

DISCIPLINARY REGULATIONS AND PROCEDURES

SECTION ONE – PRINCIPLES AND THE STUDENT CODE OF CONDUCT

Introduction

1. In this document "we", "our" and "us" refer to Sheffield Hallam University. "You" and "your" refer to students at Sheffield Hallam University. If an allegation has been made against you, you are referred to as the "reported student". If you have raised an allegation against another student, you are referred to as the "reporting student". These regulations apply to all enrolled students at Sheffield Hallam University. They can apply to individual students or to a specific group, e.g. a sports team.
2. We welcome a diverse community of students and staff and embrace equality, dignity and shared mutual respect, in a positive environment where all can feel valued and supported. This environment encompasses not just activities on campus, but also in clinical or other work placements, field trips or sporting activity, or other activities where students are learning away from the campus or are representing the University.
3. As a community we are committed to providing an environment free from discrimination, harassment, or victimisation. Members of our community and others should not face discrimination, harassment, or victimisation with regard to any protected characteristic under the Equality Act 2010. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including philosophical believe and lack of belief), sex or sexual orientation. The University does not tolerate discrimination of any kind, in any form. See annex H for Equality Act 2010 definitions of discrimination, harassment, and victimisation.
4. We are very clear that our community exists in the digital world, as well as the physical world, and that harassment, discrimination and bullying can take place online and in social media as much as they can face to face. What people write on social media is no different to any other form of expression, and students are expected to recognise this in their conduct.
5. The Student Code of Conduct below sets out the standard of conduct we expect of all our students so that everyone can undertake their studies in a supportive and safe environment. The [Student Charter](#) sets out what you can expect from us and what we expect from you. You should also familiarise yourself with the behaviour expected of you in relation to use of the [University's Library facilities](#) and the values you are expected to adhere to as a member of a [Team Hallam sport club](#).

Student Code of Conduct

6. Under the Student Code of Conduct you must
 - i. Behave in a responsible manner.
 - ii. Act with honesty and integrity.
 - iii. Treat others in a considerate and courteous way and with mutual respect including in your communications and use of social media.

- iv. Respect the rights of others (including rights of free speech and academic freedom within the law).
 - v. Act as responsible members of the local community in which you live and behave as a considerate neighbour.
 - vi. Comply with University regulations, policies, procedures and codes of practice.
 - vii. Abide by the law.
 - viii. Adhere to University safeguarding guidelines during placements.
7. Examples of behaviour which breaches the Student Code of Conduct include (but are not limited to) the following:
- **Physical misconduct** – pushing and shoving, causing injury to others, assault, causing physical harm.
 - **Sexual misconduct** – engaging in (or attempting to engage in) a sexual act without consent, sharing private sexual material without consent, touching, or kissing without consent, making unwanted remarks of a sexual nature.
 - **Abusive behaviour** – threatening, abusive, disorderly, or unreasonable behaviour, verbal abuse, intimidation, acting in a hostile manner.
 - **Harassment** – engaging in unwanted attention, stalking, and following, behaviour which causes fear or distress to others, bullying behaviour, comments and/or actions which intend to demean others (including postings, messages and comments on all forms of social media including within private groups). It is important to realise that behaviour may still be harassment even if that was not the intention.
 - **Property** – causing damage to property, misuse of property (e.g. computers and laboratory equipment), defacement of property, unauthorised entry to property, theft. This mainly relates to University property or the property of students, employees or visitors to the University.
 - **Drugs and alcohol** – unacceptable behaviour arising from the consumption of drugs or alcohol, supply, cultivation, or possession with intent to supply controlled substances.
 - **Health and Safety** – actions/omissions that cause or could have caused a health and safety concern (e.g. smoking in non-designated areas, misuse of fire equipment, failure to evacuate during fire alarms), possession of an offensive weapon including imitation or replica products.
 - **Anti-social behaviour** – behaviour that damages or has the potential to damage the University's relationship or reputation in the local community, causing distress to others through anti-social behaviour (e.g. excessive or unacceptable levels of noise, failure to respect the rights of others including the rights to free speech and academic freedom within the law and the right to peaceful protest).
 - **Disruption** – intention to interfere or cause disruption to the operation or activities of the University, behaviour that could cause damage to the reputation of the University, failure to disclose name or student id to an employee of the University when it is reasonable to require such information, interfering with a disciplinary investigation (e.g. by disposing of evidence, intimidation of witnesses, retaliation, making vexatious or malicious conduct allegations), failure to respond to reasonable requests or directions by University staff, downloading of unauthorised material using University IT equipment or IT account, recording of lectures, academic session or

conversations without consent from the person involved, making available to others audio recordings or visual images from a teaching session without consent from the person involved.

