secretary will inform the student of their decision usually within 10 days of receiving the appeal. If the decision is to dismiss the appeal at this stage, a ‘Completion of Procedures Letter’ will be issued.
- 9.6 If the University Secretary determines that permitted grounds for an appeal are made, an Appeal Committee will be arranged, normally within 25 days of receiving the student’s appeal. The Appeal Committee will be made up of:
- (i) The Vice-Chancellor (or other member of the University Executive Team with no prior involvement in the case), acting as Chair;
 - (ii) A Pro Vice-Chancellor, Dean or Director with no prior involvement in the case;
 - (iii) A member of the Students’ Union Executive as nominated by the President of the Students’ Union with no prior involvement in the case.
- 9.7 An Officer from OSCAR shall act as Clerk in an advisory capacity to the Appeal Committee but shall not constitute a member of the Committee or take part in the decision-making. A secretary will also be present to make a record of the hearing.
- 9.8 The student shall be given at least 10 days’ notice in writing of the Appeal Hearing. The procedure for the hearing of the Appeal Committee is set out at **Annex D**. The student will also be informed of their right to be accompanied at the hearing by a ‘friend’ as referred to in **Annex E** (paragraph 1 a)). The student must provide, via OSCAR, any further evidence which they wish to put before the Appeal Committee at least five days prior to the date of the hearing. Depending upon the procedure under which disciplinary action was taken and who took the disciplinary action, the Case Officer or Chair of the Student Disciplinary Committee will attend the appeal hearing to present their findings. They and/or the student may wish to invite witnesses to appear before the

Appeal Committee. If this is the case OSCAR should be notified at least seven days before the hearing.

9.9 The Appeal Committee may, after hearing the case:

- (i) uphold the original decision;
- (ii) dismiss the appeal;
- (iii) reverse the decision and substitute its own decision and/or penalty from one or more of the penalties referred to in **Annex B** or paragraph 8.2.4 as it thinks appropriate;
- (iv) reduce, uphold or increase any penalty.

9.10 The Chair of the Appeal Committee will normally inform the student in writing of the decision made by the Appeal Committee within 10 days of the hearing. A 'Completion of Procedures Letter' will also be issued. The decision of the Appeal Committee is final.

10.0 Precautionary action in advance of the Disciplinary Process (Summary or Formal)

10.1 Upon receipt of an allegation of Misconduct and where the nature of the alleged Misconduct suggests there may be a risk to the safety of others, where the student accused of the Misconduct may be at risk of harm or where a student is the subject of a criminal investigation, the relevant Dean or Director will undertake a risk assessment and submit this to a Pro Vice-Chancellor for consideration, which may result in action as follows:

- (i) A requirement that the student complies with specific conditions, for example agreeing not to contact another student or students; and/or
- (ii) Suspending or Restricting the student pending the outcome of the Disciplinary Process (Summary or Formal) or criminal investigation.

10.2 For the purposes of these Regulations, Suspension and Restriction are defined as follows:

- (i) Suspension involves a total prohibition on attendance at or access to the University and from any participation in University activities (which may be subject to qualification, such as permission to attend for the purpose of an examination).

- (ii) Restriction involves the withdrawal of the right of access to specified land, buildings, activities, facilities or services of the University, or other named person(s) (for example, the Students' Union) the exact details of which will be specified in writing.
- 10.3 Suspension or Restriction is a neutral act in the context of the eventual determination of whether an allegation of Misconduct is to be proven or not proven.
- 10.4 The University reserves the right under these Regulations to inform the Students' Union of any Suspension or Restriction made under these Regulations. In such instances, any Suspension or Restriction under these Regulations may also result in the Chief Executive of the Students' Union, restricting the Students accessing to the Students' Union building and any of its facilities and also from participating in events and activities organised by the Students' Union (including sporting activities).
- 10.5 A student shall not be Suspended or Restricted unless he or she has been given the opportunity to make brief oral representations to the relevant Pro Vice-Chancellor, unless it is not possible, in which case he or she shall be entitled to make written representations. In cases of great urgency, the relevant Pro Vice-Chancellor is empowered to suspend a student with immediate effect, provided that the matter is reviewed within 10 days.
- 10.6 Where the relevant Pro Vice-Chancellor makes the decision to Suspend or Restrict a student pursuant to section 10.1 (above) the reasons why this action is being taken may be communicated orally to the student in the first instance. Where this is the case, written confirmation outlining the reasons for the decision and notice of the student's right of appeal will normally be provided within five days. The Pro Vice-Chancellor will also provide a report, in writing, to the Chief Executive of the Students' Union and the relevant Dean of School/Director of Service (and such other staff who may need to know for the purposes of policing the Suspension or Restriction) concerned informing of the Suspension or Restriction, normally within five days.
- 10.7 The student may appeal the initial decision to suspend and/ or restrict them by submitting a written request stating the reason for the appeal to the Vice-Chancellor, via OSCAR, within five days of the date of the notice of Suspension and/ or Restriction.
- 10.8 The Vice-Chancellor will consider the appeal by way of a review of the relevant evidence and within 10 days of receipt may take action as follows:

