

## STUDENT CODE OF CONDUCT AND DISCIPLINARY POLICY

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## Policy control

Approved by	Board of Governors	
Contact/s	Assistant University Secretary (Adjudication)	
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Audience	Internal (Intranet only)	X
	External (Internet)	X

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## 1. Purpose

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- 1 After consulting with the Academic Board and representatives of students, the Board of Governors hereby makes the following rules with respect to the conduct of students and procedures for handling disciplinary offences.

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## 2. Scope

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- 2 This Policy covers all students of the University, both taught and research. Students are independent adults with legal and social responsibilities and are accountable for their actions and behaviour. The University of Bedfordshire fosters a community which has an atmosphere of trust and respect and our commitment to this is set out in the Community Partnership Agreement. Students are expected to conduct themselves in accordance with these principles, and with the University's commitment to access and diversity. They should show proper concern in their behaviour for the reputation of the University and the student body, and for its effect on their fellow students, staff and their successors.
- 3 Misconduct is behaviour which interferes with the proper functioning of the University and its activities, or those who work and study in the University, or which has the potential to damage the reputation of the University or the student body. Such behaviour could take place on University premises or elsewhere, and whilst engaged in University related activity or not. Separate regulations are made for dealing with academic offences.
- 4 The following are examples of what might constitute misconduct:
  - a) disruption of, or improper interference with the academic, administrative, sporting, social or other activities of the University;
  - b) obstruction of, or improper interference with the activities, functions or duties of any student, staff member, Governor, contractor or visitor to the University;
  - c) violent, disorderly, threatening, indecent or offensive behaviour or language whilst on University premises or elsewhere;
  - d) falsification or misuse of University records, including degree, diploma or other certificates, and of University equipment, systems and processes;
  - e) false pretences or deception relating to academic assessments and examinations;
  - f) fraud, deceit or dishonesty in relation to the University or its staff or in connection with registering as a student, being a student, holding any office at the University or gaining a pecuniary advantage through association with the University;
  - g) actions which might cause injury or put at risk the health or safety of people on University premises or whilst on University activities;
  - h) harassment or bullying in any form including via social media of any student, member of staff, Governor, contractor or other visitor to the University on grounds of their perceived race, nationality, gender, transgender status, disability, sexual orientation, religion, belief, age, other personal characteristic or for any other reason;
  - i) breach of the provisions of the University's policy on Freedom of Speech or Freedom of Expression or other similar policy;

- j) the expression of any extremist views that have the potential to incite discrimination or violence by or towards others;
- k) theft, damage to or defacement of University property, or the property of other members and users of the University or third parties, whether caused intentionally or recklessly;
- l) attending classes or entering any other learning environment whilst under the influence of alcohol or drugs;
- m) misuse or unauthorised use of University premises or items of property, including computer misuse, or breaches of the University code on acceptable network use;
- n) conduct which constitutes a criminal offence, including possession of offensive weapons, possession of implements that are intended for use as weapons and possession of illegal substances on University premises or at an event under the control of the University or Students Union, or an offence affecting other users of the University or the public;
- o) failure to disclose name, student number or other relevant details to a staff member of the University, when it is reasonable that such information be given;
- p) failure to comply with a previously imposed penalty under the disciplinary procedures.
- q) bringing the University into disrepute.

This list is not exhaustive.

- 5 University halls of residence (whether operated by the University itself or by third parties) also operate schemes of discipline within their areas of University premises, as does the Students Union. Where serious breaches of disciplinary codes occur in such settings or there are persistent offences, they may be referred by those operating those schemes for consideration under this Policy.
- 6 Students of the University studying at partner colleges will normally be subject to the disciplinary procedures of the partner college in the first instance. Where the alleged misconduct has the potential to damage the reputation of the University or the University's student body, the University will liaise with the partner college as necessary to determine the appropriate procedures to be followed. At the discretion of the University and the partner college, it may be deemed appropriate for an allegation to be considered under the University's disciplinary procedures.
- 7 A student of the University studying at a partner college may request the University to review the decision of the partner college, upon completion of the college's own disciplinary procedures. Such a review will normally follow the procedure for appealing a decision to the University Secretary (see paragraphs 31-34).
- 8 Students of the University who are subject to disciplinary action under this Policy, including students at partner colleges who request a review by the University, will be entitled to receive a Completion of Procedures letter to take their case to the Office of the Independent Adjudicator if they are dissatisfied with the outcome of the disciplinary procedures that are applied to them.

