



UNIVERSITY OF
PLYMOUTH

Student Code of Conduct and Disciplinary Procedure

Version number	Status (draft/final)	Owning Directorate / Faculty		
3.0	FINAL	Academic Registry		
Summary of any amendments:				
Significant changes to the 2015/16 policy:				
<ul style="list-style-type: none"> - Changes <ul style="list-style-type: none"> o in the levels of misconduct o the investigation process o who sits on the formal hearing panel o the ownership of the code and procedure - Greater clarity on how police investigations are managed - The need for consent - Inclusion of how to manage cases involving more than one student - References the complainant and how they are kept up to date - Defines the role of the investigating officer - Examples of minor or major misconduct - Reflects the OIA Good Practice Framework 				
Document objectives:				
This code and associated procedure outlines the approach to student conduct at the University of Plymouth, including the following:				
<ul style="list-style-type: none"> • The definition of misconduct and examples of what constitutes misconduct • Explains the levels of misconduct • Explains how allegations of misconduct are investigated and who carries out the investigation • Details the procedure of how the process is instigated, how it's managed to achieve an outcome and explains the appeals process • Explains the roles and responsibilities of students and staff. 				
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STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCEDURE

The disciplinary procedure at a glance

An allegation of misconduct has been made against a student (the responding student).

Allegations can be made by another student (the reporting student), a member of staff or a third party – these will collectively be classed as the complainant.

Are the Police involved?

Yes

The University will normally pause any internal process until the Police have concluded their action.

No

An initial 'fact finding' conversation will take place with 'responding student'.

	Can the matter be resolved informally <i>or</i> does the case lack evidence? Informal resolution	Yes	The case is closed and the complainant is updated.
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No

A formal investigation takes place.

Is there still a case for misconduct?

No

The case is closed and both the responding student and the complainant are updated.

Yes

Minor misconduct The case is considered by the Head of School or Service Area.	The formal process begins	Major misconduct The case is considered by a panel.
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Has misconduct been proven?

No

The case is closed and both the responding student and the complainant are updated.

Yes

The appropriate penalty is issued.

Yes

The responding student's record is updated.

The responding student can appeal.

INTRODUCTION

The University of Plymouth is committed to creating an environment where all members of its community are respected, treated with dignity and feel safe, as well as ensuring the proper working of the University.

This Code of Conduct serves as a framework to help students understand what is expected of them, what standards of behaviour they can expect from other students, and explains what happens if those expectations are not met.

The Code of Conduct sets the scope, guiding principles and provides a definition of misconduct.

The Disciplinary Procedure and associated appendices provide detail on how the disciplinary process is applied in practice.

THE CODE OF CONDUCT

1 The scope

- 1.1. This code applies to all students, including post graduates and students in partner colleges, in relation to matters of alleged non-academic misconduct. Please refer to the separate procedures for academic and research misconduct¹.
- 1.2. We expect our Partner colleges to have their own Code of Conduct and Disciplinary Procedure, however if partners do not have their own policy this version may be used, with comparable local adaptations where appropriate.
- 1.3. This code applies to a student whether they are on or off University premises, including non-University activities.
- 1.4. For students who are on professional programmes involving work with vulnerable groups, such as nursing, then any allegations of misconduct will be managed through the relevant 'Fitness to Practice' procedure.
- 1.5. Below are associated guidance, policies and procedures, this list is not exhaustive:
 - The Student Charter
 - Anti-Bullying and Harassment Policy
 - Assessment Offences and Research Misconduct
 - Equality and Diversity
 - Fitness to Practice
 - Prevent Policy
 - Safeguarding Policy
 - Student Complaints Procedure
 - Student Sexual Violence and Misconduct Policy
 - Study and Wellbeing Review Policy.

2 Expectations of students

- 2.1 To ensure that our students are respected, valued and feel safe we expect them to treat each other – as well as staff, visitors and members of the public in the wider community - with dignity and respect by:
 - Abiding to the terms and conditions² of being a university student
 - Respecting and treating with care any facilities or equipment provided by the University and their partners
 - Being familiar with and complying with University policies and procedure
 - Upholding the spirit of the Student Charter³.
- 2.2 If living in University-managed halls of residence, students must abide to the terms of their accommodation licence; failure to do so could mean that a student is temporarily relocated as

¹ <https://www.plymouth.ac.uk/about-us/teaching-and-learning/guidance-and-resources/plagiarism>

² <https://www.plymouth.ac.uk/students-and-family/student-contract>

³ <https://www.plymouth.ac.uk/students-and-family/student-charter>

a precautionary action during an investigation or permanently removed as an outcome of a conduct hearing.