- (i) uphold the original decision and confirm the terms of the Suspension and/or Restriction;
- (ii) uphold the original decision but reduce or restrict the terms of the suspension and/or restriction;
- (iii) overturn the original decision and remove the Suspension and/or Restriction.

10.9 Any Suspension and/or Restriction under paragraph 10 of these Regulations will, unless otherwise stated, be for an initial period of up to four weeks, which can be renewed following review by the Vice-Chancellor or a Pro Vice-Chancellor with the opportunity for the student to make further written representations. At renewal of a Suspension and/or Restriction the University will make it clear to the student when the next date for review will occur (e.g. a further four weeks to allow the University to gather more evidence, or in serious cases involving criminal allegations, when a court case against the student is concluded). The student will also be informed of their right to submit new information at any point that is material to the continuation of the Suspension and/or Restriction.

Annex A – University’s Student Code of Conduct

1.0 Purpose

All students of the University are required at all times to conduct themselves in an appropriate manner in their day to day activities, including in their dealings with other students, staff and external organisations. Students are also required under the University’s Terms and Conditions to comply with all relevant University policies and regulations. The University’s Terms and Conditions and relevant student policies and procedures can be found on the University’s web page at www.tees.ac.uk/studentregulations.

The Student Code of Conduct sets out the expectations the University has in respect of the behaviour of all of its students. It outlines examples of behaviours that the University may deem to be misconduct (although the examples given are not exhaustive).

The University has formal disciplinary procedures that are followed in cases where students are found to have breached the Student Code of Conduct, the ‘Student Disciplinary Regulations’ (“the Disciplinary Regulations”). Any action taken under the Disciplinary Regulations can lead to expulsion, suspension, restrictions and formal reprimands depending on the severity of the breach. The University however reserves the right to deal with breaches of the Student Code of Conduct via any of its other student regulations (for example, Fitness to Practise, Fitness to Study, Academic Misconduct, etc.).

When considering what action to take against a student the University will consider the severity of the breach, the impact on other students and staff, and any previous incidents of misconduct. Accumulated breaches of the Student Code of Conduct may result in more severe sanctions being applied and a formal consideration of the implications for the programme of study.

2.0 Scope

The Student Code of Conduct applies to all students of the University and to the following circumstances:

- activities in which they engage in their capacity as students of the University; or
- services or facilities they enjoy by virtue of being a student of the University (e.g. halls of residence, sports facilities, etc.); or
- their presence in the vicinity of, or their access to, any premises owned, leased or managed by Teesside University; or

- any activity not covered above, which is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives, as outlined in this Code.
(N.B. Any student undertaking a University affiliated course at a Further Education College is subject to the conduct rules applicable to that institution.)

3.0 Misconduct Offences

The following examples of misconduct are not exhaustive and the University reserves the right to consider/investigate any complaints not specifically listed below. The University may decide to take action for misconduct offences whether they take place on University premises or elsewhere, including on social media. The term “Person” means any student, employee, visitor, subcontractor or other authorised representative of the University.