- **Dishonesty** – acts, omissions or statements intended to deceive the University, impersonation of another student, requesting someone else to impersonate a student, deliberate falsification of records, providing fraudulent documents to the University, providing fraudulent University documentation to a third party.
 - **Initiation activities** – initiation ceremonies or initiation-style activities are not permitted. This includes activities designed to degrade, demean, or humiliate participants irrespective of their willingness to participate, activities intended to lead participants to behave in a way that would bring the University into disrepute.
 - **Criminality** – conduct which has resulted in a custodial or other sanction following police investigation.
8. There are various other University policies and regulations that apply to students, breaches of which may, where appropriate, be dealt with as breaches of the Student Code of Conduct. These regulations and policies include (but are not limited to):
- [Regulations for the use of IT facilities and learning resources](#)
 - [Health and Safety Policy](#)
 - [Academic Conduct Regulation](#)
 - [Student Anti-Harassment Policy](#)
 - [Freedom of Speech Code of Practice \(including the External Speaker Procedure\)](#)
9. There is a separate [Student Fitness to Practise Regulation](#), which applies to courses that include or lead to a professional qualification or that confer practitioner status. Concerns about your professional suitability are normally dealt with under the Fitness to Practise Regulation, rather than under the Disciplinary Regulations. Where the alleged misconduct is dealt with under this Regulation and you are found to have breached the Student Code of Conduct, the outcome of the case will also be considered under the Fitness to Practise Regulation.
10. These Regulations do not deal with:
- academic misconduct – this is addressed in the [Academic Conduct Regulation](#)
 - research misconduct – this is addressed in [Procedures for Dealing with Research Misconduct](#)
 - conduct by staff towards students – complaints about staff can be made via the [Student Complaints Procedure](#).
11. These procedures are intended to address misconduct rather than to resolve disputes between students. You must take personal responsibility for maintaining good relationships with your fellow students and housemates. It is not expected that you will raise minor disagreements and differences with others under this procedure. For advice regarding how to manage a difficult relationship issue, contact [Hallam Union Student Advice Service](#).
12. This Regulation and procedure is not a criminal process and does not seek to establish whether a student has committed a criminal offence. Instead, it seeks to establish whether a student has committed misconduct by breaching the Student Code of Conduct. Where an allegation of misconduct is or may constitute a criminal offence that is being dealt with or may be dealt with by the police and criminal justice system, we may liaise with the police to ensure that University actions do not prejudice police and/or criminal justice system proceedings. Therefore, University proceedings may be suspended until police and/or legal proceedings have concluded.

13. Based on a risk assessment, we may suspend/temporarily exclude reported students against whom allegations are made on a precautionary basis, pending investigation under this procedure. This is not a determination of guilt; it is a way of managing risk until the facts are clear. This suspension may be from placement, from teaching, from the campus, or from all those activities. Wellbeing support will remain available to students who are under suspension.

General Principles

14. The Vice-Chancellor has overall responsibility for maintaining student discipline. The Director of Academic Services (or nominee) is responsible for advising on the interpretation of the Disciplinary Regulations and for reporting on their operation.

15. Nothing within these Disciplinary Regulations prevents any member of staff from taking reasonable emergency action to prevent, stop, minimise, or otherwise control your conduct if the member of staff decides it is likely to cause immediate harm to others, disrupt the proper functioning of the University, or cause immediate damage to property.

16. We strongly encourage anyone making an allegation to share their name, unless there are good reasons for anonymity. This helps us ensure that any issues can be resolved in an atmosphere of trust, openness and fairness that preserves ongoing relationships. If an allegation is made anonymously, it can be much harder to investigate and to preserve fairness to all parties. Allegations that are made anonymously will be considered at our discretion. In exercising this discretion, the factors that will be taken into account will include:

- the gravity of the allegation
- the credibility of the allegation
- the likelihood of being able to conduct a fair investigation
- whether there is good reason for the complainant to remain anonymous.

17. At all points in a misconduct investigation, we will support the reporting student, the reported student, and any student witnesses. The process will consider any relevant reasonable adjustments as indicated in a Learning Contract.

18. We expect all students who are involved in any capacity, whether this is a reporting student, a reported student, or a witness, to act reasonably, honestly and fairly, and to cooperate and treat the process with respect.

19. It is expected that allegations will be raised in a timely fashion. Delays in raising allegations can seriously impair the ability of the University to conduct a robust and fair investigation.

20. You can bring someone with you to support you during any meetings held under this process. This may be a friend, a family member, a support worker, or a member of staff from the Students' Union Advice Service. The procedure does not seek to mimic the legal justice system and therefore, should not be adversarial or overly legalistic; therefore, there is no need to have formal legal representation. This supporter will not normally speak on your behalf. You must give the name and position of any accompanying person to the secretary at in advance of a meeting in line with the timescales stipulated in your meeting request. We reserve the right to refuse to permit attendance of the person you choose where there is good reason.

