

**STUDENT CONDUCT AND DISCIPLINE RULES****1 Statement of Student Conduct**

**1.1** As a Middlesex student, you are expected to conduct yourself at all times in a manner which demonstrates respect for the University, your fellow students and its staff. You are an ambassador for the University, and you are expected to behave in a way that enhances the reputation of the University and all of its students and graduates, and that is sensitive to our culturally diverse environment. You are encouraged, with the support of the University, to engage actively in the learning process, to be fully committed to your studies and determined to succeed.

**2 Rationale for the Rules**

**2.1** These Rules are intended to provide fair and orderly procedures for maintaining reasonable student conduct and behaviour whilst enrolled at the University. The rules and regulations of the University, which require students to conduct themselves appropriately and enable the University to discipline students in the event of misconduct, form part of the terms of the contract between the parties which students become a party to on enrolment to the University.

**2.2** These rules should also be read in conjunction with the Student Charter which sets out what a student can expect from the University; what the University expects from each student, and; what each student can expect from the Students' Union.

**2.3** The Rules will be used so as to protect the right of all students to pursue argument, discussion and activities proper to their study in higher education. All students are encouraged to participate in debate and a wide range of activities, whether this is directly related to their own study programmes or to matters of wider community and public interest. Equally, all students are expected to respect the rights of others to study, to work and to participate freely in the life of the institution. This is consistent with the Mission Statement of the University, with the traditions of higher education, and with freedom of speech and association in a democratic society.

**2.4** The University is committed to treating all students fairly and to not make presumptions prior to collating evidence. The University has regard to the various duties and obligations they have to all students, in particular applying the principles of natural justice i.e. the right to a fair hearing before an impartial decision-maker. Only will a matter warrant a disciplinary panel where there is sufficient and appropriate evidence.

**2.5** It is the intention of these Rules to encourage the development of mutual respect between all members of the university community. To this end, it is important that students exercise their rights responsibly and with respect for others, and so contribute to the orderly running of the institution as a whole. This is the context in which these rules and procedures should be read and used.

**2.6** The Rules are set out in clear stages so as to be a guide to students and to staff. Except in the case of serious offences, the penalties are intended to operate as a series of warnings, with the authority to suspend or expel a student from the University being reserved to the Director of Student Affairs (or nominee from Senior Management).

**2.7** The Student Conduct and Discipline rules operate within the Cause4Concern procedure which is the mechanism for channelling non-academic concerns regarding a student ([unihub.mdx.ac.uk/your-support-services/cause-for-concern-procedure](http://unihub.mdx.ac.uk/your-support-services/cause-for-concern-procedure)).

**3 Types of Student Misconduct and Consequences**

**3.1** The table below sets out the types of behaviours which the University defines as non-academic misconduct. These are separated into misconduct against the University, misconduct against property, misconduct against a person, and misconduct against the community. The behaviours listed in the table are not exhaustive.

**3.2** Section F of the University's Regulations refers to Infringement of Assessment Regulations / Academic Misconduct.

**3.3** The University uses a system of warning points ranging from 0-4 to quantify the level of consequence as a result of the misconduct. The final column in the below table gives an indication of the range of the number of warning points such a behaviour is likely to carry. The number of warning points indicated next to the behaviour is for guidance purposes only as an indication to the gravity of the misconduct. Section 10 provides further information on the warning system.

