

# Student Conduct Regulations

Policy Owner	Head of Wellbeing (Student Conduct Officer) Legal Counsel
Approving Body	Executive Board
Version number	v.2023/2024
Related policies, procedures, and guidelines	<ul style="list-style-type: none"> <li>(a) Dignity &amp; Respect Policy (Students)</li> <li>(b) Student Fees Regulations</li> <li>(c) IT Terms of Service</li> <li>(d) Library Regulations</li> <li>(e) General Regulations</li> <li>(f) Support to Study Policy</li> <li>(g) Fitness to Reside Policy</li> </ul>
Reviewed by	Executive Board
Approved on	June 2023
Review deadline	June 2024

## Introduction

1. Students are members of the University community and as such are expected to behave responsibly, respect people and property and to comply with the University's rules and regulations, whether on University premises or elsewhere. The behaviour of students should not interfere with the proper functioning or activities of the University, with those who work or study in the University, or otherwise damage the University.
2. Where there is reason to believe that a student has broken the University rules or regulations, or their behaviour does not meet the required standards (see Appendix 1 – Types of Misconduct), the University will take action as outlined in these Regulations.
3. The University Council is responsible for the maintenance of discipline in the University. These Regulations outline where authority on such matters has been delegated to authorised officers.

## Glossary

Authorised Officer	Members of staff authorised by the University to deal with actual or allegations of misconduct, and to impose penalties.
Appeal	A request for the decision to be changed. This will only be considered where the student can prove that the specified reasons, called grounds, are satisfied.
Campus Exclusion / Restriction Order (CERO)	Places conditions or restrictions on student that they must meet to continue attendance at the University or reside in University accommodation. Access to named venues or activities may be prohibited, for example, no access to licensed premises. CERO's may be effective for the remainder of a student's registration at the University or for a shorter period. They may only be placed or revoked by an Authorised Officer. If a student breaches the conditions of a CERO they will be subject to further action.
Completion of Procedures Letter	A letter which confirms that the University's procedures have been completed. It summarises the decisions and the reasons for it, and confirms the submission deadline for reviews by the Office of the Independent Adjudicator (OIA).
Hearing	A formal meeting where the alleged misconduct is discussed. Normally a member of University staff will present, or explain, the allegation(s) against the student to a panel or individual, and the student will be given an opportunity to respond. This response may include an explanation for the behaviour and / or demonstrate regret or understanding of the impact of any misconduct. See <a href="#">Appendix 5</a> for hearing procedures.
Misconduct	These regulations divide offences into minor and major misconduct. The Authorised Officer (or nominee) will determine which one is which. Examples of the types of behaviour which would constitute misconduct are listed in <a href="#">Appendix 1</a> .
	Minor – behaviour which is unacceptable and breaks University Regulations, but isn't judged to be so severe by the appropriate Authorised Officer as to require a review of the student's registration at the University.
	Major – either minor misconduct, which is repeated, despite warning or minor

offence procedures, or misconduct judged to be so severe by the Student

	Conduct Officer as to require a review of the student's registration at the University.
Nominee	Where the Authorised Officer named in these Regulations is unavailable and likely to remain so, they may nominate another officer to act in their absence. Alternatively the Vice-Chancellor & Principal may nominate another officer.
Panel	A group of senior University staff appointed under <a href="#">Appendix 8</a> .
Required interruption of studies	Require the student to interrupt their studies at the University for a defined period.
RHSU	Royal Holloway Students' Union.
Student Conduct Officer	The designated officer responsible for leading the development of processes, policies and procedures relating to student misconduct. Authorised Officers may refer matters to the Student Conduct Officer for advice or determination.
Suspended Deregistration / Interruption	Specific conditions a student must meet to continue studying at the University. If the conditions are broken the student will be required to interrupt or be deregistered from their studies immediately, subject to any appeal in accordance with paragraphs 38-47.
Deregistration	Require the student to leave the University.