3 Guiding principles

- 3.1. Fairness is woven throughout the process to ensure that all students involved are treated fairly, with respect and are supported. This will ensure that the conduct matter is looked into without bias and that all students will have the opportunity to be heard.
- 3.2. Investigations will be concluded in a timely manner and the University will normally aim to arrive at an outcome within 60 working days of an investigation being started.
- 3.3. Any student involved in the process will have reasonable notice to attend any meetings (the length of notice will normally be determined by the nature of the meeting).
- 3.4. Before any matter is taken forward, the complainant will normally be asked how they want their complaint to be taken forward.
- 3.5. The responding student will have the allegation(s) against them outlined and they will have the opportunity to respond.
- 3.6. Any penalties imposed will be proportionate to the offence(s) and aim to take into account any mitigating factors.
- 3.7. Both the complainant and responding student will be kept appropriately informed about the investigation, whilst meeting confidentiality requirements (section 10).
- 3.8. Clear reasons will be given for any precautionary actions and or penalties imposed.
- 3.9. The University will, where practicable, aim to ensure the process is free from bias by ensuring that anyone involved in the decision making process will not have been involved with the current case.
- 3.10. If the University has reason to believe anyone is at risk of harm or abuse, then action will be taken in order to safeguard them (this includes any concerns about the safety of an under 18-year old). This is as described in the University Safeguarding Policy⁴.

4 Definition and classification of misconduct

- 4.1. Misconduct is defined as any behaviour which:
 - a) Fails to meet the University's stated expectations (section 2), *or*
 - b) Interferes with the proper functioning or activities of the University, *or*
 - c) Otherwise damages the University or its reputation.Any of the above can be considered a breach of this code and will mean that the matter is taken forward using the disciplinary procedure.
- 4.2. Misconduct at the University will be classed as 'minor' or 'major' (see appendix 1 for examples).
- 4.3. The University has zero tolerance to hate-related incidents, which means incidents that are motivated by: Disability, Gender Identity, Nationality, Race/Ethnicity, Religion or Belief, Sex, Sexual Orientation. This means that all hate-related incidents will be fully investigated, subject to section 8.
- 4.4. The University has a right to determine what is considered an act of misconduct (section 16).

^{4 4} <https://www.plymouth.ac.uk/student-life/your-studies/essential-information/regulations>

THE DISCIPLINARY PROCEDURE

5 Introduction

- 5.1. The purpose of this disciplinary procedure is to explain how the Student Code of Conduct is followed in practice. It outlines who is authorised to undertake investigations and make decisions as well as explaining the process that is followed. There are up to three main stages to the process:
 - 1) Informal fact finding, including resolving the matter informally where appropriate
 - 2) The Formal investigation process
 - 3) Appeal.
- 5.2. See the flowchart on page 3 for ease of reference.

6 Supporting students

- 6.1. The University recognises that it can be a distressing time for any student involved with the disciplinary process; be that the reporting student, the responding student, as well as any witnesses or friends, and the University has a wide range of support services for students.
- 6.2. The same support services are available to all students and this can be accessed via Student Services⁵ which can be accessed online, over the telephone or visiting the Student Hub located by the entrance of the library on the main campus.
- 6.3. Students will be signposted as appropriate by the member of staff that is working with them at any stage in the process.
- 6.4. Support is also available through the Student Union Advice Centre.
- 6.5. During any formal meetings, as part of this process, a responding student can be accompanied by a member of University staff, fellow student, a Dignity and Respect Advisor or a member of the Student Union Advice Centre. Legal representation may be considered in cases relating to professional programmes where an outcome could be exclusion from the programme.

7 Receiving the complaint

- 7.1. A complaint about a student can come from a number of sources: a fellow student, a member of staff, a member of the public, the Police or any other third party.
- 7.2. When the complaint is received the complainant will be contacted with a view to understand more about the complaint and explain next steps as well as sign posting to appropriate support services.
- 7.3. If they wish the complaint to be taken forward, but to be treated anonymously, then that may be possible, depending on the nature of the complaint (section 9).
- 7.4. Any allegations that are made by a student that are not made in good faith and that are knowingly false are likely to be treated as a vexatious complaint and will be looked into using this disciplinary procedure.