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## 3. Policy

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### Complaints of misconduct

- 9 Any student, staff member, Governor, contractor, visitor to the University or member of the public may make a complaint of misconduct about a student. Complaints should be addressed to the Student Adjudication Team in the first instance. If the complainant cannot

provide the name of the student about whom they have complained then the Student Adjudication Team may take steps to identify the individual concerned if there is sufficient evidence available to enable identification.

10 The University will not normally take disciplinary action in minor disputes between students and members of the public, other than where it believes a student's behaviour constitutes a hazard to other people or to property or puts at risk the University's reputation.

11 The University encourages individuals to put their name to any complaint they make. Anonymous allegations are less easy to investigate, but may be considered at the discretion of the University. In exercising this discretion, the factors taken into account will include:

- the seriousness of the issues raised;
- the credibility of the complaint; and
- the likelihood of confirming the allegation from attributable sources.

If a complainant does not wish their identity to be disclosed to the student about whom they are complaining, the University will endeavour to keep their identity confidential so long as it does not hinder or frustrate any investigation. However, the individual making the disclosure may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process.

12 If a complainant makes an allegation that they believe to be true, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make allegations that, on the balance of probabilities, it is determined that they know to be untrue, and particularly if they persist with making them, then the University may consider disciplinary action against the person who made the complaint.

13 A manager or staff member receiving a complaint under this code should refer the matter to the Student Adjudication Team who will determine whether the complaint is eligible for consideration under this Policy. If the complaint is not eligible, the Student Adjudication Team will advise the complainant of the reason.

### **Determining the level of complaint**

14 Complaints will be considered either by the student's Head of Department or the Disciplinary Board, depending on the level of seriousness.

15 On receipt of a complaint that is eligible for consideration under this Policy, the Student Adjudication Team, on behalf of the Chair of the Disciplinary Board, will make an initial assessment of whether the complaint is minor misconduct that can be addressed by the Head of Department (Level 1 or 2), or if it is sufficiently serious to require a formal Disciplinary Board hearing (Level 3). Consideration will also be given to previous instances of misconduct and the Student Adjudication Team may review the student's disciplinary record to determine whether the aggregation of previous minor misconduct justifies the complaint to be treated as more serious.

16 The following framework will be referred to in determining the level:

**Table 1**

<b>Level of seriousness</b>	<b>Examples of types of offences</b>	<b>Action</b>	<b>Dealt with by</b>	<b>Record</b>
1 - Minor  (Informal disciplinary measures)	Rudeness  Disruption in class  Poor attitude to staff, other students or neighbouring residents	<u>Guidance:</u> Pastoral  guidance interview with Personal Tutor	Head of Department  (with Disciplinary Board guidance where appropriate)	Department to keep brief note of the complaint and that guidance interview has taken place
2 - Significant  (Informal disciplinary measures)	Repeat offences or more serious offenses	<u>Warning:</u> Disciplinary Interview and informal warning.  Restriction or injunction to avoid certain behaviour.	Head of Department  (with Disciplinary Board guidance where appropriate)	Department to keep brief note of the complaint and that warning interview has taken place
3 - Serious  (Formal disciplinary measures)	Serious disciplinary offences	<u>Formal hearing:</u> Formal penalties as described in paragraph 29	Student Adjudication Team and Disciplinary Board	Formally recorded Disciplinary Board hearing, investigation and decision coordinated by Student Adjudication Team

17 Where the offence is sufficiently serious, the Student Adjudication Team may make a recommendation via the Registrar to the Vice Chancellor to suspend the student about whom the complaint has been made whilst the complaint is being investigated. Offences may enter at this level or progress through from less serious measures. (See paragraphs 38-42).