### Scope of these Regulations

4. These Regulations apply to all students registered at Royal Holloway, University of London (the University).
5. These Regulations do not apply to:
  - (a) Offences committed on RHSU premises, although serious offences may be referred to these Regulations at the discretion of RHSU and / or the appropriate Authorised Officer. In such cases the RHSU may impose their own penalties and these may not be amended by University disciplinary processes.
  - (b) Offences included in the Academic Regulations and associated documents.
  - (c) Non-payment of student fees, which are included in the Student Fee Regulations.
6. Academic departments, the computer centre and the libraries may have their own misconduct procedures and regulations, although serious or repeated misconduct will be referred to these Regulations. Matters of misconduct within University Halls of Residence are covered under [Appendix 3](#) and those in the local community in [Appendix 4](#).
7. The University may also take such action under these Regulations against Royal Holloway students who contravene the rules, regulations or equivalent of other Universities and University's while on their premises, or who commit an offence that would be a breach of our regulations were it committed on Royal Holloway premises.
8. When misconduct also constitutes a criminal offence, or vice versa, the University will liaise with the Police and / or appropriate authorities and may suspend the individual's enrolment with the University pending the outcome of the Police investigation. The University reserves the right to carry out action without waiting for the conclusion of the Police investigation. See [Appendix 2](#).

### General Principles

9. Any hearing held under the scope of these Regulations is an internal procedure, and is not a legal proceeding. Hearings will be handled in accordance with the Procedures in [Appendix 5](#).
10. When action is taken under these Regulations it will be adequate to establish that on the balance of probability misconduct did occur.

11. University will endeavour to act as swiftly as possible at all times, whilst ensuring that students have time to respond to claims made against them. Where other regulations and/or processes are ongoing which interfere with these Regulations, the University will ensure that the reason for any delays in the process are communicated to the student.
12. Communication with students who are subject to action in accordance with these Regulations will be via University email or as agreed with the student.
13. Students are expected to be aware of these and other University regulations. Claims that students were not aware of University regulations to which they have agreed during the enrolment process will not be considered valid reasons for lenient penalties or appeal.
14. Where appropriate other departments will be informed of action taken under these Regulations. If it is noted that the student has significant difficulties in a number of areas of their University life, they may be addressed together. See the University's Support to Study Policy.
15. A student whose behaviour is in breach of the University regulations may be subject to these Regulations even if it can be shown that the breach is due to reasons of incapacity, such as a serious emotional or psychiatric condition. In such cases the University will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment as part of the University's Support to Study Policy.

#### **Authorised Officers**

16. The University will annually approve a schedule of delegation nominating Authorised Officers to investigate and apply penalties for minor misconduct within their areas of responsibility (see sections 18-24).
17. The schedule of delegation ([Appendix 9](#)) will nominate a Student Conduct Officer to whom the Authorised Officers may refer any case.

#### **Minor Misconduct**

18. Upon hearing of an allegation of misconduct by a student, the Student Conduct Officer may issue a Campus Exclusion / Restriction Order pending the hearing.
19. Where it is believed minor misconduct has occurred the appropriate Authorised Officer will be informed.
20. The Authorised Officer will carry out a fair and reasonable enquiry. The student(s) will be given the opportunity to hear details of the complaint or allegations made against them and to speak or write in their own defence. Where there are specific Regulations for the misconduct, the Authorised Officer will act within those Regulations, including the award of an appropriate penalty.
21. If the student(s) admits the misconduct, the Authorised Officer may impose the appropriate penalty without conducting an enquiry.
22. The Authorised Officer is free at any point during the enquiry to refer the matter to the Student Conduct Officer who will decide how to proceed within these regulations. The Student Conduct Officer may decide that the misconduct merits greater penalties and refer the matter to the Named Officer (or nominee) who will consider whether it merits a Major Misconduct Hearing (see paragraphs 28-37).
23. In accordance with the procedures outlined in [Appendix 5](#), the Authorised Officer or Student Conduct Officer may conduct a Minor Misconduct Hearing and impose one or more of the following penalties which will be considered to be proportionate and relevant to the misconduct. The student(s)'s previous misconduct records can be considered in this context.
  - (a) A reprimand.
  - (b) A fine not exceeding £1000 or a suspended fine should the student be found in breach of certain conditions.
  - (c) An order to pay compensation for damage to property or equipment.

- (d) A condition that further attendance at the University or residence in University accommodation depends upon certain conditions or certain restrictions being met by the student.
  - (e) A requirement to leave Halls of Residence or other University managed residence and / or denial of permission to reside in such residence for the remainder of a student's course of study.
  - (f) An alternative reasonable sanction agreeable to both parties.
24. Students will be informed of the outcome in writing. If a written appeal is not received within 15 working days the outcome(s) will be considered to have been accepted and a Completion of Procedures letter issued to the student.