### 3.4 Table of types of misconduct and consequences

<b>Misconduct against the University</b>		
<b>Type of Misconduct</b>	<b>Example of Misconduct</b>	<b>Level of Warning</b>
<b>Obstruction of the working of the University</b>	<ul style="list-style-type: none"> <li>• Acts/omissions/statements intended to deceive the University (e.g. withholding information required for statutory purposes)</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>• Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>• Disruption of the workings of the University:               <ul style="list-style-type: none"> <li>• Administrative (e.g. refusal to present an student ID card when requested by an employee of the University);</li> </ul> </li> </ul>	0-2
	<ul style="list-style-type: none"> <li>• Academic (e.g. disruption of teaching or learning environment through the usage of a mobile phone);</li> <li>• Sporting and Social (e.g. disruption at an MDX house event).</li> </ul>	0-4
<b>Reputational Damage</b>	<ul style="list-style-type: none"> <li>• Behaviour which could have damaged the reputation of the University or could have brought the University into disrepute</li> </ul>	0-2
	<ul style="list-style-type: none"> <li>• Behaviour which has damaged the reputation of the University or brought the University into disrepute</li> </ul>	2-4
<b>Deceitful Behaviour</b>	<ul style="list-style-type: none"> <li>• Fraud/attempted fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University</li> </ul>	0-4
	<ul style="list-style-type: none"> <li>• Knowingly making a false and vexatious allegation against the University or against any student or staff member</li> </ul>	2
	<ul style="list-style-type: none"> <li>• Use or issue of fraudulent documentation relating to qualifications and academic performance.</li> </ul>	3
	<ul style="list-style-type: none"> <li>• Use of issue of fraudulent documentation NOT relating to qualifications or academic performance.</li> </ul>	4
	<ul style="list-style-type: none"> <li>• Blackmail, attempted blackmail</li> </ul>	4

<b>Misconduct against Property</b>		
<b>Type of Misconduct</b>	<b>Example of Misconduct</b>	<b>Level of Warning</b>
<b>Damage to Property</b>	Causing damage or defacement to university or associated property or the property of students, employees or visitors to the University caused by:	
	<ul style="list-style-type: none"> <li>• misuse/inappropriate use of property</li> <li>• negligence</li> </ul>	0-1 1-2

	<ul style="list-style-type: none"> <li>reckless behaviour</li> <li>intentional behaviour</li> </ul>	2-3 3-4
<b>Unauthorised or Inappropriate Use Of Property</b>	• Misuse of university premises or property, for example using a computer lab for a social gathering	0-2
	• Unauthorised use of/entry onto university premises or property, including computers and laboratory equipment	0-2
	• Unauthorised recording of a learning activity (see regulations C17 UG and C16 PG)	1
	• Unauthorised publication of a recorded activity (e.g. on YouTube, Facebook etc.) including malicious or defamatory comment	3
	• False activation of a fire alarm	3
	• Deliberate misuse of the university computer network e.g. hacking	3-4
<b>Taking Of Property</b>	• Taking property belonging to another person without permission	1-2
	• Stealing personal property excluding cash	2
	• Stealing cash and goods	3
	• Repeated act of stealing	4
<b>Causing A Health Or Safety Concern</b>	• Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas)	1-4
	• Act/omission that did cause or could have caused serious harm, injury or impairment of safety on University premises or during University activities (for example, disabling fire extinguishers or covering up a smoke detector)	2-4

**Misconduct against People**

Type of Misconduct	Example of Misconduct	Level of Warning
<b>Physical Misconduct</b>	• Pushing	0-1
	• Shoving	0-1
	• Punching	2-4
	• Kicking	2-4
	• Slapping	2-4
	• Pulling hair	2-4
	• Biting	2-4
	• Use of inappropriate (violent, aggressive, abusive, threatening, defamatory or offensive) language	0-2
	• Sending inappropriate, messages by email, text or on social media	0-2
	• Repeatedly contacting another person (by phone, email, text or on social networking sites against the wishes of the other person)	1-3
	• Any form of harassment* in person, including acting in an	2-4

<b>Abusive Behaviour</b>	intimidating and hostile manner	
	• Any form of repeated harassment in writing, by email, via the internet (including social media) or otherwise	4
	• Threats to hurt another person	2-4
	• Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age	2-4
	• Intimidation: verbal or physical	3
<b>Sexual Misconduct</b>	• Making unwanted remarks of a sexual nature	0-2
	• Inappropriately showing naked or semi-naked images to another person, for example, via social media	1-2
	• Intimate contact without consent i.e. kissing, touching	1-2
	• Indecent public exposure (flashing)	2-4
	• Sharing sexualised materials of another person (whether fully naked or not) without consent	3-4
	• Sexual harassment, stalking or persecution (virtual or real) of someone with unwanted and obsessive attention	2-4
	• Bullying behaviour (physical or non-physical) based on a person's sexuality or gender.	2-4
	• Attempted sexual assault or rape	4
	• Sexual assault	4
	• Sexual intercourse or engaging in a sexual act without consent	4