8 Consent

- 8.1. When an allegation against a student is made, the details need to be taken from the complainant including how they would like the matter taken forward.
- 8.2. Consent must be obtained from the person making the complaint if they wish the disciplinary procedure to start.
- 8.3. If a complainant wants to retract their name and they want the matter to be taken forward anonymously then this needs to be discussed with the Student Conduct Office before any further action is taken (section 9).
- 8.4. If at any stage in the process the complainant wishes to drop the case, the University will try and respect the wishes of the complainant. In some cases, due to the nature of the allegation,

⁵ <https://www.plymouth.ac.uk/student-life/services/student-services>

the University may decide to continue with the investigation owing to the seriousness of the allegation, for example where there is a safeguarding concern (section 3.10).

9 Anonymous complaints

- 9.1. If the complainant wishes to remain anonymous, their complaint will not normally be investigated as this could undermine the ability for the responding student to defend themselves. The University reserves the right to consider investigating the case if there is evidence that misconduct may have taken place, and keeping the complainant anonymised will not compromise the responding student's ability to defend themselves, for example where there is a safeguarding concern (section 3.10).

10 Confidentiality

- 10.1. Any students involved with the investigation be that a complainant, the responding student or a witness, must maintain confidentiality. Any breach of confidentiality may itself result in disciplinary action being taken.
- 10.2. The complainant will be kept appropriately updated on the progress of the case. Such communications will take into account the rights of the responding student for confidentiality.
- 10.3. For the avoidance of doubt, it will not be considered a breach of confidentiality for students to discuss the matter with the individual who is providing them with support (section 6).

11 Keeping the complainant informed

- 11.1. The complainant will normally be kept informed as follows:
 - a) The complaint has been received and is being considered
 - b) After the matter has been considered, whether the complaint is being taken forward
 - c) When the formal process has concluded and that any appropriate action has been taken.
- 11.2. Where the complainant is a student or a member of staff then in certain exceptional circumstances, and only after discussion with the Student Conduct Office, certain precautionary measures and/or outcomes of a disciplinary matter can be shared with the complainant, such as when the penalty has had a direct impact on them e.g. the responding student has been required to make an apology to a reporting student.

12 Criminal offences

- 12.1. In the case, where the Police are carrying out an investigation into a responding student, or there is an investigation by another external official body, then any related University investigation will normally be paused until the external investigation has concluded.
- 12.2. The outcome of the Police/external investigation does not automatically assume the University's code of conduct has been breached, nor does the absence of any charge or conviction mean the code of conduct has not been breached. The external investigatory process will not dictate the outcome of any University investigation.
- 12.3. Once the Police/external body has concluded their investigation, or they are satisfied that the University can take forward the matter, then the University will normally instigate its own investigation under this code and the disciplinary procedure will start.

13 Timeliness

- 13.1. Once an allegation of misconduct against a student has been received and the fact finding process has started, the University intends to finish the investigation and arrive at an outcome within 60 working days. This does not apply in cases where the Police/external agency are carrying out an investigation (section 12). The complexity of the case, the number of witnesses and other factors might also affect that timeframe.
- 13.2. Responding students will be given reasonable notice to attend any meetings. The length of notice will normally be determined by the nature of the meeting.

14 Burden and standard of proof

- 14.1. The burden of proof is on the University, meaning that the University has to prove that the alleged incident(s) took place in relation to the complaint that was made.
- 14.2. In University conduct matters, the standard of proof required is lower than that of a criminal case, where 'beyond reasonable doubt' is used. When applying this disciplinary procedure a case will normally be decided on in relation to the evidence presented. Where a matter is not clear-cut then the case will be decided upon using the balance of probability. Balance of probability is higher than simply believing that something may have happened but not at the same level of 'beyond reasonable doubt'.

15 Mitigation

- 15.1. The responding student will have the opportunity to present any mitigating circumstances they believe should be taken into account such as compelling personal circumstances that may have affected the student's judgement.
- 15.2. Mitigation does not reduce the seriousness of the matter but can be taken into account when considering the penalty.