### **Appeal of the Outcome of a Minor Misconduct Hearing**

25. A student who has received one of the above penalties may appeal in writing to have the decision reviewed. The appeal should be submitted to the Legal and Compliance Directorate. The appeal must be received within 15 working days of the date of sending the misconduct outcome in writing.
26. A panel of two, a Pro-Vice-Chancellor (or nominee) and a member drawn from the Student Conduct Appeals Panel Pool (Appendix 8) will review the papers but will not interview the student or any other party. The following action may be taken:
- (a) Uphold the original decision
  - (b) Reduce the penalty
  - (c) Remove the penalty
  - (d) Award an alternative penalty

Note that the panel may not amend penalties put in place by RHSU.

27. Unless informed otherwise the student will be notified of the decision within fifteen working days of the receipt of the letter requesting the right to appeal. The Appeal Panel's decision is final.

### **Major Misconduct**

28. Upon hearing of an allegation of misconduct by a student, the Student Conduct Officer may issue a Campus Exclusion/Restriction Order pending the hearing.
29. If the Student Conduct Officer feels that an offence is of such severity as to merit review of the student's registration at the University they will refer the case to the Named Officer (or nominee).
30. The Named Officer (or nominee) may take the following action:
- (a) Refer the matter back for local determination and recommend a Minor Misconduct Hearing takes place.
  - (b) Agree with the recommendation and proceed with a Major Misconduct Hearing.
31. If agreement is given to proceed with a Major Misconduct Hearing the student will be notified in writing that a hearing is to take place and that it could result in their deregistration.
32. The hearing will be organised by the Legal and Compliance Directorate and a secretary to the panel will be appointed.
33. A panel, chaired by a Pro-Vice-Chancellor (or their nominee), will be drawn from the Student Conduct Appeals Panel Pool (Appendix 8) and include a senior academic or non-academic member of University Staff and a nominee of the RHSU. The Panel requires two members to proceed. The hearing will proceed in accordance with [Appendix 5](#).
34. The panel will hear the matter and will take one or more of the following actions:
- (a) Deregister the student or impose a suspended deregistration; delegating the authority to deregister the student to a specified member of staff should the student break the conditions set by the panel.
  - (b) Require the student to interrupt their studies and leave the University for a fixed period

or impose a suspended interruption; delegating the authority to require a student to interrupt should the student break conditions set by the panel.

- (c) Require the student to interrupt their studies and leave the University until conditions set by the panel are met by the student and evidence is provided to the satisfaction of a nominated member of staff.
- (d) Impose another lesser penalty as described for use by Authorised Officers in Minor Misconduct Hearings (see paragraphs 18-24).
- (e) Dismiss the case with no penalty.

Note that the panel may not amend penalties put in place by RHSU.

- 35. The decision will be communicated to the student in writing, including the reasons for the decision and a reminder of the right of appeal to the Student Misconduct Appeal Committee.
- 36. The outcomes communicated in writing to the student will take immediate effect notwithstanding any appeal by the student.
- 37. If a written appeal is not received within 15 working days the outcome(s) will be considered to have been accepted and a Completion of Procedures letter issued to the student.

### **Major Misconduct Appeals Process**

- 38. To exercise the right to appeal the student will submit their appeal in writing to the Legal and Compliance Directorate within 15 working days of the date of the letter notifying the penalties. The student must clearly explain the reasons for appeal which may only be on one or more of the following grounds:
  - (a) the procedures were not followed properly
  - (b) there is bias or reasonable perception of bias in the procedure
  - (c) the decision maker(s) reached an unreasonable decision
  - (d) the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process
  - (e) the penalty imposed was disproportionate or not permitted under the procedure
- 39. If a written appeal is received within 15 working days the Named Officer (or nominee) will decide whether the appeal should be allowed under any of the grounds a-e above and if so, will instruct the Secretary of the Student Conduct Appeal Panel to convene a panel as described in [Appendix 8](#). If an appeal is not allowed a Completion of Procedures Letter will be issued to the student.
- 40. A panel, chaired by the Named Officer (or nominee), will be drawn from the Student Conduct Appeals Panel Pool (Appendix 8) and include a senior academic member of University Staff, a non-academic member of University Staff and a nominee of the RHSU. The panel requires three members to proceed.
- 41. The decision of the Appeal Panel will be communicated to the student in writing.
- 42. The Secretary to the Student Conduct Appeal Panel will supply the panel and the student making the appeal with a copy of the following documents at least seven days before the hearing:
  - (a) A copy of all documents available to both sides at the Major Misconduct Hearing.
  - (b) A written record of the proceedings of the Major Misconduct Hearing produced by the secretary to the panel.
  - (c) The written notice of the appeal together with any other fresh supporting documents submitted by or on behalf of the student.
  - (d) Any fresh written response from the University.
- 43. The student (or their representative) will present their grounds of appeal then the University

representative (normally the Chair of the Major Misconduct Hearing panel) will present the University's case. Both the student and the University representative will have an opportunity to ask questions and to provide their closing comments.