21. Disciplinary action may be taken against you if you:

- persistently make allegations outside of this procedure; and/or
- do not respect the confidentiality of other parties during an investigation; and/or
- persistently seek to publicise allegations about other staff or students that have been resolved or not upheld; and/or

- are adjudged to have made malicious or vexatious allegations.
22. Those investigating or adjudicating under these Regulations will do so impartially. All staff involved in a case will respect the confidentiality and information arising from it, and only disclose information as is necessary, for example for the proper investigation and conduct of the case.
23. We aim to deal with allegations of misconduct as quickly as possible whilst recognising the need for thorough investigation. We aim to complete the initial investigation and any formal stage of the process within 45 working days of the allegation being raised. If you request a review of the decision, we aim to respond within 20 days of your request for review.
24. If you leave the University, we reserve the right to complete action under these Regulations if we have already started it. If you are on a break in study, you remain bound by our regulations throughout the break, and we reserve the right to take any investigatory steps including formal disciplinary action under these procedures. We also reserve the right to act on allegations of misconduct which occurred when you were a student for up to six months after you cease to be a student.
25. The standard of proof required to deem you have breached the Student Code of Conduct is on the balance of probability, i.e. that based on the evidence available, it is more likely that the alleged breach occurred than not.
26. When deciding that a breach of the Student Code of Conduct has occurred, if there have been prior breaches of a similar nature, we may take this into account when reaching a decision.
27. When considering a sanction for a breach of the Student Code of Conduct, if there have been any prior breaches, we may take this into account when reaching a decision on the level of sanction to be applied.

SECTION 2 - PROCEDURES FOR DEALING WITH ALLEGED BREACHES OF THE STUDENT CODE OF CONDUCT AND FORMAL DISCIPLINARY ACTION

How an allegation is raised

28. Students and staff can raise a concern about the behaviour of a student via the following methods:
- through contacting Hallam Help
 - via the [Hallam Help Portal](#)
 - through a Student Support Adviser
 - contacting the Student Policy and Compliance team by emailing StudentConduct@shu.ac.uk
 - via [Report and Support](#)
29. You can raise a concern about another student, another student can raise a concern about you. Members of staff, members of the public, placement providers, the police can raise concerns about you.

Investigation stage

30. An initial assessment of the case may mean that specific procedures could be instigated. This could be as follows:-
- If the allegation constitutes a criminal offence – see Annex A
 - If the incident occurred on placement – see Annex B
 - If the incident occurred in the University Library – see Annex B

- And/or whether we have evidence that you are experiencing mental health difficulties - see Annex C
31. It could be that immediate precautionary action needs to be taken at the point that an incident is reported to us. See Annex D for details of this procedure.
 32. The University Student Policy and Compliance Team will appoint an Investigating Officer to review or investigate any allegations received. The Investigating Officer will consider information provided and decide whether further investigation is required, and if so the details of such investigation. Where there appears to be a clear case of misconduct the matter may be referred directly to either the Formal Stage 1 or Stage 2 without an initial investigation.
 33. As part of an investigation, you may be invited to an investigatory interview. This will not be a formal disciplinary meeting but may be part of the process for deciding whether disciplinary action is warranted. The interview notes of such a meeting may be used in a formal disciplinary meeting. You will be given two working days' notice of the interview, be given a written specification of the allegations, and be told that you have the right to be accompanied at the meeting. If the matter is urgent and must be expedited, we reserve the right to schedule a meeting in less than two working days. You will be notified of the reasons for this in writing.
 34. Either based on an initial assessment on receiving an allegation, or based on the information collected during the investigation, the Investigating Officer will select one of the following options:
 - (i) there is no case to answer and no action should be taken.
 - (ii) that some form of internal resolution is appropriate – see Annex E
 - (iii) the case should be referred to the Formal Stage 1
 - (iv) the case should be referred to the Formal Stage 2
 35. Should the Investigating Officer conclude that some form of internal resolution is required, you may be invited to attend an informal meeting with a member of staff to discuss the matter, if such a meeting has not already been conducted as part of the investigation. The outcome of this meeting will be recorded in an email to you. The outcome may be referred to only if there are further concerns subsequently about your conduct. Allegations that are dealt with through such an informal meeting would not normally then be referred to a disciplinary meeting or hearing unless further information arises which leads to the misconduct to be considered more serious.

Formal Stage 1

36. You will be invited to a Formal Stage 1 meeting with a manager from the University Student Policy and Compliance Team to discuss the allegation. The manager could have been the Investigating Officer. You will be notified in writing what the alleged misconduct is and what evidence there is. At the meeting you will be able to give your account of events and provide any evidence relating to the allegation. Upon reviewing all the information, the manager will decide whether there has been a breach of the Student Code of Conduct and will make a recommendation to the Academic Services Director (or nominee) on a sanction where appropriate.
37. One or more of the following sanctions may be set as an outcome from the Formal Stage 1:
 - (i) A written warning advising of the likely consequences of a further breach of the Student Code of Conduct
 - (ii) A behavioural contract
 - (iii) A requirement for you to pay reasonable costs in respect of any identified and quantified damages and/or losses suffered by the University and/or third parties as a result of your actions.
 - (iv) Withdrawal of specified services and/or exclusion from specified areas of the University

- (v) Restorative justice, e.g. letter of apology, voluntary work (where relevant opportunities are available)
- (vi) A requirement to participate in a programme to educate students about misconduct and its consequences.
- (vii) A temporary restriction on access to facilities or buildings, or contact with staff and/or other students, for a period not exceeding the remainder of the current academic session, providing that this does not prevent your academic progress.
- (viii) Suspension or temporary suspension from a University Sports team, and/or prohibited from participating in/ representing Sheffield Hallam at University Sporting events.
- (ix) Any sanction available under a related procedure as referred to in point 8.

