

Student Conduct Regulations and Procedures

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1. Behaviour

1.1 Code of Conduct

The University welcomes a diverse community of students and staff and embraces equality, dignity and shared mutual respect, in a positive, inclusive environment where all can feel valued, supported and safe.

We want to create an environment that is free from sexual misconduct, harassment, discrimination, victimisation and abuse. This behaviour will not be tolerated. We actively encourage students who experience or witness any form of this behaviour to report it.

We expect the following standards of behaviour from students:

- To treat all members of the university community with respect and dignity.
- To behave responsibly, including when using social media and digital platforms.
- To act with honesty and integrity
- To be good citizens when living within local communities.
- To be mindful of differences in backgrounds, beliefs, and perspectives.
- To respect differences of opinion, including rights of free speech and academic freedom within the law
- To abide by the law, University Regulations, Policies and Procedures.

Expectations of behaviour apply equally whether you are onsite, away from the University, or online.

We expect all students to cooperate throughout any proceedings including attendance at meetings, act honestly and fairly, observe the requirements for confidentiality and treat processes with respect.

1.2 Misconduct

We define misconduct as behaviour which does not meet the expectations set out above. This includes (but is not limited to):

- Incidents of sexual misconduct, harassment, discrimination, or victimisation (see sections **1.6** for definitions) which affect one or more of our students or staff.
- Actions designed to verbally or physically harm, threaten, intimidate, abuse or coerce one or more of our students or staff (e.g. threatening messages, bullying, initiation style activities).
- Actions that are motivated by hostility or prejudice (hate crime).
- Actions which damage the University's reputation and relationships with local communities, partners and accommodation providers (e.g. anti-social behaviour, dismissal from placement).
- Failure to abide by university regulations, policies or procedures or comply with reasonable requests from members of staff.
- Actions which result in a criminal conviction.
- Actions designed to cause disruption to university operations or procedures.
- Actions intended to deceive, impersonate or falsify documentation.
- Actions designed to damage university or personal property.

1.3 The Equality Act 2010

The Equality Act (2010) provides the legal framework that protects people against harassment, discrimination and victimisation. The following characteristics (known as 'protected Characteristics') are protected by the Act: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief (which includes philosophical belief and lack of belief), Sex and Sexual orientation.

The definitions of harassment, discrimination and victimisation under the Act, together with the definitions of other types of misconduct referred to in Section 1.2, can be found in Section 1.6

1.4 Freedom of Speech

The university is committed to securing free expression and academic freedom within the law for its members, students, staff and visiting speakers. These Regulations will be interpreted and applied in a manner compatible with the Universities [Freedom of Speech Code of Practice](#).

Students have the right to express their views, opinions, and beliefs, including those that may be controversial or unpopular, without fear of censorship or disciplinary action. This right extends to verbal, written, and symbolic speech and speech in any form of media which is conducted in a lawful manner.

In applying its Regulations, Policies and Procedures, the University will have particular regard to, and place significant weight on the importance of freedom of speech within the law, academic freedom and tolerance for controversial views in an educational context and environment. This includes applying a rebuttable presumption that students being exposed to the content of course materials, and statements made and views expressed as part of teaching, research or discussions about any subject matter connected with the content of a course is unlikely to amount to harassment.

However, freedom of speech does not include the right to act unlawfully including to harass, threaten, or incite violence against others. As such, while students are encouraged to engage in open dialogue and the exchange of ideas (including on controversial areas), and be tolerant of the views of others, they are also expected to exercise this freedom lawfully, responsibly and with respect for the rights and safety of others.

1.5 Disagreements

Students are expected to take personal responsibility for maintaining their relationships with other students. Minor disagreements, personal differences, or breakdowns in relationships will not be addressed through this procedure unless there is clear evidence of behaviour that breaches this student code of conduct. Examples that would not normally be addressed within this procedure include (but is not limited to):

- Disputes between housemates over living arrangements.
- Private financial arrangements or disputes between students.
- Conflicts arising within personal relationships or friendship.
- Differences of opinion or views expressed during classroom discussions
- Disagreements related to extracurricular activities, including committees, societies and clubs.