16 Acts of misconduct

- 16.1. The University definition of misconduct is set out in section 4 and the following are typically considered acts of misconduct (one or more may be considered in a conduct case):
 - a) Violent, indecent, disorderly, threatening or offensive behaviour or language; through any medium, including group chat and social media
 - b) Acts that are considered to be 'hate' motivated, section 4.3
 - c) A breach of the University's Equality and Diversity policy⁶
 - d) A breach of the University's Student Sexual Violence and Misconduct Policy⁷
 - e) Failure to respond to requests to moderate behaviour
 - f) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University
 - g) Fraud, deceit, deception or dishonesty in relation to the University, its staff or fellow students
 - h) Action likely to cause injury or impair safety on University premises (including University managed halls of residence)
 - i) Misuse or unauthorised use of University premises or items of property
 - j) Possession, use or supply of illegal substances
 - k) Behaviour which brings the University into disrepute
 - l) Antisocial or disorderly conduct which causes distress to others; regardless of where this takes place
 - m) Failure to comply with a previously imposed penalty or precautionary action(s)
 - n) A breach of any University code, rule or regulation that may be considered as misconduct
 - o) Vexatious or malicious complaints about a student or member of staff
 - p) Actions that might be treated as a criminal offence
 - q) Any other action that could reasonably be classed as misconduct.

17 Informal fact finding and resolution

- 17.1. When an allegation of misconduct is received an initial fact finding meeting will normally need to take place to establish the facts behind the allegation.

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- 17.2. The responding student should be made aware of the allegations that have been made against them and normally be given 3 days' notice to attend the informal meeting.
- 17.3. In cases where there is no evidence of misconduct, or if on the balance of probability it is unlikely to have happened, then the case can be closed and no further action will be taken.
- 17.4. Where the fact finding conversation suggests that an act of misconduct may have taken place, the matter will be discussed with either the Faculty Registrar, Head of School or Service Manager to determine if the matter should be treated informally where a verbal caution or appropriate restorative action can be given or more formally, where a penalty is considered.
- 17.5. Informal action may be one of the outcomes in the case of minor misconduct. For example, when the responding student has had no previous cautions or penalties and they admit the offence and offer an unprompted apology.
- 17.6. Informal resolutions are noted on local records and should be conveyed in writing to the student, they are not formally recorded on the University's Student Records System.
- 17.7. If a further act of misconduct takes place at any stage in the process then this will be looked into at the same time. All allegations and incidents will normally be treated as one case and will have one hearing as appropriate, regardless if they are related incidents or not.

18 Formal investigation

- 18.1. Where it is not appropriate to deal with alleged misconduct informally then a formal investigation will be carried out by an investigating officer, see appendix 2.
- 18.2. The responding student will normally be given at least 3 days' notice to attend the investigatory meeting. The purpose of the meeting will be outlined in the correspondence to the student which will include the option for them to provide a written statement in response to the allegation. The student has the right to be accompanied and they will be informed how they can access support services. Alternative options should be offered if the student cannot make the meeting.
- 18.3. Witnesses will be invited to meet with the investigating officer. Where a witness is a student they will be permitted to be accompanied by a member of the University community for support. Consent to use a witness statement will be requested from each witness.
- 18.4. Witness statements from anyone external from the University will only be considered if they directly witnessed the event.
- 18.5. If a witness does not give consent to use their statement then the investigating officer can decide to add the statement to the investigation report as 'an anonymised statement' if doing so would not compromise the identity of the witness or the ability of the responding student to respond.
- 18.6. If the responding student does not attend the investigatory meeting or provide a statement this will be noted in the final report.
- 18.7. Once the investigation has concluded, the investigation officer will determine if allegations are probable or not and:
 - If probable, whether they are minor or major in nature (see appendix 1)
 - If not probable, recommend that there is no case to answer.
- 18.8. In cases where there is more than one allegation against a responding student, a penalty will be considered for each allegation. If one or more of the penalties is likely to be more than a written warning, the whole case is likely to be treated as major misconduct.
- 18.9. In cases where there is more than one responding student in relation to the same incident, there will normally be one investigation officer to ensure consistency and the initial investigation meetings will take place on an individual basis as above. The responding students must not influence each other; doing so may result in further disciplinary action being taken.

18.10. If a responding student does not attend an investigation meeting, does not supply a written statement or does not attend a hearing without good reason, the procedure may still continue.