\*harassment - unwanted conduct which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

<b>Misconduct against the Community</b>		
<b>Type of Misconduct</b>	<b>Example of Misconduct</b>	<b>Level of Warning</b>
<b>Antisocial behaviour on campus</b>	• Smoking/E-smoking on University premises, other than in designated smoking area	1
	• Consumption of alcohol in a teaching/learning environment unless explicit permission has been granted e.g. as part of a private viewing or show	1
	• Excessive printing or copying, or other unauthorised use of printing or copying facilities as outlined in the <i>Printing and photocopying policy and guidance for students</i> .	1

<b>Antisocial behaviour within a Hall of Residence</b>	• Inconsiderate behaviour towards others within a hall of residence	0-2
	• Noise nuisance, such as playing loud music or slamming doors (within a hall of residence)	0-2
	• Offensive or disruptive behaviour in Halls of Residence	0-2
	• Repeated antisocial behaviour within Halls of Residence	2-4
<b>Antisocial behaviour in any location</b>	• Environmental damage including littering, dumping of rubbish, inappropriate usage of bins, fly-tipping	0-2
	• Inconsiderate or inappropriate use of vehicles, including inconsiderate parking and vehicle noise	0-2
	• Misuse of fireworks	2
	• Repeated inconsiderate behaviour towards others including parking	2-4

**3.5** Penalties are determined depending upon the gravity of the case and/or the ongoing nature of the misconduct. The greater the severity of the misconduct, the greater the number of warning points and the greater the severity of the penalty. The range of penalties available include: a formal warning, restrictions/conditions, a written apology, suspension or expulsion.

**3.6** Warning points issued under Academic Misconduct regulations (see section F) will be accumulated with warning points issued under these rules.

**3.7** Where a student is enrolled on a programme leading directly to a professional qualification or to the right to practise a particular profession or calling, any conduct which renders that student a person not fit to be admitted to and practise that profession or calling is deemed to be misconduct.

Please note: for some professional programmes there are separate 'Fitness to Practice' panels which consider this issue and which work in conjunction with these regulations. Delegated authority is given to professional leads which are in a position to make professional standard judgements and undertake an appropriate risk assessment.

**3.8** Students shall update on UniHub their term time and permanent addresses within seven days of any change to those addresses. They should also inform the UniHelp desk should they depart the University before the scheduled end of their programme.

#### **4 Rationale and Scope of the Rules on Student Conduct and Discipline**

**4.1** In the exercise of the powers conferred upon it under Article 12.3 of the Articles of Government made on 29 March 1993 the Board of Governors makes the Rules in this document concerning the conduct and discipline of students. Action taken under these Rules shall supersede any action taken under any other rules relating to the conduct of those enrolled with the University.

**4.2** Students accept, subject to their signed agreement as part of the enrolment process each year, that they will comply with:

- the Articles of Government for Middlesex University as for the time being in force (a copy may be seen on application to the Clerk to the Board);
- the code of conduct, the rules for discipline, or such other lawful regulations or directions, as may at any time be made or given by or on behalf of the Board of Governors or the Vice-Chancellor with reference to the conduct or management of the University, being regulations or directions, either notified to the student individually or displayed within the University wherever general notices to students are usually displayed.

**4.3** Students shall observe all lawful regulations or directions in relation to their attendance and their studies which may be made or given by staff of the University acting by authority of the Vice-Chancellor. Breach of the provisions of the Policies, Codes, Rules and Regulations of the University or failure to comply with a previously-imposed warning under this Code or any other Policies, Codes, Rules and Regulations of the University will result in disciplinary action.

**4.4** Students shall observe all lawful regulations or directions in relation to the effective organisation and management of the University, which may be made or given by staff of or contractors to the University acting by authority of the Vice-Chancellor (for example, regulations or directions in relation to safety, car parking, the occupancy of residential accommodation, the use of the Library, the use of facilities for computing, sport, refreshments, entertainment events and the payment of fees and charges).