1.6 Definitions

Bullying has no legal definition but it can be described as unwanted behaviour from a person or group that is offensive, intimidating, malicious, insulting, undermines, humiliates, or causes physical or emotional harm to someone. It can therefore take place verbally, physically or online (including social media). Key characteristics of bullying tend to be that it is repeated over time and that there exists an imbalance or abuse of power. In determining whether behaviour amounts to bullying, the University will take into account its duties to secure freedom of speech and academic freedom.

Discrimination

Discrimination is unlawful under the Equality Act 2010 and includes:

- **Direct Discrimination** which is where because of a protected characteristic a person is treated less favourably than others are treated. 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**).

- **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.

Harassment

Harassment is unlawful 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 creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. 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. 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. An individual can experience sexual harassment from someone of the same or different sex, and sexual conduct that has been welcomed in the past can become unwanted.

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 deciding whether conduct has the **effect** of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person, the following must be taken into account:

- the perception of the person subjected to the conduct;
- the other circumstances of the case;
- whether it is reasonable for the conduct to have that effect.

Harassment (including sexual harassment), under the Equality Act, can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Conduct that has been tolerated in the past can become unwanted.

In determining whether behaviour amounts to harassment, the University will take into account its duties to secure freedom of speech and academic freedom.

In some cases, harassment (including sexual 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 and on at least two occasions), which causes alarm or distress of another and which the person engaged in the conduct knows or ought to know that their course of conduct amounts to harassment of the other person. 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 of the other.

Some forms of harassment are considered a **hate crime**. A hate crime is any act of violence or hostility against a person or property that is motivated by hostility or prejudice due to a particular protected characteristic.

Any crime can be prosecuted as a hate crime if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity

Or

- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity

The police and the CPS have agreed the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

There is no legal definition of hostility so we use the everyday understanding of the word which includes ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike.

Sexual Misconduct

We define sexual misconduct as any unwanted or attempted unwanted conduct of a sexual nature and includes, but is not limited to sexual harassment, sexual assault and rape.

Where conduct does not fall squarely within the examples in the paragraph above, that conduct may still amount to sexual misconduct under this definition where it is unwanted or attempted unwanted conduct of a sexual nature.

Sexual Assault

Sexual assault is defined in the Sexual Offences Act 2003 as:

- (1) A person (A) commits an offence if they intentionally touches another person (B), the touching is sexual, B does not consent to the touching, and A does not

reasonably believe that B consents. Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents.

Stalking

Stalking is a criminal offence under the Protection from Harassment Act 1997. For the offence to be committed a person's course of conduct must amount to the offence of harassment (under Section 1 of the Act), the course of conduct involved must be ones associated with stalking, and the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.

The following are examples of conduct which, in particular circumstances, are ones associated with stalking:

(a) following a person, (b) contacting, or attempting to contact, a person by any means, (c) publishing any statement or other material—(i) relating or purporting to relate to a person, or (ii) purporting to originate from a person, (d) monitoring the use by a person of the internet, email or any other form of electronic communication, (e) loitering in any place (whether public or private), (f) interfering with any property in the possession of a person, (g) watching or spying on a person.

Victimisation

Victimisation is unlawful under the Equality Act 2010.

It is where someone suffers a detriment i.e. is treated less favourably because they have done or may do a protected act. A protected act includes:

- bringing proceedings under the Equality Act;
- giving evidence or information in connection with proceedings under the Equality Act;
- doing any other thing for the purposes of or in connection with the Equality Act;
- making an allegation or complaint that a person has acted in breach of the Equality Act.

Protected acts will therefore include, and so protect individuals who make a report, allegation or complaint of Discrimination, Harassment or Sexual Harassment.

2. Principles

2.1 Terminology

Reports about the behaviour of students may be received from a variety of sources including fellow students, members of staff, or members of the public. To ensure consistency, the person making the report will be referred to throughout the process as the **Reporting Person**. The student they are reporting will be referred to as the **Reported Student**.

The person making decisions on cases will be referred to throughout as the **Conduct Adjudicator**. This will normally be the Associate Director of Student Policy, Casework and Compliance (or nominee).

2.2 Purpose

These regulations and procedures are designed to:

- Address and evaluate allegations of misconduct as defined in section **1.2**.
- Provide clear guidelines on reporting misconduct and the process for reviewing allegations.
- Define the potential outcomes and sanctions applicable when misconduct is confirmed.
- Outline the available avenues for challenging a decision.