19 Risk assessment and precautionary action

- 19.1. An alleged incident can start to present itself as a matter of possible major misconduct. This can happen when evidence starts to come forward, witnesses corroborate the allegations or the Police/external agency provide more information about an incident.
- 19.2. In most cases of alleged major misconduct a risk assessment will be carried out by the Student Conduct office in conjunction with relevant Faculty staff (and other departments as appropriate, such as Student Accommodation) to assess the risk posed to the complainant, the wider student community, the responding student, University staff and property, as well as the University's reputation.
- 19.3. In cases where a student is subject to a Police investigation, a risk assessment will be carried out in relation to any information provided by the Police.
- 19.4. In considering the risk and any precautionary measures, the University will aim to minimise the impact on both the complainant, if they are student, and responding student's studies as far as possible.
- 19.5. Where necessary, and if applicable, the University will inform the complainant of any precautionary action taken.
- 19.6. Breaches to any of the restrictions will be viewed as a further act of misconduct and this will be taken into account when considering any penalty.
- 19.7. Precautionary actions may include, but are not limited to:
 - No access to campus or any University buildings
 - Partial campus restriction
 - No contact with named persons or groups
 - Removal from University managed accommodation (where suitable alternative accommodation will be provided)
 - Transfer to a different University managed accommodation
 - No access to their student IT account
 - Any other restriction that justifies the risk that needs to be mitigated
 - Any precautionary actions imposed will be reviewed on a regular and timely basis.

20 Deciding on cases of minor misconduct or no case to answer

- 20.1. Those authorised to determine a course of action/outcome on receipt of the investigation report are covered in appendix 2. This is normally a different individual to that of the investigation officer.
- 20.2. The outcome of the investigation will normally be conveyed to the responding student in person, giving clear reasons for the decision that has been reached, including any penalties imposed.
- 20.3. Outcomes of the investigation will be in line with the following:
 - Determine that there is no case to answer
 - Issue a verbal caution
 - Impose one or more restorative actions and/or
 - Issue one or more appropriate penalties (see section 22)
 - Refer the case to the Student Conduct Office as the matter is to be treated as major misconduct.
- 20.4. Students will be given at least 3 days' notice to attend the meeting.
- 20.5. The investigation findings will be outlined to the responding student both verbally (if the student takes up this option) and in writing. Where a penalty is issued the responding student will be informed of their right of appeal.

20.6. The penalty will be confirmed in writing normally within 10 working days of the meeting taking place, whether or not the responding student has attended the outcome of the investigation meeting.

21 Hearing and deciding on cases of major misconduct

- 21.1. A case of major misconduct is heard and decided upon by a panel comprising three people, see appendix 2.
- 21.2. The responding student will normally be given at least 5 working days' notice of the hearing date and will be sent a pack of information that will be referred to in the hearing.
- 21.3. On receipt of the invitation and documentation relating to the complaint which will be considered by the Panel, the student will have a further opportunity to make a written statement ahead of the hearing; this should be submitted no later than 3 working days prior to the hearing.
- 21.4. In addition, and no later than 3 working days before the hearing, the responding student must notify the student conduct office:
 - a) If they will be attending
 - b) If they intend to call any witnesses, providing the name and position held within the University
 - c) The name of the person accompanying them, if relevant.
- 21.5. The names and position held of any witness must be provided to the Student Conduct Office at least 3 days' before the date of the hearing.
- 21.6. The format of the hearing is detailed in appendix 3.
- 21.7. After the hearing, the panel will deliberate to decide if the code of conduct has been breached.
- 21.8. If the panel decide that misconduct has taken place, the following will be considered when determining the appropriate penalty:
 - a) Any mitigation the responding student put forward
 - b) The impact on the responding student's studies
 - c) The impact on the University's reputation
 - d) Consistency of penalties (under the advice of the Student Conduct Office)
 - e) The proportionality of the penalty to the act(s) of misconduct
 - f) Why a penalty of lesser impact is not suitable.
- 21.9. In the issuing of a penalty, the panel will also consider the practicalities of the penalty such as the stage of study of the responding student.
- 21.10. The responding student will normally be called back into the hearing to be informed of the outcome, and the chair will explain the reason for the decision. In some cases a decision may not be able to be made on the day as further information may be needed.
- 21.11. The outcome of the hearing will normally sent in writing within 10 days of the hearing.
- 21.12. Hearings will follow a slightly different format where there is more than one responding student (see appendix 3).