3.1 Behaviour towards others

- a) Students shall act with respect and reasonable consideration towards every Person;
- b) Students shall not behave in a disorderly, abusive, threatening, intimidating, indecent, slanderous, libelous or offensive manner (whether by actions, speaking or in writing, including by electronic means);
- c) Students shall not behave in a physically violent manner (including, but not limited to, punching, kicking, slapping, pulling hair, biting, pushing, and shoving);
- d) Students shall not commit sexual misconduct (including, but not limited to, engaging or attempting to engage in kissing, touching inappropriately through clothes, sexual intercourse or a sexual act without consent, sharing private sexual materials of another person without consent, inappropriately showing sexual organs to another person and making unwanted remarks of a sexual nature);
- e) Students shall not steal, misuse, deface or damage property belonging to any Person;
- (f) Students shall comply with any reasonable instructions, including producing appropriate identification, as requested by any Person in the execution of their duties;
- (g) Students shall not obstruct, disrupt or interfere with, the duties or activities of any Person or disrupt or interfere with any academic, administrative, sporting, social or other University Activities;
- (h) Students shall not knowingly publish, be published in or distribute a poster, notice, sign or any publication which may be considered offensive, intimidating, threatening, indecent or illegal, or which may be considered to make others fearful, anxious or apprehensive;

- (i) Students shall not offer or give money, gifts or other incentives to any Person with the intention of inducing that Person to perform his/ her job improperly or to reward him/her for doing so;
- (j) Students shall not engage in conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;
- (k) Students shall not harass, victimise or discriminate against any Person on grounds of age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership or socio-economic background.

3.2 Bringing the University into disrepute

Students shall not exhibit any behaviour or engage in any activity, whether within the University premises or elsewhere, which has the potential to damage or has damaged the good name of the University (without prejudice to the right to fair and justified comment and criticism).

3.3 Use of buildings, grounds & equipment

- (a) Students shall not litter on campus grounds;
- (b) Students shall not steal, deface, misuse, misappropriate or damage any property belonging to the University or associated organisations, whether deliberately or recklessly;
- (c) Students shall not take part in any trespass against, or unauthorised occupation of, any part of the University premises (including any halls of residence). Occupation will be deemed to be unauthorised if continued after reasonable notice to desist has been given or if the student has occupied premises, or a part thereof, to which access by students is normally prohibited;
- (d) Students must comply with relevant regulations regarding the use of recording devices, mobile phones, personal music equipment, etc. when they are in any teaching/learning setting, examination or library premises;
- (e) Students shall not engage in any trade or business, or engage in the activities of any other form of employment, on University premises, other than employment by the University or Students' Union, without relevant permissions;
- (f) Students shall not misuse or make unauthorised use of University premises or items of property, including IT facilities or safety equipment;
- (g) Students shall not breach the conditions of a tenancy/licence agreement in respect of University residential accommodation;
- (h) Students shall not use or misuse, produce, trade, store or transport drugs or other illegal substances or keep in University accommodations, any paraphernalia that could be used in relation to drug use or misuse;

- (i) Students shall not breach any specific rules adopted by a service, School, Department or building within the University (for example, Library Regulations, rules relating to use of the University Gym, etc).

3.4 Health and Safety

- (a) Students shall not behave in a way that may affect the health and safety of, cause or potentially cause injury or harm to a Person;
- (b) Students shall not behave in a way that may or does lead to the activating of a fire or smoke alarm or otherwise misuse fire safety equipment (including in Halls of Residence);
- (c) Students shall not smoke in any areas other than those designated as authorised smoking areas;
- (d) Outside the requirement of a course, students shall not keep, carry on their person, use or threaten to use any offensive weapons, acid or other irritants, imitation firearms, ammunition, fireworks, explosives or any highly combustible materials or any article deemed to be an offensive weapon even if properly licensed on University premises.

3.5 University administration, policies & regulations

- (a) Students shall comply with all relevant University rules, regulations and policies;
- (b) Students shall not be engaged in fraud, deceit, falsification of documents, deception or dishonestly in relation to the University or any Person.