2.3 Scope

These Regulations and Procedures apply to:

- Anyone currently enrolled on a course delivered by the university, including those on a Break in Study.
- Those no longer enrolled on a course, but where the procedures had started before they withdrew.

These Regulations and Procedures do not apply to:

- Applicants to the university.
- Former students (unless for exceptional reasons we decide to investigate an allegation of misconduct that occurred whilst a student).
- The conduct of university staff towards students. This is addressed in the [Student Complaints Procedure](#). Where a report has been made against someone who is both a student and staff member at the University, the Director of Registry Services (or nominee) shall decide which procedure is most appropriate.
- A concern about behaviour of staff at a placement provider. Advice and help to engage with the provider's policies can be given where appropriate, we are, however, unable to investigate allegations made against staff employed at external organisations.
- Concerns about professional suitability of students on health, social care or education courses. This is normally dealt with under the [Fitness to Practise Regulations](#). Where the alleged misconduct of a student on a professional course is dealt with under this Regulation and it is found that misconduct has occurred, the outcome of the case will also be considered under the Fitness to Practise Regulation.
- Academic misconduct – this is dealt with under the [Academic Conduct Regulation](#).

It is within the university's judgment as to whether a concern is within the scope of this procedure.

2.4 Values

When considering concerns, investigators and adjudicators will be guided by the following:

Respect	A supportive environment will be maintained where individuals feel comfortable and confident in disclosing information. Voices will be heard, and concerns will be acknowledged.
Inclusiveness	Equal access to processes will be ensured for all individuals, including those who may otherwise feel excluded or marginalised, such as individuals with disabilities or those from minoritised groups. Relevant reasonable adjustments will be considered as part of individual Learning Contracts.
Fairness	Processes will adhere to the principles of natural justice , ensuring issues are resolved in an atmosphere of trust, openness, and fairness, with proportionate and reasonable outcomes. This includes: <ul style="list-style-type: none">• The right of the Reported Student(s) to be informed of allegations, including the identity of the reporting person and/or the individual subject to the alleged misconduct, and the opportunity to respond.• Investigators and adjudicators will act impartially, without prior involvement in the concerns raised.• Confidentiality will be maintained by all staff involved, with information disclosed only as necessary for the proper investigation and conduct of the case.• The right of the reported student to appeal decisions made.
Compassion	Recognition will be given to the diverse needs and challenges of individuals involved. Information will be collected sensitively, and the overall situation will be considered to explore supportive outcomes wherever possible.

2.5 Support

Support will be available to students engaged in these procedures, acknowledging that the experience may be challenging. Relevant services will be informed to ensure appropriate responses and communication will normally include signposting to [University support resources](#) available such as those provided by [Student Support Advisers](#) and [Student Wellbeing Service](#)

Independent advice can be sought from the [Students' Union Advice Centre](#) .

Both reporting and reported students can bring someone to support them 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. This person should not be a witness or involved in the incident, nor should they be Legal representation (see section **2.11**). This supporter will not normally speak on the student's behalf or contribute materially to the investigative procedure. If the supporting person acts outside of these parameters the meeting can be suspended, and the person will be asked to leave.

The name and position of any accompanying person must be given in advance of a meeting in line with the timescales stipulated in the meeting request. The University reserves the right to refuse to permit attendance of the person you choose where there is good reason e.g. there is a conflict of interest or there is a risk to confidentiality.

It is the responsibility of the student to arrange and inform their chosen support of the meeting details.

2.6 Third-Party reports

We expect allegations of misconduct to be submitted by persons directly affected by the reported behaviour. Reports submitted by third parties acting on behalf of a Reporting Person will not be considered unless a valid explanation is provided as to why that person cannot reasonably be expected to engage with the process. Decisions will be made on a case-by-case basis by the Conduct Adjudicator. This does not prevent students accessing university support services.

2.7 Anonymous reports

Reports submitted anonymously will not be considered unless there is a compelling reason why the reporter must remain anonymous. In such cases, factors such as the seriousness of the allegation and the likelihood of being able to conduct a fair investigation will also be assessed. Decisions will be made on a case-by-case basis by the Conduct Adjudicator.