22 Penalties

- 22.1. Any penalty issued will be proportionate to the offence.
- 22.2. Mitigating factors that are presented during the investigation and/or formal meeting, will be fully considered.
- 22.3. One or more of the following can be issued for cases of **minor** misconduct but are not limited to:
 - a) Verbal caution (which can be given in the informal resolution stage, section 17.4)
 - b) Restorative actions: such as an apology, undertake training, reflective essay or activities that benefit the University community (which can be given in the informal resolution stage, section 17.4)

- c) Written warning
 - d) Financial penalty to make good any damage made (up to a limit of £500).
- 22.4. One or more of the following can be issued in the cases of **major** misconduct but are not limited to:
- a) Verbal caution, where mitigation is warranted
 - b) Written warning, where mitigation is warranted
 - c) Restorative actions: such as an apology, undertake training, reflective essay or activities that benefit the University community
 - d) Financial penalty to make good any damage made (up to a limit of £1500)
 - e) A full suspension from the University for the remainder of the academic year, or longer as decided by the panel
 - f) Exclusion from a programme either temporarily (where a new application to the programme will be required), or permanently
 - g) Permanent expulsion from the University.
- 22.5. Restrictions may also be imposed as a part of the penalty, as per section 19.7.
- 22.6. Any other penalty can be imposed that is proportionate and appropriate to the offence, such as a fine.
- 22.7. In cases relating to a sponsored Tier 4 responding student, and the penalty imposed falls under 22.4 e, f or g, sponsorship will likely be withdrawn.
- 22.8. Where the student is in University managed accommodation and the outcome of the hearing means that they are no longer a student at the University, they will be required to leave halls.

23 Monitoring and record keeping

- 23.1. The University keeps a record of conduct matters to:
- a) Monitor consistency in how incidents are dealt with
 - b) Identify trends
 - c) Develop response initiatives.
- 23.2. The University's Student Records System will be updated where the penalty affects the student's status.
- 23.3. All records are maintained in accordance with the University's Records Retention Schedule⁸.

24 Appeals

- 24.1. The responding student has the right of appeal against the outcome of an investigation that has decided that they have committed an act of misconduct and/or against a penalty imposed.
- 24.2. Appeals must fall under one of more of the following:
- a) The procedures were not followed properly
 - b) The decision reached was unreasonable
 - c) The student has new material that they were unable, for valid reasons, to provide earlier in the process
 - d) There is bias or reasonable perception of bias, during the process
 - e) The penalty awarded was disproportionate, or not permitted, under the procedure.
- 24.3. Appeals will be considered under the University's Complaints and Appeals Process⁹.
- 24.4. Appeals must be made via email to the student complaints and appeals office within 10 working days of the hearing outcome being sent.
- 24.5. In cases where a student has made the complaint of misconduct, then the reporting student has no right of appeal. However, if the reporting student does not feel that the case followed

https://www.plymouth.ac.uk/uploads/production/document/path/5/5951/Records_Retention_Schedule_v1.0.pdf

⁹ <https://www.plymouth.ac.uk/student-life/your-studies/essential-information/complaints-appeals>

the right procedure then the student can consider raising a complaint through the University's Complaints Procedure¹⁰.

25 Office of the Independent Adjudicator (OIA)

- 25.1. If, after exhausting the Appeals Stage (for the responding student) or the Complaints process (for the complaining student), the student remains dissatisfied with the University's final decision, they may submit a complaint to the Office of the Independent Adjudicator for Higher Education:

Office of the Independent Adjudicator Second Floor
Abbey Gate
57 – 75 Kings Road Reading
RG1 3AB

Tel: 01189 9599813 Email: enquiries@oiahe.org.uk

¹⁰ <https://www.plymouth.ac.uk/student-life/your-studies/essential-information/complaints-appeals>

APPENDIX 1 Examples of minor or major misconduct

Matters of minor or major misconduct are not always straight forward and this table aims to serve as a guide but it is not definitive.

- Any penalties issued will be proportionate to the offence
- Mitigating factors that are presented during the investigation and or formal meeting, will be fully considered.