3.6 Compliance with the Student Code of Conduct and Adjudication Procedure

- (a) Students shall not assist, encourage or incite any other student to behave in a way which may constitute a breach of the Student Code of Conduct;
- (b) Students may be held responsible for any breach of the Student Code of Conduct committed by any person whom they have invited to any part of the University (including Halls of Residence);
- (c) Students may be held responsible for any misconduct which amounts to a breach of the Student Code of Conduct which occurred prior to enrolment at the University and which was not previously known to the University, which raises questions about the fitness of the student to remain a member of the University community, poses a threat to any Person or the discipline and good order of the University, or raises questions about the student's fitness to be admitted to and to practice any particular profession to which the student's course or programme of study leads to directly;
- (d) Students shall co-operate with the implementation of the Student Code of Conduct and any associated disciplinary action;

- (e) Students shall comply with the outcome of any disciplinary process as a result of a breach of the Student Code of Conduct;
- (f) Students shall not intimidate, victimise or threaten any person who has raised a complaint against them in respect of a breach of the Student Code of Conduct, or any witnesses who are involved in that complaint;
- (g) Students shall not make false, frivolous, malicious or vexatious complaints about another person. Where they do they may themselves be deemed to have breached the Student Code of Conduct and will be subject to the procedures in investigating this breach.

3.7 Compliance with the Law

- (a) Students shall not engage in conduct which constitutes a criminal offence within the premises of the University, at institutions where students are placed or visiting as part of their studies, or elsewhere;
- (b) Students shall report to the University immediately any instances in which they have been involved which gave rise to them being arrested, under police investigation, charged or convicted of a criminal offence;
- (c) Students shall not deliberately do, or fail to do, anything which causes the University to be in breach of a statutory obligation;
- (d) Students shall declare upon enrolment any criminal convictions which they have received prior to their commencement at the University.

3.8 Use of Social Media

- (a) Students shall not set up social media sites, post new, or reply to existing posts, on any form of social media that contravenes the University's IT Acceptable Use Policy. Although not exhaustive, students shall not use social media, including whilst on placement or working in work based situations or elsewhere, in a manner that may be considered as:
 - i. Bullying or harassment
 - ii. Professional misconduct
 - iii. Bringing the University into disrepute
 - iv. Showing a lack of respect and/or reasonable consideration towards others.

3.9 Academic Misconduct

- (a) Students must attend and fully engage in all learning activities and adhere to all external body requirements (e.g. attendance requirements set by UKVI);
- (b) Students must conduct themselves appropriately in all programme-related activities, including placements;

- (c) Students must comply with national regulatory framework/professional body/ external Health Trust, expectations, as required for the standards of professional conduct expected at the point in training that the concern is raised;
- (d) Students enrolled on programmes governed by professional, statutory and regulatory bodies must comply with the requirements of the University's Fitness to Practise Policy and act in a manner which protects present and future patients, service users or clients at all times;
- (e) Students shall not participate in any assessment offences, including making use of unfair means in any University assessment or assisting another Person to make use of such unfair means;
- (f) Students shall not participate in any misconduct in the course of carrying out any research activities.

3.10 Misconduct in Halls of Residence

- (a) Students shall comply with the conditions relating to standards, behaviour and domestic arrangements required in Halls of Residence as outlined in their tenancy agreement;
- (b) Students shall comply with a direction of any Person, in the execution of their responsibilities in relation to the Conditions of Halls of Residence.

Annex B – Outcomes and Penalties

- a) Dismissal of the case;
- b) Requirement for a verbal or written apology;
- c) Guidance and advice regarding future behavior;
- d) Informal warning (not held on student's file);
- e) Formal written warning, to be held on the student's file for a time limited period, which will be taken into account in any future disciplinary cases within that timescale;
- f) Formal permanent written warning to be held on the student's file for the duration of their study, and which will be taken into account in any future disciplinary cases;
- g) Requirement for student to sign a 'good behavior agreement';
- h) Order for restitution and/ or compensation for damage or loss;
- i) Order the withdrawal of any benefit, facility or privilege for such period as the considered appropriate, including notice to quit University Halls of Residence;
- j) Requirement for the student to attend a relevant support service;
- k) Reasonable requirement that the student should carry out an activity, which contributes to the University community, particularly where that activity relates to their offence;
- l) Reasonable restrictions on communication with named students or members of staff, either verbally or via written or electronic or other means;
- m) Report to any relevant professional or statutory body (which may in some instances be mandatory);
- n) Referral of case to other procedures, for example the Fitness to Practise Regulations;
- o) Production of an action plan for completion within a set period of time (normally a maximum of three months), where possible with the agreement of the student, setting out actions to be taken to address any issues, by whom, a completion date for any actions, and how and when a review of the action plan will be undertaken.