2.8 Disclosure of Outcomes

The extent to which we can disclose outcomes of cases to Reporting Persons will be determined on a case-by-case basis taking account of data protection legislation and higher education regulatory requirements. Decisions on the information that can be shared will be made by the Conduct Adjudicator in consultation with the Data Protection Officer (DPO). The Reported Student will be informed of this before any information is shared.

2.9 Decisions

Decisions on misconduct will be made by the Conduct Adjudicator (see section 4) or the Conduct Panel (see section 5).

Decisions are based on the **evidence** available and the **balance of probability**, i.e. that it is more likely than not that the alleged misconduct occurred and accept the explanation most likely to be true.

When reviewing a case, considerations will include the nature of the incident, its impact, available evidence, mitigating factors, any previous reports and patterns of behaviour.

The university does not use a criminal standard of proof, and any judgment reached does not constitute a legal ruling on whether criminal activity has taken place.

Nothing within these Regulations prevents any member of staff from taking **reasonable emergency action** to prevent, stop, minimise, or otherwise control a student's 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. Reasonable action may include requiring any student to withdraw from any room or area, to cease to take part in any activity or to not have/make unreasonable contact with/about another individual.

The Conduct Adjudicator can suspend or terminate procedures where students are behaving unreasonably e.g. by behaving aggressively, making unreasonable demands, not complying with reasonable requests. The reason will be communicated to the student accordingly.

2.10 Timescales

The university aims to complete consideration of an allegation of misconduct and any associated review within 45 working days - where all parties cooperate with the process in a timely way. This may be extended if there is an ongoing police investigation or criminal proceedings (see section 2.12).

Students will be updated as appropriate on the progress of the investigation.

2.11 Legal Representation

Our internal processes do not seek to imitate the legal justice system. As such, it is our position that professional legal representation is not necessary for anyone at any point of the conduct procedure.

If it is believed the concern is complex and that representation from a member of the legal profession is necessary, you must request permission in writing via studentconduct@shu.ac.uk stating the reasons why. The Associate Director of Student Policy, Casework and Compliance, or nominee, will decide on all requests.

If your request is accepted, the University will not adjust its normal timescales or meeting dates to accommodate this as the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation.

2.12 Criminal Offences and Police Involvement

Students are expected to disclose immediately to the University, via studentconduct@shu.ac.uk if charged with, and/or convicted of, a criminal offence.

It is important that, if the person reporting alleged misconduct believes the matter is an offence under criminal law, that this is reported to the Police. University procedures are not an alternative or substitute for a police investigation or criminal proceedings and the university cannot determine or prove whether a crime has or has not occurred. Instead, it seeks to establish whether misconduct has occurred as defined in section **1.2**. If a student initially decides not to involve the police, they can decide to change their mind later and ask for the police to take action.

Where there is a criminal investigation pending or ongoing, the university will normally suspend any investigatory or disciplinary action under these procedures so as not to interfere with the police investigation. Precautionary measures may be taken (see section **3.8**).

When key decisions are made, e.g. a charging decision, conclusion of the criminal investigation or conclusion of any associated court case, the University will review whether to proceed with any investigatory or disciplinary action under these procedures.

If a student receives a custodial sentence, then the enrolment contract may be suspended or cancelled.

In exceptional circumstances, if the University becomes aware of a potential criminal offence, it may have a statutory obligation to report the matter to an external organisation, e.g. suspected terrorist activity or a safeguarding concern.

Where criminal proceedings have resulted in conviction or acceptance of a Police caution for a criminal offence, the conviction will be taken as conclusive evidence that the behaviour has occurred and will be open to challenge only to the extent that the student disputes that they were the person convicted. Any imposed sanction shall be taken into consideration in determining the action and outcome under these procedures.

Where a student is acquitted of a criminal offence, or where the police or Crown Prosecution Service decide to take no further action, the University may still act under these procedures.

3. Reporting Misconduct

3.1 How to report

If there is concern that behaviour experienced or witnessed is sexual misconduct, harassment, discrimination, or victimisation then a report should be made to the university via [Report and Support](#). This allows targeted support throughout the procedure and referral to conduct procedures where appropriate.

Other concerns should be reported to studentconduct@shu.ac.uk.

Allegations of misconduct relating to the behaviour by a group of students can be reported as a single allegation.