The University has a zero tolerance to hate related incident (incidents motivated by: Disability, Gender Identity, Nationality, Race/Ethnicity, Religion or Belief, Sex, Sexual Orientation). In these cases, once the fact finding has taken, and it is probable that the incident did occur, the matter will be treated as a formal conduct matter.

Act of misconduct - examples	Probable classification
<p>Physical assault:</p> <ul style="list-style-type: none"> • Which doesn't result in an injury for example intentionally pushing someone over but there is no physical injury • Which results in minor injury such as pushing someone over that causes an injury but does not require medical attention, such as a slight graze or bruise • Which results in serious injury, such as pushing someone over and requires medical intervention such as a deep cut or sprain. 	<p>Caution or Minor</p> <p>Minor</p> <p>Major</p>
<p>Verbal or online abuse:</p> <ul style="list-style-type: none"> • One off incident that causes upset • One off incident that uses terms that could be classed as hate speech/or use of hate images – for example, using a homophobic term • More than one incident. 	<p>Caution or Minor</p> <p>Minor or Major</p> <p>Minor or Major</p>
<p>Online offensive behaviour:</p> <ul style="list-style-type: none"> • For example, group chat where a student makes a report of being offended by what they have seen or read (this does not have to be aimed at a particular person), for example sexually explicit 'banter' starts in group chat that becomes offensive to one or more members of the group. 	<p>Caution, Minor or Major – depending on the explicit nature of the content and whether it was aimed at someone, or if it was a general 'conversation'</p>
<p>Sexual misconduct or violence:</p> <ul style="list-style-type: none"> • Sexual undertones in verbal or online communication • Touching or kissing without consent • Forcibly touching or kissing without consent • Sharing of sexual material such as pictures or videos without consent • Penetrative sexual act without consent, including the mouth (this is an act of Rape). 	<p>Caution, Minor or Major</p> <p>These are all extremely sensitive matters and how they are the treated depends on a number of factors, such as the impact on the complainant and the context. Please refer to the Sexual Violence and Misconduct Policy for further guidance¹¹</p>
<p>Damage or misuse of University property or property within University managed halls:</p> <ul style="list-style-type: none"> • Smoking in halls • Continued smoking in halls <p>(this is a Health & Safety matter and a zero tolerance approach taken).</p>	<p>These will be formally investigated as a Minor matter in the first instance and escalate to Major for a repeat offence</p>

¹¹ Add link

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<ul style="list-style-type: none"> • Misuse of Fire Doors • Use of University equipment for financial gain. 	<p>Caution (continued misuse can escalate to Major) Major</p>
<p>Drugs or any other illegal material:</p> <ul style="list-style-type: none"> • In possession for personal use, for example cannabis • Dealing drugs. 	<p>Minor (can escalate to Major if use continues) Major and the matter will be reported to the Police.</p>
<p>Antisocial behaviour</p> <ul style="list-style-type: none"> • Reported drunken behaviour • Noise complaints – these can be from students, staff or members of the public. 	<p>Both examples can be treated with a Caution and can escalate if behaviour is not modified.</p>
<p>Bringing the University into disrepute: Generally any act of misconduct that strays into the public domain can fall under this category and can compound the seriousness of the matter resulting in a more serious penalty, for example:</p> <ul style="list-style-type: none"> • Noise complaints that have been reported to the local newspaper • Antisocial behaviour in a Society Social that is reported to the press. 	<p>Both of these examples may have been treated with a Caution but could escalate to a Minor or Major misconduct matter.</p>

APPENDIX 2 Authorised persons

All authorised persons will be trained by the Student Conduct Office before undertaking any of the roles mentioned below:

See section 22 for penalties that can be issued.

Fact Finding and informal resolution

Who	Initial fact finding and informal resolution
Halls officer (or as nominated by the Accommodation manager)	Alleged misconduct that occurred in University managed halls of residence
Library Team Leader (or as nominated by the Head of Library Services)	Alleged misconduct that occurred in the University's library (excluding the hub)
Programme Lead, Research Supervisor or equivalent	Alleged misconduct in relation to a student (under graduate, PGT or PGR) OR where more than one student is involved the Student Conduct Office or Faculty Registrar and or Head of School will decide the most appropriate person to carry out the fact finding
Head of Student Services, Equality, Diversity and Inclusion Manager or their nominees	Any incident, when appropriate, such as complex cases or sensitive matters