**4.5** The conduct covered within these Rules shall constitute misconduct if it takes place on University property or premises or elsewhere if the student concerned was involved in a University activity, was representing the University or was present at that place by virtue of their status as a student of the University, including any work placement.

**4.6** It shall also constitute misconduct in any location whatsoever if the actions bring the good name of the University into disrepute.

**4.7** The Student Conduct and Discipline rules extend to alleged misconduct by a student occurring on or off university premises (including via social media) where the alleged victim is the University itself, a student or employee of the University or others visiting, working or studying at the University and to alleged misconduct occurring during university activities (including placements and field trips).

**4.8** The University is committed to putting in place measures to ensure students are dealt with fairly and impartially. Part of this commitment includes the ability to bring representation to meetings under this policy, and our commitment to enable students to continue with their studies wherever possible.

**4.9** This policy/procedure relates to all Middlesex University provision at our London and overseas campuses. The principles will apply in all cases but where appropriate local structures and requirements will be agreed as exceptions to operational practice.

### **The disciplinary process**

#### **5 Stage 1: Early Resolution and Reporting**

**5.1** Where a student engages in any activity which may constitute misconduct under the University's Student Conduct and Discipline rules, the following procedures shall apply.

**5.2** Where issues concerning student conduct and behaviour arise in the day to day running of the University, where possible, these issues are to be resolved at a local level by a member of staff or a contractor. For example, in relation to the running of the Halls of Residence, clauses 27 and 28 of the Terms and Conditions of Residence set out how such issues will be dealt with at a local level.

**5.3** With respect to student conduct and behaviour in a learning or teaching environment, appropriate senior managers are empowered to impose 0 warning points in the form of, for example, a written warning. Senior managers do not have the authority to impose sanctions greater than 0 warning points.

**5.4** If it is not possible and/or appropriate to deal with an issue at a local level or the issue concerns misconduct which appears to be actually or potentially serious i.e. is deemed to warrant a sanction greater than 0 warning points, the matter shall be reported to the attention of the Director of Student Affairs (or nominee) or referred through the Cause4Concern procedure (<http://unihub.mdx.ac.uk/your-support-services/cause-for-concern-procedure>).

**5.5** If a concern is reported to the Director of Student Affairs (or nominee), or referred through the Cause4Concern procedure, the student will normally be informed of this.

**5.6** Dependent on the nature of the concern and the information available, a decision will be made by the Director of Student Affairs (or nominee) on whether or not to exclude or suspend the student pending further investigation. A risk-based approach may be used to inform this decision.

**5.7** The University is committed, where possible, to ensuring students can remain engaged in their studies whilst disciplinary proceedings are ongoing and where possible.

**5.8** Suspension is most likely to be used only if the seriousness of the case warrants it.

**5.9** A student who is suspended or excluded pending further investigation will have the opportunity to make representations or request a review of the decision at any stage to the Director of Student Affairs (or nominee) if there is a material change in circumstances.

**5.10** When a concern is reported, the Director of Student Affairs (or nominee) will progress the disciplinary process to Stage 2 and commence investigatory proceedings.

## **6 Stage 2: Investigation**

**6.1** The Director of Student Affairs (or nominee) will commence the investigation stage which constitutes gathering information and collating evidence relating to the allegation of misconduct.

**6.2** Evidence is likely to be, but not exclusively, in the form of a written statement from the reported party/parties; statements from other parties, for example, from a member of staff; reports from, for example, Halls of Residence or Security; other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots. In addition, a student may be invited to attend an investigatory meeting where they will be asked questions relating to the alleged misconduct and provided the opportunity to present their version of events.

**6.3** If an investigatory meeting is required, the student will be requested in writing to attend. The purpose of the investigatory meeting is for the student to answer questions pertaining to the alleged misconduct.

**6.4** At an investigatory meeting, students are entitled to be accompanied by a student or staff member of the University or a Students' Union representative. Legal representation is not permitted.