Annex C – Procedure of Student Disciplinary Committee

- (i) Disciplinary Committee members will meet without the student present to consider matters of process.
- (ii) The student and 'friend' (where accompanied) and the Case Officer (accompanied by a colleague if requested) will join the meeting and the Chair will invite those present to introduce themselves and will outline the procedure of the hearing.
- (iii) The Case Officer outlines the offence against the student including calling any witnesses. Members of the Committee may ask questions of the Case Officer and any witnesses. The student may ask questions of the Case Officer and any witnesses via the Chair.
- (iv) The student will be asked to present their case in response to the alleged offence and call any witnesses.
- (v) The Case Officer may ask questions on any representations made by the student or their witnesses via the Chair.
- (vi) The Committee may question the student and/or the Case Officer and/or any witness for clarification purposes.
- (vii) The Case Officer will sum up their case.
- (viii) The student will sum up their response, which may include any submission in mitigation.
- (ix) Witnesses will be asked to withdraw.
- (x) The student (and friend), along with the Case Officer (and colleague), will be asked to withdraw to allow the Committee to consider its decision.
- (xi) The Committee will consider the evidence in private and reach a decision.

Annex D – Procedure for a hearing of the Appeal Committee

- (i) In the event of a hearing of the Appeal Panel all parties will be notified of the date not less than 15 days before the date of the hearing.
- (ii) The Appeal Committee will call the student and the Chair of the Disciplinary Committee as witnesses. Other witnesses may also be called by the Appeal Committee.
- (iii) Copies of all documentation will be circulated to all parties not less than five working days in advance of the hearing, although later circulation may be allowed at the discretion of the Chair.
- (iv) At the start of the hearing the Chair of the Appeal Committee will invite the student to summarise the grounds for their appeal against the decision of the Disciplinary Committee. The student may call any witnesses upon whom they rely. Members of the Appeal Committee may ask questions of the student and any witness for clarification purposes. The Case Officer or Chair of the Disciplinary Committee may ask questions on any representations made by the student and/or witnesses via the Chair of the Appeal Committee.
- (v) The Chair of the Appeal Committee will then invite the Case Officer or Chair of the Disciplinary Committee to state the case for upholding the findings and decisions. The Case Officer or Chair of the Disciplinary Committee may call any witnesses upon whom they rely. Members of the Appeal Committee may ask questions of the Case Officer or Chair of the Disciplinary Committee and any witness for clarification purposes. The student may ask questions on any representations made by the Case Officer or Chair of the Disciplinary Committee and/or witnesses via the Chair of the Appeal Committee.
- (vi) Having completed any questioning the Chair of the Appeal Committee will ask the parties to withdraw.
- (ix) The Appeal Committee will reach its decision by a simple majority.
- (x) The Appeal Committee, having completed its discussion of the appeal and having reached a decision on the matter in private, shall recall the student and the Case Officer or Chair of the Disciplinary Committee to the meeting.
- (xi) The Chair will then announce the decision on the Appeal Committee to the student and the Case Officer or Chair of the Disciplinary Committee.

Annex E – General Principles

1. General

- a) Students subject to a disciplinary process under these Regulations shall have the right to be accompanied to any meeting or hearing by a 'friend', who may be a Teesside University student or member of staff of the University or Students' Union. The role of the friend is to provide moral support during a meeting or hearing. The friend must not be a witness. The friend is able, at the discretion of the person convening the meeting or the Chair of any relevant committee, make representations and ask questions of witnesses via the Chair.
- b) The University will wherever possible seek to adhere to the time limits outlined in these Regulations; however, in cases where there are special circumstances which require deviation from specified time limits, students will be advised of the reasons for this by the relevant member of staff depending upon the stage the disciplinary process has reached. Reference to timescales in these Regulations relate to calendar days excluding the Christmas closure period of the University and statutory bank holidays.
- c) Students will be given the opportunity to attend any hearings in person. The University reserves the right, however, to proceed with any investigation, summary finding, disciplinary hearing in the absence of a student, subject to the student having been properly notified of the date and time of the meeting or hearing, or in cases where criminal proceedings do not allow the student to attend in person.
- d) The University reserves the right not to proceed with any investigation following an allegation of Misconduct if it is considered that there are insufficient grounds or evidence to do so.
- e) The standard of proof to be adopted during the application of these Regulations will be 'on the balance of probability'. This means that the University is satisfied that, on the evidence available, the student's guilt is more likely than not.