### **Investigation of complaint**

18 All complaints that are deemed eligible by the Student Adjudication Team for consideration under this Policy will be subject to an initial investigation by the student's department.

19 The Student Adjudication Team will refer the complaint to the Head of Department who will appoint an independent member of staff, with no connection to the action or incident complained of, to investigate it. The Head of Department will notify the Student Adjudication Team of the name of the staff member investigating and will ensure that a report of the investigation is provided to the Student Adjudication Team on completion of the investigation.

20 Where a case is identified as serious (Level 3) either at the outset or at any time during the complaint investigation, the Student Adjudication Team will arrange for a Disciplinary Board member to be appointed to oversee the complaint. The role of the Disciplinary Board member is to provide advice and guidance on process throughout the case and, where it is determined that the complaint requires a formal hearing, the Disciplinary Board member will hear the case and decide the outcome and penalty. The same Disciplinary Board member may act throughout the case or more than one may be appointed, depending on the length of the case and availability of Disciplinary Board member(s).

21 Any Investigating Staff Member may request the Student Adjudication Team to nominate a Disciplinary Board member to act as mentor to the Investigating Staff Member.

22 The Investigating Staff Member will send a written invitation to the student complained of, inviting them to an interview, explaining the allegation which has been made, informing them that they may be accompanied by a friend or representative, and providing a copy of this Policy. The student will be given at least two clear working days' notice to attend. The

Investigating Staff Member may also supplement the written invitation by using other communication mechanisms such as email and telephone to ensure that the student receives the invitation to attend the hearing.

- 23 If the student complained of does not respond to invitations sent to the postal, email or telephone contact details held for them on the University's records system within a reasonable amount of time, the Investigating Staff Member should inform the Student Adjudication Team . The complaint will be deemed to be 'not admitted' and will be subject to a Disciplinary Board hearing (see paragraph 27-30).
- 24 The Investigating Staff Member may interview witnesses and/or the person making the complaint. All such individuals should be provided with an opportunity to be accompanied by a friend or representative at such interviews.
- 25 A student may admit the offence in full or part in writing, or in full or part in person at interview, or deny the offence. In all cases, the investigating staff member will submit a report to the Student Adjudication Team .

### Adjudication

- 26 On receipt of a report from an Investigating Staff Member, the Student Adjudication Team will determine the action to be taken in accordance with the following guide:

**Table 2**

Category	Level of complaint (see Table 1)	Decision	Action	Dealt with by
A	1 - Minor 2 - Significant 3 - Serious	That there is no case to answer	The Student Adjudication Team will write to the student indicating that the matter is closed. They will copy this letter to the Investigating Staff Member, the Head of Department, any appointed Disciplinary Board member and the person who made the original complaint.	Student Adjudication Team
B	1 - Minor 2 - Significant	That the offence has been admitted or partially admitted and is minor	The Student Adjudication Team will request the Head of Department to apply the appropriate action in accordance with Table 1. The Student Adjudication Team will write to the person who made the original complaint advising them of the outcome.	Head of Department
C	1 - Minor 2 - Significant 3 - Serious	That the offence is admitted or partially admitted but is more serious, or is a second or further offence	The Student Adjudication Team will appoint a Disciplinary Board member to consider the allegation at a formal hearing	Student Adjudication Team/ Disciplinary Board
D	1 - Minor 2 - Significant 3 - Serious	That the offence is not admitted	The Student Adjudication Team will appoint a Disciplinary Board member to consider the allegation at a formal hearing	Student Adjudication Team/ Disciplinary Board