38. You will be notified of the decision within five working days.

39. The member of staff may also decide that the offence should be considered under the Formal Stage 2. The member of staff will refer the case to the Director of Academic Services (or nominee) for consideration.

Review of Formal Stage 1 decision

40. You may request a review of the decision that misconduct occurred, and/or a review of the sanction set, by writing to appealsandcomplaints@shu.ac.uk within 10 working days of the written decision being sent to you.

41. The grounds for requesting a review are:

- evidence of a procedural irregularity.
- evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the Formal Stage 1 meeting.
- the penalty imposed was disproportionate to the offence.

42. The Group Director for Student and Academic Services (or nominee) will review the papers but will not re-hear the case. The decision is final, and you will have no further right of review. The following are possible outcomes from the review:

- uphold the original decision.
- uphold the original decision but reduce the sanction.
- overturn the original decision and remove the sanction.

43. The Group Director for Student and Academic Services may reject a request for review if in their view, it is out of time or not made on the allowable grounds. You will be notified of this decision and issued with a Completion of Procedures letter.

Formal Stage 2

44. If it is decided that the alleged misconduct should be considered under Formal Stage 2, a report will be made to the Vice-Chancellor, who will either:

- (i) agree that there is a case to answer at Formal Stage 2; or
- (ii) refer your case back for action under the Formal Stage 1; or
- (iii) request further investigation before taking a decision; or
- (iv) decide that no further action should be taken.

45. The Student Disciplinary Panel will comprise of three members of the University community. One member will be appointed as the Chair and will be a senior member of University staff. The two other members will be a member of staff and a sabbatical officer from the Students' Union or

nominee. No member of the Student Disciplinary Panel will have had any previous involvement with your case.

46. In attendance at the meeting will be a Case Presenter who will present the allegation of misconduct against you. A Secretary will also be present who will produce a written record of the proceedings. Neither the Case Presenter nor the Secretary will be members of the Student Disciplinary Panel.
47. The meeting will be arranged as promptly as possible. You will be sent:
- written notice of the date and time of the meeting.
 - a written statement of the alleged misconduct.
 - the evidence; and
 - names of any witnesses whom the Case Presenter will call.
48. We will normally send this information so that you receive it 10 working days before the meeting, unless the matter is urgent and must be expedited, the reasons for which will be explained to you in writing.
49. At least 48 hours before the meeting you may submit to the Secretary:
- your written statement in response to the alleged misconduct
 - any other relevant documentation; and
 - names of any witnesses whom you will call.
50. If you do not attend the meeting without valid reason, the Student Disciplinary Panel will consider your case and set a sanction if appropriate in your absence without further notice.
51. The Student Disciplinary Panel will operate in accordance with the procedure outlined in Annex F.
52. The Student Disciplinary Panel will only consider evidence presented before or during the meeting. This will normally be written evidence presented before the meeting, but exceptionally may be oral evidence presented during the meeting by witnesses appearing in person.
53. The Student Disciplinary Panel will decide initially whether the Student Code of Conduct has been breached, i.e. to uphold the allegation of misconduct.
54. If the Student Disciplinary Panel decides that misconduct occurred for which you are responsible, it will impose one or more of the sanctions listed in section 32 and in addition can consider:
- (i) suspension from the University for a specified period, up to and including three academic terms or an equivalent period.
 - (ii) exclusion from specified areas of the University, or University activities, for the duration of the student's enrolment at the University.
 - (iii) the withdrawal of an award already made.
 - (iv) the non-conferment of an award
 - (v) no admission to a further course at the University for a fixed period or indefinitely.
 - (vi) recommendation to the Vice-Chancellor for expulsion from the University.
Expulsion means that you permanently and immediately cease to be a student at the University and are withdrawn from any programme of study or modules taught by or validated by the University. You cannot apply or be admitted to any programme of study or module taught by or validated by the University now or in the future.
55. If the Student Disciplinary Panel rejects the allegation of misconduct it will dismiss the case. You will be notified of this in writing and no record will be kept on your file.

56. The Student Disciplinary Panel will inform you of the decision in writing within five working days of the meeting date and, where the allegation is upheld, will provide you with a report setting out its reasons for upholding the allegation and the factors taken into account in deciding the sanction or sanctions.

Review of Formal Stage 2 decision

57. You have the right to request a review of the finding imposed by the Student Disciplinary Panel, on one or more of the following grounds:

- evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Student Disciplinary Panel;
- that the original meeting was not conducted in accordance with the procedure as set out in Annex F;
- that the sanction imposed by the Student Disciplinary Panel was disproportionate to the offence committed.

58. Requests for reviews must be submitted to the University Secretary in writing within 10 working days of the date of the written notification of the Panel decision. Your request for a review must include:

- the grounds on which your request for review is based; and
- any new evidence which was unavailable to the original Student Disciplinary Panel and upon which you intend to rely; and
- the names of any witnesses you wish to call in relation to the new evidence.