The university will not normally consider third party or anonymous reports. Please refer to sections **2.6** and **2.7**.

The University recognises that there may be specific barriers to reporting concerns for students with protected characteristics as defined in the Equality Act. We are committed to removing those barriers and the ways in which we do this include:

- Providing alternative methods to report concerns where a protected characteristic presents a barrier to completing the written Report and Support form.
- Enabling where appropriate a third-party to report the concerns on your behalf where it is unreasonable to expect you to do this yourself.
- Taking advice from relevant services within the University about the context and importance of the concerns raised to ensure we are seeing things from their perspective.

Please refer to section **2.5** regarding support.

3.2 When to report

It is encouraged and expected that concerns regarding misconduct are raised immediately, and where possible within 3 months of the date of the alleged misconduct, so there is an opportunity to discuss these at an early stage. This prevents matters from becoming more complex and difficult to resolve and could impair the ability of the University to conduct a robust and fair investigation.

We will exercise discretion in determining whether reports of past misconduct can be considered and will request reasons for their submission. The Associate Director of Student Policy, Casework and Compliance (or nominee) will decide if a report should be exceptionally accepted for review. This does not and should not prevent anyone from seeking pastoral support regarding the concern.

3.3 Evidence

Where possible and reasonable it is expected that evidence is provided with the report to support the allegation, e.g. screenshots of messages, relevant emails, social media posts or communication with police or solicitors. Names of other students can be blocked out or redacted who are not involved.

Recordings taken of the reported student without their consent are not considered acceptable evidence.

3.4 Reports made in bad faith

The university has the right to reject a report if it is unreasonable or intended to cause trouble. This includes, but is not limited to:

- Reports that are obsessive, repetitive, or harassing.
- Insisting on pursuing matters with no real basis or demanding unrealistic outcomes.
- Reports made just to cause disruption.
- Repeatedly making reports outside the proper process.
- Failing to respect others' confidentiality during an investigation.
- Continually trying to publicise allegations that have already been resolved or not upheld.

3.5 Consideration of the allegation

The University has the same duties and obligations to all students involved and needs to balance the interests of each student when considering what, if any, action to take.

When a report is made regarding an allegation of misconduct, an initial assessment is made by the Conduct Adjudicator to assess whether the report is eligible to be dealt with under these Regulations and Procedures or referred to another Regulation and/or procedure and/or service. This includes if a third-party or anonymous report can be considered.

3.6 Initial Action

Once established that the report can be dealt with under these Regulations and Procedures, it is decided whether one or more of the following is appropriate.

- No further action to be taken under these procedures.
- No investigation is necessary, but the concern reported should be raised with the reported student.
- A no contact arrangement should be applied (section **3.7**).
- Precautionary measures should be applied (section **3.8**).

- Any further action should be suspended due to pending or ongoing criminal investigation or legal proceedings so not to interfere with the processes.
- The report should be considered by a Case Review Group where it is clear the Reported student is experiencing mental health difficulties (please see section 3.9).
- The report should be progressed to the investigation stage of the Procedure and an investigator should be appointed (please see section 4).
- The case should be referred straight to a Conduct Panel.

3.7 No contact arrangement

Limiting the chances of contact between students e.g. by moving one student to a different seminar/ study/ group/ placement, arranging specific times for each student to use the library, or advising to block each other on all forms of social media. It is understood that this may feel unreasonable for the Reporting person to take some of the action, but the priority is to provide a safe environment for students to continue studying at the University. Students (and members of the public) are expected to take responsibility for taking appropriate action to address situations, particularly whilst an allegation is being investigated, and the situation is assessed fully.

3.8 Precautionary Measures

Precautionary measures could be:

- Imposing specific conditions such as restricted access to facilities or certain areas e.g. visiting a particular campus or building for a specified period of time.
- Temporary suspension from placement, teaching, assessment, or campus.
- Temporary exclusion from the university, prohibiting university activities, using university facilities and/or entering university grounds or premises.

A temporary suspension or exclusion will be based upon the outcome of a risk assessment and will be authorised by the Chief Operating Officer (or nominee).

Measures will be proportionate to the risks identified, and are not a determination of guilt or conclusion that misconduct has occurred. It is a way of managing risk until a full and proper investigation can be carried out (either by the police or by the University) and/or to safeguard the reported student or others whilst the allegation is being considered.