44. The decision of the panel will be on a simple majority with a second and casting vote to the Chair in the event of a tie. There will not be any record of, or disclosure of information regarding the way in which any member has voted or on whether the decision was arrived at unanimously or by a majority vote.
45. The panel may take the following action:
  - (a) Uphold the penalty imposed by the Major Misconduct Hearing.
  - (b) Reduce or remove the penalty imposed by the Major Misconduct Hearing.
  - (c) Award an alternative penalty. The panel may need to seek confirmation from relevant staff before an alternative penalty can be confirmed.

Note that the panel may not amend penalties put in place by RHSU.
46. The decision and the reasons for the decision will be communicated to the student in writing.
47. The decision of the Student Major Misconduct Appeal Panel is the final part of the University procedure

### **Reports**

48. Council will receive an annual report of the decisions of the Major Misconduct Hearings and the Major Misconduct Appeal Hearings

### **Adjudication of University Decisions**

49. When a student has exhausted the University procedures, they are entitled to apply to the Office of the Independent Adjudicator for Higher Education to request a review of the University's decision. Students will require a Completion of Procedures letter which can be provided by the Legal and Compliance Directorate on request. Further information on the process involved can be obtained by referring to the Office's website at [www.oiahe.org.uk](http://www.oiahe.org.uk).

### **Records of Misconduct**

50. Records of incidents of minor misconduct will be maintained by the office of the Student Conduct Officer. They may inform other departments or services about incidents and subsequent penalties if they believe it to be appropriate.
51. Records of incidents of major misconduct will be maintained by the Legal and Compliance Directorate. Outcome letters will be circulated to relevant departments, including student administration, to be kept on file.
52. Notes will be taken at Major Misconduct Hearings and Major Misconduct Appeal Hearings and will be retained for University use. The notes will not be verbatim or agreed with the student(s).
53. All records of misconduct will be stored securely and retained in accordance with the University Records Retention Policy.

### **Book of Precedents**

54. The Legal and Compliance Directorate will maintain a book of precedents of outcomes of Major Misconduct Hearings. Entries will be anonymised. The book is non-binding and will be used as a reference resource in decision making when faced with similar facts and cases.

### **Associated Policies**

- (h) Dignity & Respect Policy (Students)
- (i) Student Fees Regulations
- (j) IT Terms of Service
- (k) Library Regulations

- (l) General Regulations
- (m) Support to Study Policy
- (n) Fitness to Reside Policy

## Appendix 1 – Types of Misconduct

The following list is indicative (but not exhaustive) of the type of offences which would constitute misconduct:

- (a) disruption of, or improper interference with, the academic, administrative, sporting, social, or other activities of the University, whether on University property or elsewhere;
- (b) obstruction of, or improper interference with, the functions, duties or activities of any Student, member of staff of the University or any authorised visitor to the University;
- (c) violent, indecent, disorderly, threatening, aggressive or offensive behaviour or language, however expressed, whilst on University property or engaged in any University activity;<sup>1</sup>
- (d) sexual misconduct including sexual violence and coercion, inappropriate or unwanted sexual behaviour;
- (e) behaviour, action or inaction which, even if self-directed, could reasonably be seen to cause distress to other students or members of staff or could reasonably be seen to cause other students or members of staff to fear for their safety or wellbeing;
- (f) behaviour, action or inaction that requires staff repeatedly to act beyond their normal roles and duties or interferes significantly with the normal operation of the University or with members of staff in the normal execution of their duties;
- (g) distributing or publishing a poster, notice, sign, posting or any publication, in any format, either on University premises or networks elsewhere, which is offensive, intimidating, threatening, indecent or illegal, or is likely to make others fearful, anxious or apprehensive or which could reasonably be expected to significantly and unfairly harm the standing or reputation or welfare of any student, member of staff or associate of the University;
- (h) any breach of the provisions of the University Code of Practice on Freedom of Speech;
- (i) fraud, deceit, deception or dishonesty in relation to the University or its staff, or in connection with the holding of any office in the University, in relation to being a student of the University or against any member of University. This includes the submission of false documents in order to gain an academic or non-academic advantage;
- (j) misuse or unauthorised use of University premises or items of property, including computer misuse; damage to, or defacement of, University property or the property of other students or staff, caused intentionally or recklessly, or the misappropriation of any such property;
- (k) any action likely to cause injury or impair safety on University premises or to University members in other locations;
- (l) behaviour or actions which bring the University into disrepute or otherwise prejudice the legitimate academic and business aims of the University;
- (m) conduct which constitutes a criminal offence when that conduct took place on University premises, or in the course of University activities or against any member of the University; conviction of a criminal offence, irrespective of where committed, where the consequences of the offence could impact on University staff, students or property;