59. The University Secretary may reject a request for review if in their view, it is out of time or not made on the allowable grounds. You will be notified of this decision and issued with a Completion of Procedures letter.

60. The University Secretary (or nominee) will appoint a Student Disciplinary Review Panel. This Review Panel will not re-hear your original case. They will consider the information included within your review request.

61. The Student Disciplinary Review Panel will comprise three members. The Chair of the Review Panel will be an independent member of the Board of Governors. The two other members will be drawn from either the independent members of the Board of Governors or a senior member of University staff (e.g. a member of the University Leadership Team or the Chief Operating Officers Group). No member of the Review Panel will have had any previous involvement with your case.

62. The Review Panel secretary will arrange the Student Disciplinary Review Panel meeting as promptly as possible. You will be sent a written notice of the date and time of the meeting at least five working days prior to the meeting.

63. If you do not attend without valid reason, the Student Disciplinary Review Panel will consider and decide on your case in your absence.

64. You may be accompanied at the Student Disciplinary Review Panel meeting by one other person. The accompanying person may help you to present your case. You must give the name and position of any accompanying person to the University Secretary at least five working days before the meeting. You are not normally permitted to have someone from the legal profession employed to work on your behalf at the meeting. We do not seek to mimic the legal justice system and we believe that legal representation is unnecessary for both you and the University. However, if you believe that your appeal is exceptionally complex, you can submit a request to be accompanied by someone you employ from the legal profession. You must email appealsandcomplaints@shu.ac.uk, at least five working days before the meeting outlining the reasons why you believe this is necessary. The

University Secretary (or nominee) will consider your request. The complexity and the possible consequences of your case will be considered. We will email our response to you within two working days of receipt of the request. If we allow you to be accompanied by someone from the legal profession you should note that:

- they may support and assist you but cannot be your spokesperson. We expect you to present your appeal and respond to the Review Panel yourself;
- you are responsible for their payment; and
- we may also choose to have someone from the legal profession at the meeting. You will be notified if this is the case no less than two working days before the meeting.

65. The Student Disciplinary Review Panel will operate in accordance with the procedure outlined in Annex G.

66. The Student Disciplinary Review Panel may reach one of the following conclusions:

- a) to uphold the original decision and the sanction(s) imposed;
- b) to uphold the original decision, but to lessen the sanction(s) imposed;
- c) to refer the case for re-consideration to a new disciplinary panel;
- d) to overturn the original decision and remove any sanction(s) imposed.

67. The decision of Student Disciplinary Review Panel shall be communicated to you in writing within three working days of the meeting date. At the same time, we will also provide a Completion of Procedures statement. This will confirm that we have finished our internal procedures, and, if you feel your complaint has not been resolved, may enable you to raise your concerns with the Office of the Independent Adjudicator if you wish to do so.

The Office of the Independent Adjudicator

68. If you are not satisfied with the Review of a Formal Stage 1 or Stage 2 decision, you have the right to take your case to the Office of the Independent Adjudicator for Higher Education (the OIA). The OIA is the independent body appointed in the higher education sector to review complaints by students against higher education providers. The OIA will not normally consider a case until the internal procedures of the University have been exhausted and a Completion of Procedures statement is issued.

69. If you have made a report about another student and are not satisfied that we have considered the case in line with this Regulation, you can request a Completion of Procedures at the conclusion of either the investigation or formal stages of the procedure. This enables you to take your case to the OIA.

70. Details of how to make a complaint and the deadlines by which such a complaint must be made can be found on the [OIA's website](#).

Reporting and Monitoring

71. Outcomes of disciplinary cases may be shared with your College, a relevant Directorate and/or Professional, Statutory or Regulatory Body. A file copy of the outcome shall be held for the duration of your registration with the University and may be referred to in the event that a further disciplinary allegation is made against you. It should not normally be referred to in references. There may however be some limited circumstances where disclosure may be justified if the matter is directly relevant to the duty of care which is owed to the recipient of the reference, for instance, where the job applied for requires a high degree of personal integrity or involves a particular responsibility.

72. An annual report of disciplinary cases will be prepared and submitted for the consideration of key governance committees of the institution and ultimately for the Board of Governors. This report will

be anonymous and will primarily focus on a statistical analysis of disciplinary cases against protected characteristics to provide assurance that the procedures have been fairly applied.

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	Clarification to point 20 and Annex B regarding conduct in Library	August 2021	Head of Student Policy and Compliance
	Clarification to point 24 and additions of points 26 and 27	July 2022	Head of Academic Services
	Amendment to align with wording of protected characteristics in Equality Act 2010 and addition of Annex H	April 2024	Head of Student Policy and Compliance

ANNEX A

ALLEGATIONS THAT MAY ALSO CONSTITUTE A CIVIL OR CRIMINAL OFFENCE

- i. Where a police investigation or criminal proceedings have been or are likely to be initiated in relation to the alleged act of misconduct, we may suspend the disciplinary process under this regulation (at any stage) until such investigations/proceedings have been concluded. The Disciplinary Procedure may be resumed at any stage should we deem that to be necessary in the circumstances.
- ii. Where criminal proceedings have been initiated and concluded, the Director of Academic Services (or nominee) will make a decision whether further action under this regulation is required.
- iii. Where an allegation of student misconduct may also be a breach of criminal law, we reserve the right to report this to the Police. University disciplinary processes are not an alternative to investigations by the police.
- iv. If you receive a custodial sentence, you will immediately be suspended until such time that action under this regulation can be completed.