2. Students under the age of 18

Where a student under the age of 18 years old is subject to disciplinary action under these Regulations a responsible adult (normally a parent or guardian) will be asked to attend any meetings held. Where a student under the age of 18 is given a written warning or expelled or suspended from the University, a parent or guardian will be informed in writing.

3. Data Protection

- a) All processing of personal data is undertaken in accordance with the General Data Protection Regulations and the Data Protection Act 2018.
- b) Information relating to allegations made or action taken under these Regulations will be treated as confidential subject to the need to disclose it within the University to the persons and departments named and with the Students' Union. The information will only be used for the purposes outlined in this procedure.
- c) Subject to paragraph 3 b) (above) the University reserves the right to disclose the outcome of any action taken under these Regulations to the Student Loans Company, the Home Office UK Visa and Immigration Service, any applicable Professional Standards and Regulatory Body or the police. In the case of reporting Misconduct to the police, the University will take into consideration the views of any victim before doing so, but will not be bound by these views.
- d) Where a student submits a complaint to the Office of the Independent Adjudicator for Higher Education ("OIA"), relevant information shall be disclosed to that office in order for the review to take place.
- e) Any witness statements made in connection with a disciplinary investigation will be shared with the student accused of Misconduct, as will the identity of those making those statements. If in an exceptional case where there is clear risk of harm the University would vary this position, subject to agreement by the University Secretary.
- f) Where a third party has been involved in a case as a victim of the alleged Misconduct, the University will normally, upon request, provide information on whether the case is being considered, and what the outcome is of any disciplinary hearing consisting of the decision regarding whether it has been agreed Misconduct had occurred and the penalty imposed as identified under these Regulations.
- g) The University reserves the right to refer to disciplinary findings when requested to provide a reference, but would only do so in cases which resulted in expulsion, punitive restriction or suspension, or exceptionally where failure to include mention in a reference would create a material risk in the context of the employment (for example, if it involved working with children). In any such exceptional case, the consent of the University Secretary must be sought before any such reference is made.

- h) The University reserves the right to report any matters to the police if deemed necessary. The University will take into consideration the views of any victim before doing so, but will not be bound by these views.

4. Students with Health Conditions

- a) While diagnosed health difficulties do not necessarily mitigate the imposition of penalties on disciplinary grounds, there may be circumstances where the processes under these Regulations may need to be informed by an understanding of the impact of such difficulties upon a student's behaviour. Where there are such concerns, the Dean of the School/Director of Service, and/or the Case Officer should consult with Student and Library Services both at the initiation of disciplinary proceedings and before any final action is taken. This is to ensure that the student is properly supported throughout the process and that any Disciplinary Proceedings are informed by a clear understanding of the relevance of the student's health condition on the allegation of Misconduct concerned.
- b) Interim action, such as Precautionary Suspensions and Restrictions may be taken against students with health conditions but in such cases, the student should be directed to appropriate support from either within or outside of the University, as part of the process.
- c) Where a student is deemed to be in a state of mind or health, which is perceived to pose a threat to, or affect the welfare of staff and/or students of the University, or is disruptive of the learning and teaching process, the University reserves the right to refer the student under the Fitness to Study Policy & Procedure. In such cases, the University Secretary will make the decision as to if/when cases should be transferred. This does not prevent the University from making a decision to suspend/ restrict or expel a student under these Regulations should the situation warrant it. Any such action will comply with the Human Rights Act 1998 and the Equality Act 2010.