## Disciplinary Board hearing

- 27 Where the Student Adjudication Team determines that a complaint should be referred to a formal hearing (category C or D in Table 2), the appointed Disciplinary Board member will invite the student, the Investigating Staff Member and any witnesses to a meeting. The student will be given at least two clear working days' notice to attend, and will be informed that they may be accompanied by a friend or representative, and may bring any witnesses they wish to call. At the meeting, the Investigating Staff Member will outline their investigation, and the impact of the action complained of upon others, calling any witnesses as appropriate. The Disciplinary Board member may at any point in the proceedings decide not to hear further evidence from a witness or witnesses on either side. The student, or their representative, will be given an opportunity to cross examine both witnesses and the Investigating Staff Member. The student (or their representative) will then be invited to put forward their case, calling any witnesses as appropriate. The Investigating Staff Member will be given an opportunity to cross-examine witnesses and the student. The Disciplinary Board member will then ask the Investigating Staff Member, and then the student, to sum up their case. After deliberating upon the evidence, the Disciplinary Board member may:
- a) find, on the balance of probabilities, the student is not guilty of the offence;
  - b) adjourn the hearing pending the provision of further evidence for or against the student;
  - c) find that, on the balance of probabilities, the student was guilty of the offence.
- 28 Where the Disciplinary Board member decides that the student is not guilty, they will write to the student indicating this outcome and that the matter is closed. They will copy this letter to the Investigating Staff Member, to the Head of Department, and to the person who made the original complaint.
- 29 Where the Disciplinary Board member finds the student guilty, the student will be given an opportunity to present any mitigating circumstances or other factors they wish to have taken into account. The Disciplinary Board member will then recommend the penalty to be applied, or may adjourn the meeting to consider the appropriate penalty further.

Penalties may include one or more of the following:

- a) a requirement for the student to apologise to those affected by the actions which were complained of;
- b) a written warning to the student, to remain on their record for a period determined by the Disciplinary Board member;
- c) a fine proportionate to the offence;
- d) a requirement to make good the cost (in full or in part) of any damage or loss caused to property, whether that of the University or a third party;
- e) exclusion from a particular section of the University's premises or facilities for a fixed or indefinite period;
- f) a recommendation via the Registrar to the Vice Chancellor that the student be permanently dismissed from the University. Only the Vice Chancellor can permanently dismiss a student, and the Vice Chancellor may commute the proposed penalty to a lesser one if it is felt appropriate. If a decision to permanently dismiss is enacted then the University may advise other appropriate bodies of the action that it has taken.

The above list is not exhaustive. The Disciplinary Board member may recommend a penalty or action not listed above, which will be subject to the agreement of the Registrar as Chair of the Disciplinary Board.

A record of the offence and penalty will remain on the student's file for the remainder of their period of study.

- 30 All recommendations for penalty are subject to confirmation by the Registrar as Chair of the Disciplinary Board, and the Registrar's decision is final, except where the recommendation is for dismissal, in which case the Vice Chancellor will make the final decision.

### **Appealing the decision of the Disciplinary Board**

- 31 A student may appeal the decision of the Disciplinary Board by writing to the University Secretary within ten working days of receiving written notification of the Disciplinary Board decision, setting out the grounds for appeal (students will be deemed to have received notification forty-eight hours after posting to the last known registered address if based in the UK and ten working days after posting if based outside the UK. If the decision is sent by email it will be deemed to have been received the same working day).
- 32 The following alone shall constitute grounds for appeal:
- a) that new and relevant material evidence or information has emerged, which could not have been made available for consideration at the time of the Disciplinary Board hearing;
  - b) that the decision reached was perverse in the light of the evidence presented;
  - c) that there was a procedural error at the Disciplinary Board hearing or in the process leading up to it which had a material effect upon the Disciplinary Board decision; or
  - d) that the severity of the penalty imposed was unreasonable and disproportionate.
- 33 The University Secretary will determine whether the grounds are sufficient for an appeal to be heard. If not, he or she will inform the student in writing of this decision as soon as possible. This decision is final, and there will be no further right of appeal in the University's procedures, and the student will be informed of their right to take the matter to the Office of the Independent Adjudicator (OIA). In such instances, the Student Adjudication Team will issue a Completion of Procedures letter to enable the student to refer the matter to the OIA.
- 34 If there are sufficient grounds for appeal, then the University Secretary will refer the matter to a member of the Vice Chancellor's Management Group (other than the member with responsibility for managing the area in which the offence was investigated, or the University Secretary) to act as Adjudicating Officer.