ANNEX B

ALLEGATIONS OF MISCONDUCT WHILST ON PLACEMENT

- i. If you are on placement you will be subject to the Student Code of Conduct and associated procedures of the placement provider, including the provider's absolute authority to dismiss. Dismissal from a placement for misconduct constitutes either misconduct or serious misconduct under the Student Code of Conduct, because it damages, or has the potential to damage, the University's relationship or reputation with an external organisation.
- ii. Where dismissal has resulted from a finding of fact made by the placement provider, this will not need to be reopened by the University. The issue for us to consider will be the seriousness of the offence. Where the placement provider has not gone through a formal disciplinary process, we may need to invoke our own disciplinary procedures.

ALLEGATIONS OF MISCONDUCT TAKING PLACE IN UNIVERSITY LIBRARIES

- i. If you engage in disruptive and/or anti-social behaviour in University Libraries which contravenes the [Library Code of Conduct](#), initial action can be taken by the Director of Library and Campus Services.
- ii. This includes issuing advisory notices regarding your behaviour and/or the immediate suspension from accessing campus Libraries for a specified period of time of up to 2 weeks.
- iii. Repeated behaviour will be reported to the Student Policy and Compliance Team for action under the formal disciplinary procedures.

ANNEX C

STUDENTS WITH MENTAL HEALTH DIFFICULTIES

- i. All students are subject to University Regulations. Students with mental health difficulties are no exception. We therefore expect you to meet the Student Code of Conduct. However, if you are experiencing mental health difficulties, and issues arise which we would normally address under the Disciplinary Regulations, we may use the procedure set out in this annex. Any action will take account of the Equality Act 2010.
- ii. A Case Review Group will be convened to advise us on whether this procedure should apply to you.
- iii. The Case Review Group will normally comprise of the Director of Academic Services or nominee, the Director of Student Services or nominee (Chair), a representative from Student Wellbeing, and a representative from your College. The Chair may include any other persons deemed appropriate.
- iv. The Case Review Group will seek and consider evidence about the incident leading to the Disciplinary Regulations being invoked, and your circumstances. This may include information about any support arrangements currently being provided to you and the effectiveness of the arrangements.
- v. If appropriate you may be asked to attend a meeting with the Case Review Group Chair to discuss your case. The meeting will provide the opportunity for an open appraisal of your current position including whether you have mental health difficulties which could have contributed towards the incident.
- vi. The Case Review Group will report the details of the incident and your circumstances to Investigating Officer, with a recommendation for one of the following actions:
 - to continue to review the allegations under the procedure outlined in this Annex; or
 - to continue to investigate the allegations under the Disciplinary Regulations.
- vii. If the case is to be continued under the procedure of this Annex, we will follow one or more of the following processes:
 - Student Support Action Plan (see sections viii and ix below);
 - Action by Disabled Student Support (see section x below);
 - Referral to the process for Supporting Capacity to Study (see sections xi and xii below).

Student Support Action Plan:

- viii. The Case Review Group will create a Student Support Action Plan. This will be compiled in consultation with you, your College, and Disabled Student Support. It may include:
 - how we will support you and how you can access this support;
 - your responsibilities to make use of this support and to adhere to the Disciplinary Regulations including the Student Code of Conduct;
 - the targets you are expected to meet with timescales for when you should meet them;
 - the likely implications of not meeting those targets;
 - who is responsible for communicating with you and acting as your point of contact;
 - the date at which progress against the plan will be reviewed ; and
 - clarification of the circumstances under which disciplinary action may be taken in future.

- ix. The Case Review Group will maintain an overview and advisory role. However, if your mental health deteriorates or the action plan does not meet our and your objectives, it may refer you for consideration under the Student Fitness to Study Procedure.

Action by Disabled Student Support:

- x. Disabled Student Support may:
- establish whether an Assessment of Need and Learning Contract have been completed or should be completed; and/or
 - recommend reasonable adjustments to support you to continue your studies, if a Learning Contract is appropriate.

Supporting Capacity to Study:

- xi. If you have mental health difficulties we will take reasonable steps to support you to continue your studies. However if your behaviour contravenes the Disciplinary Regulations (including the Student Code of Conduct) despite our support, or where we believe that it would be in your best interests for us to review your case under our [Supporting your capacity to Study process](#), The outcome could lead to your withdrawal from the University on a temporary or permanent basis on medical grounds if we find that you are not fit to study.
- xii. If your behaviour has contravened the Student Code of Conduct and there is no reasonable connection between your behaviour and any apparent mental health difficulties, we will follow the standard Disciplinary Procedure.