5. External Review

At the conclusion of the University's internal processes under these Regulations, the student shall be issued with a 'Completion of Procedures' letter in the manner prescribed by the OIA. A student who is dissatisfied with the outcome of the procedure under these Regulations may submit a complaint to the OIA under the rules of its scheme within 12 months of the issue of the 'Completion of Procedure' letter. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk> .

6. Support

Wellbeing support for students subject to disciplinary proceedings under these Regulations (or for students who are involved as victims of misconduct, or as witnesses) is available from Student & Library Services and the Students' Union. Students are encouraged to seek support at all stages of this process if required.

7. Anonymous Allegations

Anonymous allegations will not normally be considered unless they are accompanied by clear and verifiable evidence which points to Misconduct in which case the person in receipt of the information will be considered to have 'discovered evidence of Misconduct'.

8. Witnesses

- a) The student will normally be told the names of any witnesses whose evidence is relevant to his/her disciplinary case, unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the student who is subject to disciplinary proceedings.
- b) If a student's disciplinary case is to be considered at a hearing by either the Committee or the Appeal Committee, both parties may call witnesses, who have relevant evidence to provide which has a bearing on the material aspects of the case. The witnesses will only be invited to attend the portion of the hearing when their evidence is required for consideration, and are expected to leave at the conclusion of their evidence. It is the parties' responsibility to inform their witnesses of the date, time and venue of the hearing and provide them with copies of appropriate documentation.
- c) The Secretary of the Committee or Appeal Committee, on behalf of the Committee, may call for written witness statements in support of the allegation in advance of the hearing. If such statements are obtained, all parties will be entitled to see them in advance of the hearing and normally at least five days beforehand.
- d) Witness evidence presented at the hearing will normally be oral, given by witnesses appearing in person. The Committee or Appeal Committee may accept a witness' written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to

attend, or where in the opinion of the Chair it is for some other reason in the interests of justice to do so.

- e) The presentation of any new witnesses, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in an adjournment of proceedings to provide all parties with the opportunity to consider the matter.
- f) The Chair may call any appropriately qualified persons to give technical or expert evidence. The Chair may adjourn or postpone the hearing pending provision, and consideration by the parties, of the relevant expert report. In such cases, it is the responsibility of the Chair to ensure that the witness is provided with the appropriate documentation.
- g) A witness may be recalled to give further evidence only with permission of the Chair.

9. Communication

For the purpose of this process, written communication with a student and relevant staff can be in paper or electronic format e.g. email. Students are expected to check regularly their University e-mail account. Written communications may also be sent to the current term-time address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these Regulations, nor will it be accepted as grounds for appeal.

10. Behaviour at Meetings/Hearing

All participants at meetings and hearings are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair of the meeting or hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, progress of the meeting/hearing is being hampered by a participant's behaviour.

11. Location of Meetings/Hearings

Any meeting/hearing will normally be held at either the University's Middlesbrough or Darlington campuses. Students and staff based in other locations may either attend the relevant campus or participate in meetings/hearings electronically for example, Skype. Those who wish to do so must inform the relevant Chair prior to the meeting/hearing.

12. Partner Colleges

Any student undertaking a University affiliated course at a Further Education College is subject to the conduct and disciplinary regulations applicable to that institution. Any such student excluded on grounds of disciplinary has the right to request a review from the University. A request for a review should be sent to the University Secretary within 10 days of the decision being notified to the student in writing.

13. Recording of Proceedings

A written record shall be kept of any meetings/hearings held under these Regulations and may be used as part of proceedings. The audio recording of a meeting/hearing held under this process is prohibited subject to such reasonable adjustments as may be agreed by the University where required under the Equality Act 2010.

14. Document Retention

Any documentation obtained, or produced, as part of this process will be kept in accordance with the University's Classification Scheme and Retention Schedule.

15. Monitoring and Evaluation

- a) At the conclusion of a disciplinary matter, the formal record of proceedings and any penalty imposed on the student will be retained in accordance with the University's Classification Scheme and Retention Schedule.
- b) Once a year, Schools/Departments should normally submit to OSCAR an annual report on the aggregated data about the use of this process. The report shall provide statistical data, identify any trends, or wider issues. OSCAR shall transcribe this into its annual report to the relevant University Committee/Boards, and make any observations and/or recommendations that may assist the University to further good practice in the management of this process.