**6.5** On conclusion of the investigatory proceedings, the Director of Student Affairs (or nominee) shall consider the gravity of misconduct and determine the following:

- To take no further action;
- To issue a written warning;
- To order the making good or restitution of damage or loss i.e. to impose a fine;
- To exclude or suspend the student;
- To set up a disciplinary panel.

A risk-based approach may be used to inform any of the above outcomes.

## **7 Stage 3: Disciplinary Panel**

**7.1** A disciplinary panel is a meeting whereby a student will be required to discuss allegations against them in front of a panel and answer questions relating to the allegation of misconduct.

**7.2** The panel will be made up of stakeholders with the suitable expertise to fairly, impartially and carefully consider the case.

**7.3** The student will have the opportunity to present their version of events and comment on documentary evidence presented to them by the panel.

**7.4** At any disciplinary panel, students are entitled to be accompanied by a student or staff member of the University or a Students' Union representative. Any other representation is not normally allowed except if with express permission by the Chair of the disciplinary panel not less than 24 hours prior to the meeting. Legal representation is not normally permitted.

**7.5** The student will be advised in writing of his or her requirement to attend a disciplinary panel and provided with no less than 5 working days prior notice.

**7.6** The student will have the opportunity to address the panel through a formal written statement in which the student will specifically address the allegations presented against the student.

**7.7** At the disciplinary panel, the panel will consider: the evidence presented before them; the student's response to the allegation; any witness statements, including those provided to the panel in person; and, the gravity (and frequency) of misconduct. It is the panel's responsibility to determine the outcome of the disciplinary hearing and to decide one or more of the following options:

- To take no further action;
- To issue a written warning;
- To order the making good or restitution of damage or loss i.e. to impose a fine;
- To exclude or suspend the student;
- To expel the student.

A risk-based approach may be used to inform any of the above outcomes.

**7.8** The student will normally be informed of the panel's decision as soon as possible after the disciplinary hearing.

**7.9** Should the student choose not to attend the panel they have the right to provide representation in the form of a written statement.

**7.10** Should the student choose not to attend, the disciplinary panel shall continue in the student's absence. The Director of Student Affairs (or nominee) will contact the student in writing thereafter regarding the panel's decision.

## **8 Stage 4: Appeal**

**8.1** The student shall have the right of appeal to the Vice-Chancellor or nominee within 10 working days, giving the grounds for the appeal, if:

- The student is aggrieved by the verdict made by the panel at a disciplinary panel, and wishes to appeal the outcome;
- The student is aggrieved by the decision to suspend or exclude;
- The student is aggrieved by an order to make good of damage or loss i.e. the decision to impose a fine.

**8.2** Working day' refers to a day on which the University is normally open: it does not include Saturday, Sunday, Bank Holidays, or other designated periods of closure outside the academic terms.

**8.3** The Vice-Chancellor (or nominee) shall consider the appeal and shall decide whether to uphold or amend the decision made. The decision of the Vice-Chancellor or nominee shall be final.

**8.4** Following an appeal to the Vice-Chancellor (or nominee), these procedures are now complete, opening the way for the student to approach the Office of the Independent Adjudicator.

**8.5** An appeal to the Office of the Independent Adjudicator should be made in writing to the address below within one year of the student receiving notification that the internal procedures of the University have been completed. They should enclose a copy of the final decision of the University and state the reasons for seeking redress from the Higher Education Independent Adjudicator.

The OIA, Third floor, Kings Reach, 38-50 Kings Road, Reading, RG1 3M, United Kingdom.

Email enquiries may be sent to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). The website address is [www.oiahe.org.uk](http://www.oiahe.org.uk).



## 9 Flow Chart of the Disciplinary Process

### **Stage 1: Early Resolution & Reporting**

- Misconduct resolved at local level by member of staff (by sanctioning a penalty of 0 warning points i.e. a warning letter)
- If resolution at local level not possible or inappropriate, the misconduct is reported to the Director of Student Affairs, nominee, or Cause4Concern.