ANNEX D

PRECAUTIONARY ACTION

- i. Where the nature of the alleged disciplinary offence suggested that there may be a risk of harm to yourself, other students, other members of the University or to University property, then we may take precautionary action to ensure that a full and proper investigation can be carried out (either by the police or by the University) and/or to safeguard you or others whilst the allegation is being considered (either by the police or by the University).
- ii. As a first step we may require you to comply with specific conditions, for example agreeing not to contact a particular individual or not to visit a particular campus or building. Should you not abide by these conditions, we may need to consider further action as outlined below.
- iii. A request may be made to a Deputy Vice Chancellor or the Group Director of Student and Academic Services to temporarily suspend or exclude you.
- iv. A temporary suspension means that you will be prohibited from attending or participating in some or all teaching or assessment activities (including placements).
- v. A temporary exclusion means that you are prohibited from taking part in any University activities, using university facilities and/or entering university grounds or premises. Where appropriate, this may be a qualified or partial exclusion.
- vi. All efforts will be made, as far as possible, to reduce the impact of any temporary suspensions or exclusions on your studies.
- vii. If you are enrolled on a course that requires you to undertake practical training in a professional role involving patients, pupils, clients or service users, or where the end qualification provides a direct licence to practise or is a requirement for a license to practise, a recommendation for temporary suspension may also be considered if the concern could mean there is a potential risk to the wellbeing of other students and staff, or to any other users mentioned above. The temporary suspension would be considered to allow for a thorough investigation of the concern to take place under the Fitness to Practise Regulations.
- viii. Temporary suspensions and exclusions are precautionary measures. They are not a penalty or a sanction, and do not indicate that we have concluded that you have breached our Student Code of Conduct or that you have committed a criminal offence.
- ix. A temporary suspension or exclusion will be based upon the outcome of a risk assessment, and will be authorised by a Pro Vice Chancellor or the Group Director of Student and Academic Services based on a recommendation from the University Secretary or Director of Academic Services (or nominee). The temporary suspension or exclusion will be for a specified period of time or until the outcome of criminal proceedings or the disciplinary process is known.
- x. You will be informed in writing the reasons why this action has been necessary, of the specific restrictions placed upon you by this precautionary measure and its timescales, and the manner and frequency by which this will be reviewed. You will also be informed of your right to appeal this decision. This information may be communicated to you verbally in the first instance. Where this is the case, written confirmation will follow within two working days.
- xi. Whilst the temporary suspension or exclusion is in place, you may request a review of this precautionary measure if there is a relevant change to your circumstances. You should submit this request in writing to the Vice-Chancellor, who will respond within ten working days of receipt of the letter.

- xii. You may appeal against the decision to temporarily suspend or exclude you, by submitting a written request to the Vice-Chancellor within five working days of the date issued on the notice of temporary suspension or exclusion. Any evidence you wish to be considered with this appeal must be submitted at the time of submitting the appeal.
- xiii. The Vice-Chancellor will consider the appeal and may take action as follows:
- Uphold the original decision and confirm the terms of the temporary suspension or exclusion;
 - Uphold the original decision but reduce or restrict the terms of the temporary suspension or exclusion;
 - Overturn the original decision and remove the temporary suspension or exclusion.
- xiv. In cases where additional information presented as part of the appeal suggests that the level of risk is higher than previously assessed, the Vice-Chancellor may increase or extend the terms of the precautionary measure.
- xv. You will be notified of the decision in writing within ten working days of receipt of the appeal.

INTERNAL RESOLUTION

Internal resolution is action that can be taken following an investigation into an allegation of misconduct where it is not deemed possible to determine that misconduct has occurred. This could be where there is limited or no evidence of the allegation of misconduct and/or in cases which consist of one person's version of events against someone else's version.

The types of actions which can be taken are as follows:-

a) No contact arrangement

This involves limiting the chances of contact between two students, e.g. by moving one student to a different seminar/study/group/placement, arranging specific times for each student to use the Library.

If you are the reporting student, it may feel unreasonable that we are advising/arranging for you to take some of the actions rather than moving the reported student to another seminar group, for example. The priority in these situations is to provide a safe environment for students to continue studying at the University and students are expected to take responsibility for taking appropriate action to address situations.

You will also be advised to block each other on all forms of social media.

b) Issuing advisory information

Depending on the nature of the allegation, advice regarding appropriate conduct can be issued. For example, advice regarding [appropriate use of social media](#), or advice regarding [sexual consent](#).

c) Requirement to engage with other services

You may be required to engage with other University services or external organisations, e.g. engagement with Disabled Student Services regarding a Learning Contract.