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<sup>1</sup> Includes behaviour noted as unacceptable in the Dignity & Respect Policy, or which is unlawfully discriminatory or could be deemed as harassing or bullying particular groups or individuals in the University.

- (n) failure to properly enrol as required by the appropriate Regulations;
- (o) failure to pay fees or other debts to the University as set out in the Fees Regulations;
- (p) any breach of the Code of Practice on Misconduct in relation to Academic, Research and Scientific Activities;
- (q) failure to comply with a previously imposed penalty under these rules;
- (r) failure to carry and produce University card while on University premises, and to disclose other personal details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given; obstructing or failing to help University officers investigating a breach of University procedures;
- (s) interfering with or intimidating witnesses in misconduct proceedings;
- (t) possessing or using firearms (including imitation<sup>2</sup>), offensive weapon, lasers and similar equipment on University property;
- (u) obstructing or impeding the flow of traffic on University roads;
- (v) conduct in the local community that brings the University into disrepute or leads to statutory action;
- (w) breach of the University Code of Practice on Substance Use & Misuse ;
- (x) any other breach of University regulations, including University General Regulations, or Regulations, Codes of Conduct, Instructions and suchlike governing particular activities or defining behaviour in specific parts of University;
- (y) the sharing on public platforms, including but not limited to, video-hosting sites and social media, of recordings of academic lectures and seminars.

Any of the above types of offence could be considered to be minor or major misconduct, depending on the severity, extent and whether the offence is an isolated incident or repeated misconduct. The Student Conduct Officer will decide if an offence would be considered to be major or minor misconduct.

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<sup>2</sup> The use of imitation firearms in theatrical performances or other legitimate University activities is permitted in conjunction with appropriate and documented risk management.

## Appendix 2 –Temporary Suspensions, Campus Restrictions & Police Investigations

- (a) On occasions it may be appropriate to temporarily suspend a student's registration or place restrictions on a student's use of University facilities which may last until internal enquiries are concluded. Temporary suspension or restriction may also be applied at the discretion of the Vice-Chancellor & Principal, a Pro-Vice-Chancellor, or the Student Conduct Officer.
- (b) Where the University considers that a criminal offence may have committed, it may refer the case to the Police. Normally University will wait for the outcome of the Police investigation and consider the Police findings in its own procedures. However, when considered appropriate by the Student Conduct Officer the University may proceed immediately with these Regulations.
- (c) On occasions the Police or other authority may legitimately inform the University that an offence has been committed. The Student Conduct Officer will decide whether to proceed with these Regulations and may convene a risk assessment panel to assess interim restrictions and safeguarding measures required.
- (d) When criminal conduct is alleged and University also proceeds with these Regulations the reporting and responding student(s) will be clearly advised that the University is conducting internal proceedings in relation to the related offences only, and is not seeking to make a decision about whether a criminal offence was committed.
- (e) As a general principle, University is not bound by the outcome of any Police investigation or trial in deciding whether an offence has been committed under these Regulations, and it is possible that a student may be in breach of these Regulations even if there is no criminal conviction. A conviction shall constitute conclusive evidence that the student was guilty of the criminal offence identified.
- (f) Where a student is a victim of crime or a complainant about a crime but is not willing to make a report to the Police, the University will only invoke these Regulations at the discretion of the Student Conduct Officer.
- (g) Where restrictions applied by the Police / courts may prohibit a student's ability to fulfil the attendance and submission requirements of their programme of study, an immediate temporary suspension may be applied. Depending on the length of the suspension and the point in the academic year the student may not be permitted to return to their studies in the current academic year.
- (h) If Police and / or court action occurs in respect of the alleged offence, the temporary suspension or restriction may last until the completion or abandonment of the Police and / or court proceedings. It is the responsibility of the student to keep University aware of the progress and the outcome of the proceedings and to furnish the University with any reports, recommendations and judgements that have been made. The student may remain temporarily suspended or restricted until a misconduct hearing under the University rules has been held.
- (i) If a temporary suspension or Campus Exclusion / Restriction Order lasts over 28 days or is extended beyond 28 days, the student may appeal against the decision. If the decision was taken by the Student Conduct Officer, it will be reviewed at appeal by a Pro-Vice-Chancellor; if taken by a Pro-Vice-Chancellor, the Principal will review it and, if taken by the Principal, the Chair of Council. If a temporary suspension or restriction is renewed or extended, or otherwise continued, so it remains in force for more than a year after an appeal, a further right of appeal will be granted. All decisions of such appeals will be final, although the student may appeal to the Office of the Independent Adjudicator (see paragraph 49 – Adjudication of University Decisions).