### **Adjudicating appeals**

- 35 The Adjudicating Officer will convene a hearing as soon as conveniently possible, by inviting the student and their representative, the Disciplinary Board member and any witnesses the Adjudicating Officer wishes to interview to a meeting. The Adjudicating Officer may also invite other members of staff (such as a member of the Legal Office, or of the Student Support Services), who have no involvement in the case, to attend the hearing and provide advice.
- 36 The format of the hearing will be as follows. The Adjudicating Officer will ask the Disciplinary Board member to present the case against the student and the reasons for the penalty imposed, where relevant. The student will then be asked to present their grounds for appeal. The Adjudicating Officer will then ask questions of both the Disciplinary Board member and the student and any witnesses, and will invite both the student and the Disciplinary Board member to cross examine. The Adjudicator will then ask the Disciplinary Board member and then the student to sum up, before coming to a decision.
- 37 The decision may be either to uphold the original decision as to guilt, partially uphold the original decision as to guilt, to overturn it, or to amend the penalty imposed. This adjudication is the final internal stage for the University, and students may request a Completion of Procedures letter to take the matter to the Office of the Independent Adjudicator if they are dissatisfied with the outcome.

## **Suspension**

- 38 A student who is suspected of having committed a very serious disciplinary offence, or against whom a criminal charge is pending, or who is the subject of a police investigation may be suspended from attendance at the University at the Vice Chancellor's discretion. Recommendations for suspension of a student should be made via the Registrar to the Vice Chancellor.
- 39 Suspension is not a sanction or penalty, but is imposed to protect the University community or members of that community, or the University's reputation, pending a criminal trial or disciplinary hearing, or to allow an investigation to be carried out unimpeded. The Vice Chancellor may impose action short of suspension, such as a requirement that a student does not visit a particular campus or building, or that they do not contact a particular individual. Failure to comply with such a restriction or a suspension would, in itself, constitute a serious disciplinary offence.
- 40 If the Vice Chancellor's decision is to suspend a student then this will be recorded and made available to the student concerned, who may make written representations requesting that the suspension be rescinded. Any such representations should be submitted to the Student Adjudication Team ([adjudication@beds.ac.uk](mailto:adjudication@beds.ac.uk)) for consideration by the Vice Chancellor.
- 41 A decision to suspend will be subject to review by the Vice Chancellor every four weeks or a lesser time period if the Vice Chancellor deems this appropriate, in the light of evidence available as to the progress of the case.
- 42 A student who has been suspended by the Vice Chancellor will remain suspended until they receive written confirmation from the Vice Chancellor that the suspension has been lifted.

## **Criminal matters**

- 43 Where it is suspected that a criminal offence has been committed, the University will refer the matter to the police. Where the police are investigating a particular matter, any investigation by the University relating to the same matter will normally be suspended but may recommence when the police investigation is completed. The University may, exceptionally, decide to proceed with its internal disciplinary process before a police investigation is complete. In such cases, the University will take into consideration any new information that arises from the police investigation.
- 44 Whether or not a matter results in a criminal prosecution or other forms of civil reprimand, the University may decide to pursue disciplinary action in relation to any matter brought to its attention.
- 45 The University and the police may share information about a student in order to progress either a police investigation or a University disciplinary investigation. The University may also use other means of information gathering such as web searches to collect or check information that is in the public domain regarding a student or an incident, for example court listings or news reports. Such information sharing and gathering will have due regard for Data Protection legislation and credibility of the source.