ANNEX F

STUDENT DISCIPLINARY PANEL PROCEDURE

1. The Student Disciplinary Panel has discretion over the proceedings, subject to the provisions of this Annex.
2. The Student Disciplinary Panel may:
 - Adjourn a hearing as it thinks fit, from a short break in the proceedings to reconvening on another date.
 - Ask for additional enquiries to be undertaken, and may call for additional witnesses to attend.
 - Ask questions of the Case Presenter, you and/or your representative and any witness.
 - Impose time limits on oral addresses and submissions.
 - Refuse to admit evidence on the grounds that it is irrelevant to the issues raised.
 - Recall witnesses to give further evidence.
 - Dismiss the case at any stage during the hearing.
3. Meeting procedure:
 - The Panel will meet without you or the Case Presenter present to consider matters of process.
 - You, your supporter and the Case Presenter will then join the meeting.
 - The allegation of misconduct will be put to the Panel by the Case Presenter.
 - The Case Presenter will call witnesses in turn and question them.
 - The Panel may question the Case Presenter and witnesses.
 - You or your representative may question those witnesses.
 - You or your representative may address the Panel.
 - The Panel may question you.
 - You or your representative may call witnesses in turn and question them.
 - The Case Presenter may question those witnesses and question you if you have given evidence.
 - The witnesses will withdraw.
 - The Case Presenter may make concluding remarks to the Panel.
 - You or your representative may make concluding remarks to the Panel.
 - The Case Presenter, you and your representative will withdraw and the Panel will consider its decision.

ANNEX G

STUDENT DISCIPLINARY REVIEW PANEL PROCEDURE

1. Subject to the provisions of this Annex, the proceedings will be at the discretion of the Student Disciplinary Appeal Panel.
2. Meeting procedure:
 - The Panel will meet without you or the Chair of the Student Disciplinary Panel present to consider matters of process.
 - You, your supporter and the Chair of the Student Disciplinary Panel will then join the meeting.
 - You or your representative will speak to explain your grounds for a request for review.
 - The Chair of the Student Disciplinary Panel which heard your case will present the findings and decisions of that Student Disciplinary Panel.
 - You or your representative may call witnesses and question them.
 - The Student Disciplinary Review Panel and the Chair of the Student Disciplinary Panel may question the witnesses.
 - The Student Disciplinary Review Panel may question the Chair of the Student Disciplinary Panel and you.
 - The Chair of the Student Disciplinary Panel will sum up.
 - You or your representative will sum up.
 - The Chair of the Student Disciplinary Panel, you and your representative will withdraw and the Student Disciplinary Review Panel will consider its decision.

ANNEX H - EQUALITY ACT 2010 DEFINITIONS

1. **Discrimination** under the Equality Act 2010 includes:

- **Direct Discrimination** which is where because of a protected characteristic a person is treated less favourably than others are treated.
- **Indirect Discrimination** which is when a working practice, policy or rule is the same for everyone but which puts or would put people with a protected characteristic at a particular disadvantage in comparison to others. Under the law indirect discrimination might be justified if it is a proportionate means of achieving a legitimate aim.

Direct Discrimination can also arise where a person is treated less favourably because, they are perceived or thought to have a protected characteristic even if they do not (**discrimination by perception**); or because although they do not have a protected characteristic, they have an association or connection with a person who does (**discrimination by association**).

2. **Harassment** has three definitions under the Equality Act 2010.

- **Harassment related to a relevant protected characteristic** is unwanted conduct related to a protected characteristic which has the **purpose or effect** of violating a person's dignity or subjecting them to an intimidating, hostile, degrading, humiliating or offensive environment. It is not necessary for the person to object to the conduct for it to be unwanted. Harassment can occur even if this was not the intention.
- **Sexual harassment** is unwanted conduct (verbal, non-verbal or physical conduct) of a sexual nature which has the **purpose or effect** of violating a person's dignity or subjecting them to an intimidating, hostile, degrading, humiliating or offensive environment.
- **Harassment and less favourable treatment** is unwanted conduct of a sexual nature or that is related to the protected characteristics of gender reassignment or sex, which has the **purpose or effect** of violating a person's dignity or subjecting them to an intimidating, hostile, degrading, humiliating or offensive environment; and because of the person's rejection or submission to the conduct, they are treated less favourably than they would have been treated had they not rejected or submitted to the conduct.

In each of the three definitions of harassment, in cases where the conduct complained of had the **effect** (rather than the purpose) of violating a person's dignity etc., the following must be taken into account: (i) the perception of the person subjected to the conduct; (ii) the other circumstances of the case; and (iii) whether it is reasonable for the conduct to have that effect. The perception of the person subjected to the conduct is only one of the relevant considerations.

In some cases harassment can amount to a **criminal offence** under the Protection from Harassment Act 1997. To be an offence there must be a course of conduct (which includes speech), which causes **alarm or distress** of another and which the person engaged in the conduct knows or ought to know amounts to harassment of another. The test is an objective one based on whether a reasonable person, in possession of the same information as the person engaged in the conduct, would think the course of conduct amounted to harassment.

3. **Victimisation** under the Equality Act 2010 is where someone 'suffers a detriment' i.e. is treated less favourably because they have done or are believed to have done or may do a protected act. A **protected act** includes:

- making an allegation or complaint that a person has acted in breach of the Equality Act;
- bringing proceedings under the Equality Act;
- giving evidence or information in connection with proceedings under the Equality Act (whether this does or does not support a complaint);
- doing any other thing for the purposes of or in connection with the Equality Act