### **Stage 2: Investigation**

- The Director of Student Affairs (or nominee) gathers evidence (e.g. written statements, reports, emails).
- Student may attend investigatory meeting to answer questions and present their version of events.
- The Director of Student Affairs (or nominee) considers the evidence and determines the following:
  - to take no further action;
  - to issue a written warning
  - to order the making good or restitution of damage or loss in to impose a fine;
  - to exclude or suspend, pending further investigation;
  - to set up a disciplinary panel.



### **Stage 3: Disciplinary Panel**

- Student advised in writing to attend disciplinary hearing in front of a panel to: answer questions about the alleged misconduct and give an account of their version of events.
- Student has the right to be accompanied by a student or staff member of the Students' Union.
- The panel considers all evidence presented before them to decide if:
  - to take no further action;
  - to issue a written warning;
  - order the making good or restitution of damage or loss;
  - to exclude or suspend the student;
  - to expel the student.
- Where 4 or more points have been exceeded, a verdict of suspension, exclusion or expulsion must be reached.



### **Stage 4: Appeal**

- Student has the right to appeal to Vice-Chancellor (or nominee) within 10 working days if aggrieved by the verdict made by the disciplinary panel; the decision to suspend or exclude pending further investigation or; by an order to make good of damages or loss.
- The Vice-Chancellor (or nominee) will consider case.
- The verdict of the Vice-Chancellor (or nominee) ends the University's internal procedures. At this point, the student will be issued with a Completion of Procedures letter which allows recourse to the OIA.

## 10 Warning Points System

**10.1** Where a student's behaviour is being considered by the Director of Student Affairs, either at Stage 2: Investigation or Stage 3: Disciplinary Hearing, then warning points may be used as a penalty (either alone or in combination with other penalties), if considered reasonable and proportionate in the circumstances. Warnings, where considered appropriate, are recorded according to the seriousness and nature of the behaviour. There is no requirement that the University apply warnings where a warning is considered inappropriate to the circumstances and an alternative penalty is applied.

**10.2** Offences, for the purpose of warnings, fall into different levels of seriousness classified on a four point scale: minor — serious — grave — suspension/ expulsion.

**10.3** A guide to the type of warning which might be issued is provided in paragraph 3.3 'Table of types of misconduct and consequences'. However this is only a guide and it is expected that the Director of Student Affairs will use their discretion and take into account the individual circumstances of each offence and vary the type of warning and/or penalty issued accordingly.

**10.4** Warnings recorded remain on the student record for the duration of the student's enrolment at the University.

#### **Accumulation of warnings**

**10.5** Each level of warning is scored on a 0 to 4 basis as follows:

*Number of Warning Points:*

0	Written
1	Minor
2	Serious
3	Grave
4	Suspension and/or Expulsion

**10.6** Where the student has reached or exceeded 4 warning points on their student record, a decision about suspension, exclusion or expulsion must be made, and the student notified normally within two months after the most recent warning point is awarded.

#### **Relationship with other penalties / warnings**

**10.7** The University, independent of these Rules, separately has financial and other penalties which may be imposed such as library fines, use of facilities for which a charge is made, refusal to provide information required by law, reimbursement for loss or damage to the University or personal property of staff, students or visitors, and whereby the use of facilities is regulated. Action taken by the University under those arrangements does not automatically, but may, lead to reference to the Director of Student Affairs for consideration of a warning or for other action under the Rules on Student Conduct and Discipline, any such warning to be additional to any of the foregoing penalties, charges or reimbursement.

**10.8** In the case of false activation of a fire alarm, a fine of £1,000 will be imposed on the student. Where this misconduct occurs within Halls of Residence, notice to quit the halls shall be imposed.

**10.9** The University may record the existence of warnings on any reference supplied.

**10.10** In accordance with section 2.8 of Academic Policy Statement APS7 (Admissions policy), if an applicant has had previous study terminated, the University reserves the right to not consider their application to any programme of study.