The reported student shall be informed in writing of the reasons why this action has been necessary, of the specific restrictions enforced and the timescales, and the manner and frequency by which this will be reviewed. Details to request a review of this precautionary measure will also be given. This information may be communicated verbally in the first instance and written confirmation will normally follow in due course.

If there is a change in the student's circumstances impacting the Precautionary Measures, the student should contact studentconduct@shu.ac.uk.

If a student fails to comply with Precautionary Measures this will be considered misconduct.

Where the reported student is enrolled on a professional course, a recommendation for temporary suspension from placement activity will be considered if the concern could mean there is a potential risk to the wellbeing of patients, service users, clients or other students and staff. The temporary suspension or exclusion would be considered to allow for a thorough investigation of the concern to take place under the Fitness to Practise Regulations rather than these Regulations and Procedures.

3.9 Severe Mental Health Difficulties

Where the reported student is experiencing severe mental health difficulties then a Case Review Group may be convened to advise on whether the Conduct Procedures are appropriate.

The Group will consider the incident, the reported student's circumstances, whether any mental health difficulties could have contributed towards the incident/behaviour and the support arrangements in place. The reported student may be asked to attend a meeting if appropriate and can seek support as outlined in section **2.5**.

The Group will be chaired by the Director of Student Futures and Support or nominee and will include representatives from academic and professional services departments as appropriate.

The Case Review group will recommend one of the following:

- Continue to investigate the allegations under the Conduct Regulations where there is no reasonable connection between behaviour and any apparent mental health difficulties.
- Compile a Student Support Action Plan (if one is not already in place) in consultation with the reported student. This may include:
 - how the student can be supported
 - how the student can access this support
 - the student's responsibilities to make use of this support and to adhere to the Conduct Regulations
 - targets expected to meet with timescales for when the targets should be met and likely implications of not meeting those targets
 - clarification on who is responsible for communicating with and acting as the student's point of contact
 - the date at which progress against the plan will be reviewed
 - clarification of the circumstances under which disciplinary action may be taken in future
 - if the student's mental health deteriorates or the action plan does not meet the objectives, the student may be referred for consideration under the Supporting your capacity to Study process.

Where an action plan is already in place Review the case under the [Capacity to Study Policy and Procedure](#).

4. Investigation and Adjudication Procedure

4.1. Investigation procedure

Where the case has been referred to the investigation stage it will be allocated to an investigator.

If the Reporting Person is a student (or we have consented to a third-party report), we will normally invite them to meet with the Investigator to discuss their report, provide further information and confirm whether we can disclose details of their report to the Reported Person. If the Reporting Person is not a student, then we may contact them for further information but will not normally arrange a meeting.

Reported students will be informed in writing about the allegation and how their behaviour may have breached the code of conduct and be invited to a meeting and are expected to attend. The meeting is to discuss the report, give the reported student an opportunity to provide their account of events, provide any evidence relating to the allegation, answer questions that the investigator has, and discuss any context that may be relevant, such as mitigating circumstances.

Where a group report has been received, the University will ensure that the situation of each student is considered, and each student will be asked to attend individual meetings.

Normally five working days' notice of the meeting will be given, and the Reported Student will be notified of the allegation and what evidence there is. If the matter is urgent and must be expedited, we reserve the right to schedule a meeting in less than five working days and the reason will be explained.

The assigned investigator may contact other services and individuals as part of the investigation process.

Please refer to sections **2.5** regarding support during the meeting.

4.2 Outcomes and Sanctions

The investigator will report to the Associate Director of Student, Policy Casework and Compliance, or nominee.

In reviewing the case, the nature of the incident, impact, evidence, mitigating factors, previous reports and repetition of behaviour will be considered and one or more of the following decisions will be made:

- There is no evidence of misconduct and therefore no further action is required.
- There is evidence of misconduct, and this can be resolved by issuing one or more of the following
 - advisory information
 - no contact arrangement (see section **3.7**)
 - referral to support services.
- The case should be referred to the Fitness to Practise Operational Group for consideration under the Student Fitness to Practise Regulation.
- Misconduct has occurred and one or more of the following sanctions should be given:
 - A Formal written warning, advising of the likely consequences of future misconduct.
 - A requirement to pay reasonable costs in respect of any identified and quantified damages and/or losses suffered by the University and/or third parties because of the student's actions.
 - Withdrawal (temporary or permanent) of specified services.
 - Exclusion (temporary or permanent) from specified areas of the University e.g. from a University Sports team, and/or prohibited from participating in/representing Sheffield Hallam at University Sporting events.
 - Requirement to complete individual training, education, support, and/or restorative approaches to improve awareness of behaviours and their impact.
 - Write a letter of apology.
 - Behavioral contract.