## **Students on professional courses**

- 46 Where a student on a course leading to a professional qualification is found guilty of certain types of disciplinary offence or fraud, the University may be under an obligation to disclose the matter to the professional body concerned. Where the offence is so serious that it might prevent the student registering with the professional body or completing professional placements, it may be necessary for the University to terminate the student's registration on the course or to counsel the student to consider another path of study.

- 47 The University has specific legal responsibilities to ensure that children and vulnerable adults are safeguarded against the risk of harm and abuse. If a complaint is made under this Policy relating to a student on a course that is subject to Fitness to Practice regulation, the Student Adjudication Team may refer the complaint for consideration under the Fitness to Practice or Safeguarding Policy.

### **Health matters**

- 48 If it appears to an Investigating Staff Member that a student involved in a disciplinary matter is affected by signs of mental health difficulties, or psychological or emotional disorder, they may, after consulting with the Student Adjudication Team, refer the student for consideration under the University's Fitness to Study Policy. The disciplinary process will be suspended pending the outcome of the Fitness to Study procedure.

### **Student attendance and representation at interviews and meetings**

- 49 Students are entitled to be accompanied by a friend or representative at all interviews and meetings where allegations against them are discussed. This could be a member of staff or Officer of the Students Union, a family member, fellow student or personal friend. Legal representation is not considered appropriate for offences under these regulations. A friend or representative may speak on behalf of the student provided clear consent is given by the student at the meeting.
- 50 The University recognises that students have academic and external commitments and will seek to take account of the personal circumstances of students in arranging interviews and meetings. In the event of a student being unable to attend an interview or meeting, they must contact the relevant University officer before the proposed time in order to seek a deferral. The University will normally permit one such deferral at the request of a student. Where a student fails to attend an interview or meeting, or seeks to defer the meeting unreasonably, the University may proceed with the investigation, adjudication or appeal in their absence.

### **Timescale**

- 51 The University will aim to complete its investigation and provide the student with an outcome as soon as possible and within three months of receiving the initial complaint. The process may take significantly longer in cases where the University is awaiting the conclusion of a police investigation or other external process before an outcome can be determined.

### **Record of hearings**

- 52 A record will be made of all interviews and hearings described in this Policy. Where a Disciplinary Board hearing takes place, the Faculty in which the Disciplinary Board member works will provide a secretary to the meeting, who will conduct the correspondence. Where a member of the Vice Chancellor's Executive Group is hearing an appeal, they will identify a staff member to act as secretary and conduct the correspondence.

### **Disciplinary Board**

- 53 The Disciplinary Board is chaired by the Registrar, who will appoint suitably qualified and experienced academic or support staff to be Disciplinary Board members to review disciplinary cases through formal hearings, ensuring that all such cases are considered by a Disciplinary Board member not within the student's Faculty. Decisions made by individual Disciplinary Board members are decisions of the Disciplinary Board.

- 54 The Student Adjudication Team will brief new Disciplinary Board members on the process and cases. All Disciplinary Board members are expected to undertake equality and diversity training before or as soon as possible after appointment.
- 55 The Disciplinary Board will meet at least once a year to ensure that there is common practice around the University, and to agree guidelines on the penalties for various types of offences, and definitions of minor and serious offences in the light of changing practice. The Disciplinary Board will also consider the effectiveness of these procedures, the speed with which disciplinary matters are dealt with, and if necessary make appropriate recommendations for amendments.

### **Monitoring and reporting**

- 56 The Student Adjudication Team will be responsible for agreeing and implementing a system of monitoring, recording and reporting of allegations, outcomes and penalties against all of the recognised equality criteria, for presentation to the Equality and Diversity Committee annually.
- 57 The Student Adjudication Team will report to Academic Board after the end of each academic year on the activity and outcomes of complaints made under this Policy.

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## **4. Forms/Instructions**

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**Investigator's report template**

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## **5. Links/Dependencies**

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This policy should be read and its use considered with reference to:

**Academic Discipline Policy**

**Research Misconduct Guide**

**Student Complaints Policy**

**Fitness to Study Policy**

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## **6. Appendices**

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**None**