### **11 Misconduct which is also a criminal offence**

**11.1** There may be instances where an alleged act of misconduct may also constitute a criminal offence.

**11.2** The nature and scope of the University's internal disciplinary process and the nature and scope of a criminal process are fundamentally different. It is important to maintain a clear distinction between them:

- Under the criminal process, the allegations will be treated as a potential criminal offence; under the disciplinary process, the allegations will be treated as a potential breach of discipline.
- The criminal process is an external procedure. It deals with allegations that a student has committed a criminal act. The allegation has to be proven beyond reasonable doubt. A judge can impose a wide range of sanctions on an individual who is found to have committed a criminal offence, the most serious sanction being imprisonment.
- The internal disciplinary process is a civil matter conducted internally at the University. It is based upon an allegation that a student has breached the University's rules and regulations. The allegation has to be proven on the balance of probabilities. The most serious sanction that can be applied is permanent expulsion from the University.
- Any adverse finding in the criminal process could result in the student having a criminal record and that subsequently could have a serious detrimental effect on the future of the individual concerned at the University.

**11.3** The criminal process takes priority. If the matter is being dealt with under the criminal process, then save for taking any necessary precautionary action, the disciplinary process will be suspended until the criminal process is at an end. In that way, the disciplinary process does not

duplicate the criminal process.

**11.4** If the matter is not being dealt with under the criminal process or where the criminal process has concluded, then the University will consider whether a breach of discipline has occurred and, if so, will consider the matter through the University's Student Conduct and Discipline procedure.

## **12 Procedures for Misconduct Which May Constitute a Criminal Offence**

### **Reporting Incidents**

**12.1** Anyone can make a report of criminal activity to the Police. Where the victim of a criminal offence is the reporting student the University will usually consider the decision to report a criminal offence is a matter for the reporting student.

### **Precautionary Measures**

**12.2** Where an offence under criminal law is reported to the University, action under this Code will be deferred pending any police investigation or prosecution save for taking any necessary precautionary measures:

- to ensure that a full and proper investigation can be carried out (either by police or a university investigator); and/or
- to protect the reporting student or others while the allegation is being dealt with as part of a criminal process or a disciplinary process.

**12.3** Precautionary measures may be put in place if they are reasonable and proportionate and may include:

- Imposing conditions on the accused student (for example, requiring the accused student not to contact the reporting student and/or certain witnesses and/or requiring the accused student to move accommodation)
- Suspending the accused student from his/her studies on a full, qualified or partial basis
- Excluding the accused student (for example, prohibiting the accused student from going to certain accommodation blocks or using the sports facilities or from attending a placement).

### **Criminal Investigation/Prosecution**

**12.4** Where the offence under criminal law is reported to the Police, action under this Code will be deferred pending any police investigation or prosecution. Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining any warning points under this Code. A risk-based approach may be used to assess whether or a student may return to study.

### **Disciplinary Investigation/Charge**

**12.5** If the reporting student will not report the matter to the police or will not co-operate in their enquiries or the accused student is acquitted following criminal process, the University will consider the matter as a potential breach of student conduct and will consider sanctions. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the reporting student.

**12.6** Depending on the nature of the concern, the University will refer the misconduct which constitutes a criminal offence to the police.

**12.7** Sanctions for misconduct involving an illegal act include the following:

- Consumption of and/or possession of illegal substances on University premises or within a Halls of Residence (0-2 Warning Points)
- Dealing illegal substances on University premises or within a Halls of Residence (4 Warning Points)

### **Supporting Students**

**12.8** The University will make available appropriate assistance and relevant information and support to all students involved in disciplinary matters which may constitute a criminal offence,

from the time when the incident is first reported to the University up until the time when the relevant criminal and/or disciplinary process has been concluded and in some cases, beyond that.

**12.9** In cases involving allegations made by one student against another student, the University will afford the same duties and obligations to both students to ensure both are treated fairly. Due regard will be taken to, for example, exercise a duty of care, apply the principles of natural justice i.e. the right to a fair hearing before an impartial decision-maker, comply with equality law duties and uphold human rights.

**12.10** It is the University's priority to ensure, where possible, that the disciplinary process does not impinge a student's academic studies. This may mean, for example, the implementation of no-go areas on the University campus, in place of suspending a student.