### Associated Policies

Disclosing Criminal Convictions Policy

### Appendix 3 – Misconduct in Hall

Misconduct in Hall refers to circumstances where the terms and conditions of accommodation have been broken in an incident occurring in or around a University Hall of Residence. These regulations may also apply to students who are not residents of hall.

- (a) The Authorised Officer for dealing with breaches of regulation in Hall may nominate a Halls Conduct Officer to manage frequent and / or minor cases of misconduct within Halls.
- (b) When the Halls Conduct Officer is aware that the rules of the hall have been broken they may take the following action, regardless of whether the student is a resident in that Hall:
  - (i) reprimand the student;
  - (ii) fine or apply conditional suspended fines to the student up to £100, or in the specific instance of tampering with or misusing fire-safety equipment, the fine may be increased to £500;
  - (iii) require the student to pay compensation for damage to University property.
- (c) In more serious cases of misconduct in the Hall, the issue should be referred immediately to the Authorised Officer for Halls or the Student Conduct Officer to be treated as misconduct in accordance with these Regulations.
- (d) A student disciplined by the Halls Conduct Officer has a right of appeal. An appeal against the sanctions applied above must be submitted on the Misconduct Appeal Form to the Authorised Officer for Halls or the Student Conduct Officer within 15 working days of the imposition of the sanction. University may nominate an alternative officer if appropriate. The appeal may only be on one or more of the following grounds:
  - i) the procedures were not followed properly
  - ii) there is bias or reasonable perception of bias in the procedure
  - iii) the decision maker(s) reached an unreasonable decision
  - iv) the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process
  - v) the penalty imposed was disproportionate or not permitted under the procedure
- (e) The Authorised Officer for Halls or the Student Conduct Officer will decide if an appeal is allowable. The Authorised Officer for Halls or the Student Conduct Officer may initially require the student to meet the Halls Conduct Officer to discuss the issue again in order to see if agreement can be reached.
- (f) An appeal will normally be heard by the Authorised Officer for Halls or the Student Conduct Officer alone. The Halls Conduct Officer, at the discretion of the Authorised Officer for Halls or the Student Conduct Officer, may present fresh evidence and call witnesses to attend the appeal. Such evidence will be made available to the student or his/ her representative at least three days before the appeal.
- (g) The Authorised Officer for Halls or the Student Conduct Officer may take the following action(s):
  - (i) Uphold the original decision
  - (ii) Reduce the penalty
  - (iii) Remove the penalty
  - (iv) Award an alternative penalty
- (h) All decisions of the Authorised Officer for Halls or the Student Conduct Officer in relation to such an appeal will be final and the student will be issued with a Completion of Procedures letter. The student may have a right of appeal to the Office of the Independent Adjudicator (see paragraph 49 – Adjudication of University Decisions).

## Appendix 4 – Misconduct in the Local Community

Misconduct in the local community refers to misconduct where University regulations<sup>3</sup> have been broken in an incident occurring off University premises, in accordance with section 1 of these Regulations.