Where it is deemed that misconduct has occurred and further consideration is needed regarding the student's future at the university, the case should be referred to a **Conduct Panel**.

The Reported Student will be notified of the outcome of the investigation by email.

The Reporting person will be notified as set out in section **2.8**.

5. Conduct Panel

5.1 Procedure

The reporting person will not attend the Conduct Panel.

The reported student will be informed of the date and time of the Panel meeting at least 10 working days before the Panel date, unless the matter is urgent and must be expedited. In which case the reasons will be explained.

The reported student will be provided with an investigation report, copies of all evidence being considered, and a meeting schedule and procedure outlining who will be on the Panel and how the meeting will be expected to run.

The Conduct Panel will comprise two senior members of University staff, one of whom will Chair, and the president of the students union or nominee.

If students cannot attend, they can provide a written statement and any relevant documentation for the Panel to consider in their absence at least 2 working days prior to the Panel date. If a student has a valid reason to change the date of a Panel meeting, they must specify a reason and provide evidence. It is at the discretion of the University whether a meeting should be held in the absence of the reported student.

Witnesses will not be permitted to attend a Panel but can provide a written statement at least 2 working days advance of the Panel date.

A third party (such as a parent) cannot attend and represent on behalf of the student.

Please refer to sections **2.5** regarding support during the meeting.

5.2 Outcomes

The Student Conduct Panel will decide whether to uphold the allegation of misconduct. If it is decided that misconduct has occurred, it will impose one of the following sanctions

- Any listed in section **4.2**.
- Suspension from the University for a specified period, up to and including three academic terms or an equivalent period.
- Temporary or permanent exclusion from specified areas of the University, or University activities and/or facilities for the duration of the student's enrolment at the University.
- The withdrawal of an award already made.
- The non-conferment of an award.
- No admission to a further course at the University for a fixed period or indefinitely.
- Recommendation to the Vice-Chancellor for permanent and immediate expulsion from the University. The student is 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.

The Reported Student will be informed of the decision by email within 5 working days of the meeting date and where the allegation is upheld, a Panel report will be provided with this decision.

6. Right of Appeal

6.1 Reported student

A Reported student has the right to appeal a decision of the Conduct adjudicator or Conduct Panel through the University's [Appeals Policy and Procedure](#).

6.2 Reporting person

There is no right of appeal for a reporting person. However, if the reporting person a Completion of Procedures letter will be issued. This will enable students to seek a review at the external Office of the Independent Adjudicator for Higher Education (OIA).

7. Data, Reporting and Monitoring

Outcomes of conduct cases may be shared where necessary within the university or externally e.g. a Professional, Statutory or Regulatory Body (PSRB) and/or the Local Authority Designated Officer (LADO).

A file copy of the outcome will be held for the duration of the student's registration with the University and may be referred to if a further conduct allegation is made against them. 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.

An annual report of conduct 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 anonymised and will primarily focus on a statistical analysis of disciplinary cases against protected characteristics to provide assurance that the procedures have been fairly applied.

Any case file will be shared with people who are involved in making a decision, e.g. a member of a conduct panel. Everyone involved in the conduct procedure is required to keep the details of the report, investigation and outcome confidential.

In some cases, the reported student may be enrolled on a course which leads to professional registration and is therefore required to adhere to the Standards of Conduct: Fitness to Practise Regulations. As such, any breach of the Student Conduct Procedures may result in a referral to those regulations. The casefile, including evidence submitted by the student, would be shared with appropriate University staff. In such cases this will be explained to the student by the Conduct investigator.

The police can ask for any records held by the University in relation to the alleged incident at any time. However, should the police make a request, the University does have strict procedures in place that are in line with the requirements of the Data Protection Act 2018.

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