- (a) When misconduct is identified in the community, the Authorised Officer for Misconduct in the Local Community may take the following action(s):
  - (i) reprimand the student
  - (ii) fine the student, whether resident in the local area or not, up to £100
  - (iii) require the student to pay compensation to local residents, assuming the total sums in fine and compensation together does not exceed £100
  - (iv) refer the matter immediately to the Student Conduct Officer to be considered as minor or major misconduct.
- (b) A student disciplined by the Authorised Officer for Misconduct in the Local Community has the right of appeal. An appeal against the sanctions applied above must be submitted in writing to the Student Conduct Officer within 15 working days of the imposition of the sanction. University may nominate an alternative officer if appropriate. The appeal may only be on one or more of the following grounds:
  - (i) the procedures were not followed properly
  - (ii) there is bias or reasonable perception of bias in the procedure
  - (iii) the decision maker(s) reached an unreasonable decision
  - (iv) the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process
  - (v) the penalty imposed was disproportionate or not permitted under the procedure
- (c) The Student Conduct Officer will decide if an appeal is allowable. The Student Conduct Officer may initially require the student to meet the Authorised Officer for Misconduct in the Local Community to discuss the issue again in order to see if agreement can be reached.
- (d) An appeal will normally be heard by the Student Conduct Officer alone. The Authorised Officer for Misconduct in the Local Community may, at the discretion of the Student Conduct Officer present fresh evidence and call witnesses to attend the appeal. Such evidence will be made available to the student or their representative at least three days before the appeal.
- (e) The Student Conduct Officer may take the following action(s):
  - (i) Uphold the original decision
  - (ii) Reduce the penalty
  - (iii) Remove the penalty
  - (iv) Award an alternative penalty
- (f) All decisions of the Student Conduct Officer in relation to such an appeal will be final and the student will be issued with a Completion of Procedures letter. The student may have a right of appeal to the Office of the Independent Adjudicator (see paragraph 49 – Adjudication of University Decisions).

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<sup>3</sup> Particularly, but not limited to, General Regulation 1.2 (Student Responsibility off campus) and Student Conduct Regulations Appendix 1 (I) (bring University into disrepute).



## Appendix 5 – Hearing / Meeting Procedure

- (a) Students who are required to attend a hearing will be notified in writing. Where possible a date will be agreed with the student.

### Minor misconduct

- (b) For minor misconduct hearings or meetings at least three days written notice will be given in term-time, or one week outside term dates. The notice will include a brief description of the misconduct.
- (c) If a student fails to attend a hearing or meeting with no notice, the Authorised Officer may apply a sanction, which will be notified to the student in writing. Where the student is reasonably unable to attend, the hearing or meeting may be adjourned and another date set. If the Authorised Officer considers that the student is being deliberately uncooperative about their attendance, a date will be set and in the absence of the student the Authorised Officer may proceed with the hearing or meeting and apply a sanction, which will be notified to the student in writing.
- (d) Students are expected to represent themselves at hearings. Another member of the University or Students' Union may accompany the student. The accompanying member should not be significantly involved in the case or subject to misconduct proceedings.
- (e) If the matter involves other students or staff who are required to be at the hearing or meeting, they may be accompanied by another member of the University or Students' Union. The accompanying friend should not be subject to misconduct proceedings.
- (f) The Authorised Officer may ask a friend to leave a meeting or hearing if they feel that they are not suitable or are preventing a fair hearing of the case.

### Minor Misconduct Appeal

- (g) A student's appeal of the outcome of a minor misconduct hearing will be conducted as described in paragraphs 25-27.

### Major misconduct

- (h) Students who are subject to a Major Misconduct Hearing are expected to represent themselves, although they may be accompanied by someone who is not involved in the case or subject to University misconduct proceedings. In hearings before a panel of the Student Misconduct Committee (Appeals) students may choose to be accompanied or represented by non-University members. The student or their friend will notify the Legal & Compliance directorate when outside representation is to be used, giving the name and contact details of the friend at least one week in advance for University to engage and brief similar representation if they so wish. This is an internal process and it is unusual for students to appoint a legal professional to represent them. Previous cases have shown that there is no advantage gained when legal representation has been sought.
- (i) Reasonable steps will be taken to hold the hearing on a date which the student or their friend is able to attend. Exceptionally, if this proves impossible, or if the Chair considers that the student is being deliberately uncooperative about their attendance, a date may be decided and if the student does not appear, the hearing may proceed in their absence.
- (j) Where a student is not able to attend a hearing at the University, particularly international students, they should notify the Secretary and alternative arrangements may be made. These arrangements may include attendance via telephone or video conference. It is not allowable for the friend to dial into a meeting if the student is attending in person.
- (k) The student will be given written notice of the date of the hearing at least one week in advance.
- (l) Where a student fails to appear for a meeting or hearing, notified as above, the hearing may proceed as planned. Where the student is reasonably unable to attend, the meeting or hearing may be adjourned and another date set.
- (m) The student, their friend (if the student chooses to be represented or accompanied before a panel of the Student Committee (Appeals)) and the University representative(s) will be entitled to be present throughout the whole of the proceedings except where the panel wishes to retire for private discussions. In every case the student will be given a proper opportunity to be heard fully in

their own defiance.

- (n) The Chair may ask a friend to leave a meeting or hearing if they feel that they are not suitable or are harming the case. The presence of any other individuals is at the discretion of the Chair, who may ask them to withdraw at any time.
- (o) The panel is not required to conduct an independent investigation into the complaints presented but will exercise care to ensure that the facts upon which its decision is based are accurate.
- (p) The student, panel or University may request an adjournment if more time is reasonably required.
- (q) At their discretion and on such terms as they think fit, those chairing hearings will allow either side reasonable time for private consultation or reflection during hearings if they so request.
- (r) If a student exercises their right to appeal the decision of a major misconduct hearing the University representative may, at the discretion of the Chair present fresh evidence and call witnesses to attend the meeting. Such evidence, or a summary of it, will be forwarded to the Secretary of the Committee not less than seven days before the hearing of the Committee and will be made available to the student or their representative within the same period.

## Appendix 8 – Student Conduct Panel Pool Membership

<i>Chair</i>	<ul style="list-style-type: none"><li>• Major Misconduct Panel: A Pro-Vice-Chancellor (or nominee)</li><li>• Major Misconduct Appeal: Named officer (or nominee)</li></ul>
<i>Other members</i>	<p>Six members of the academic teaching staff, from across the academic disciplines, appointed by the Academic Board for a period three years*</p> <p>Six members of the non-academic staff appointed by the University Executive for a period of three years*</p> <p>A nominee of the RHSU</p>
<i>Secretary</i>	General Counsel, or nominee

\*Whilst every effort should be made to select appointed staff to form the Panels, where insufficient members in any category are available, similarly qualified members of the University may be asked to sit on the panel at the approval of the Chair of the panel.

The Student Misconduct Panel is selected from the groups of staff appointed by the Academic Board and the University Executive as listed above.

### Minor Misconduct Appeal

A member will be drawn from the pool of University staff to review the case with the Chair.

### Major Misconduct Panel

The panel shall comprise of the individuals listed below:

- A Pro-Vice-Chancellor (or nominee) as Chair of the panel.
- One academic teaching staff member or non-academic member of staff drawn from the pool who shall not be from the student's department or have had any teaching or significant social contact with the student.
- One student member nominated by the RHSU who shall not be from the student's department or have had any significant social contact with the student.
- The quorum shall be two, one of whom must be a Pro-Vice-Chancellor (or nominee) as Chair of the panel.

### Major Misconduct Appeal Panel

The panel shall comprise of the individuals listed below:

- The Named Officer (or nominee) as Chair of the panel.
- One academic teaching staff member drawn from the pool who shall not be from the student's department or have had any teaching or significant social contact with the student.
- One non-academic member of staff drawn from the pool who shall not be from the student's department or have had any teaching or significant social contact with the student.
- One student member nominated by the RHSU who shall not be from the student's department or have had any significant social contact with the student.
- The quorum shall be three, one of whom must be the Named Officer (or nominee) as Chair of the panel.

Panel members for a major misconduct hearing may not be a member of a panel hearing the appeal of the decision of the same case.

The Student Misconduct Panels will conduct all hearings in accordance with the Student Conduct Regulations applicable to the year in which the alleged breach of conduct took place.

## Appendix 9 Proposed Delegation as defined by the Student Conduct Regulations

**Named Officer.** An academic member of the University's Executive team approved annually by the Planning & Resources Committee. The Named Officer has responsibility for authorising misconduct hearings for cases referred to them by the Student Conduct Officer. The Named Officer also has responsibility for authorising a student appeal of the outcome of a major misconduct hearing, and will act as the Chair of the Appeal Panel or nominate another member of the University Executive team to act in their place.

**Student Conduct Officer.** The University authorises the following individual (or their nominee) as the Student Conduct Officer to lead on matters of student misconduct as defined by the Student Conduct Regulations:

Head of Wellbeing

The following staff are authorised by the University to investigate and apply penalties for Minor Misconduct in accordance with the Student Conduct Regulations:

Misconduct....	Authorised Officer (or their nominee)
Related to the use of cars and parking	Head of Security
Related to behaviour in academic departments and associated buildings	Executive Dean or Head of Academic Department
Related to the use of libraries	Director of Library Services
Related to the use of computing facilities	Chief Information Officer
Related to behaviour in Halls of Residence	Head of Residences & Halls Conduct Officer (As defined in Appendix 3 of the Student Conduct Regulations)
Related to behaviour in the local community	Senior Wellbeing Manager (Support & Guidance)
(All other misconduct)	Head of Wellbeing

At any point the Authorised Officers may refer the case to the Head of Wellbeing.