Investigation officers and persons authorised to decide on cases of minor misconduct

Who	Normally investigates and authorised to make decisions on
Accommodation Manager (or nominee)	Alleged minor misconduct that occurred in University managed halls of residence
Head of Library Services (or nominee)	Alleged minor misconduct that occurred in the University's library (excluding the hub)
Head of School (or nominee)	Alleged minor misconduct in relation to a student (under graduate, PGT or PGR) OR when appointed the lead authorised person to make a decision where more than one student is involved.
Head of Student Services, Equality, Diversity and Inclusion Manager or their nominees	Any incident, when appropriate, such as complex cases or sensitive matters

Note: The investigating officer is normally a different individual to the person who determines the course of action/outcome on receipt of the investigation report.

Persons authorised to sit on a major misconduct panel

Position held within the University	Role on the panel
Academic Member of the University's executive group: Vice Chancellor, Deputy Vice-Chancellor, Faculty Dean	Chair

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Senior academic: Associate Dean, Head of School, Associate Head of School	Panel member
Student Union Sabbatical Officer	Panel member
Student Support and Conduct Manager	None. In attendance to advise the panel on matters of process and consistency
Member of staff from academic registry (typically from the Student Conduct Office)	None. In attendance to take minutes of the meeting.

Note: members of the panel must have no prior involvement with the investigation; nor should the panel member be from the responding student’s School. If a Dean is chairing then they must be from a different Faculty. Exceptions will normally only be made in complex cases and or cases that involve more than one responding student.

Student Union Sabbatical officers must not sit on the panel if they have been involved in any student union conduct process that the responding student has been party to.

APPENDIX 3 Indicative agenda order for major misconduct hearings

A major misconduct hearing will typically take between 1 to 2 ½ hours, depending on the complexity and number of witnesses.

The hearing will usually follow the following order but the Chair reserves the right to adjust the format as necessary:

- a) The chair will introduce all those present
- b) The chair will outline the purpose of the hearing and state the misconduct allegations that have been made and investigated
- c) The chair will invite the person making the case against the responding student (this is normally the investigating officer) to outline the investigation: the process they followed; who they spoke to; the evidence they found; confirm the witnesses they are calling
- d) The panel will ask questions of the investigating officer
- e) The responding student will have the opportunity to ask questions of the investigating officer
- f) University witnesses, one witness at a time, will be called and asked to state their involvement, what they witnessed. Other witnesses must not be present.
- g) The panel will ask questions of the witnesses
- h) The responding student will ask questions of the witness
- i) The witness will be asked to leave
- j) The chair will ask the responding student if they would like to make a statement. If the responding student is inviting witnesses to speak then the chair will clarify with the responding student the order of who is speaking
- k) The panel will ask questions of the responding student
- l) The investigating officer will be invited to ask questions of the responding student
- m) The chair will ask the responding student to call any of their witnesses, one witness at a time. Witnesses will be prompted by the responding student (or chair or companion, if the responding student wishes) and asked to state their involvement, what they witnessed. Other witnesses must not be present.
- n) The panel will ask questions of the witness
- o) The responding student will ask questions of the witness
- p) The witness will be asked to leave
- q) The chair will ask the investigating manager to make any final statement
- r) The chair will ask the responding student to make any final statement
- s) The chair will ask the investigating manager, the responding student and their companion to leave
- t) The panel will then deliberate on what they have heard.
- u) The responding student will be invited back into the room and be informed of the outcome of the hearing, if the panel has been able to reach a conclusion
- v) The student will be expected to maintain reasonable confidentiality about the outcome of their particular case, see section 10.

In cases where there is more than one responding student:

Hearings involving more than one responding student may run into a full day; planning such hearings will take that into account.

The documentation and information provided for the hearing will be the same for all the responding students.

The hearing will broadly follow the same as above but the following differences:

- a) At the start of the hearing, all responding students will be present when the chair opens the hearing

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- b) All responding students will be present when the investigating manager outlines the investigation.
- c) The panel will ask questions of the investigation officer with all responding students present.
- d) The responding students will then be asked to leave
- e) The responding students will be expected to wait in the same room, in which there will be a member of staff to ensure that there are no discussions in relation to the hearing
- f) If any of the responding students discuss the hearing whilst the hearing is ongoing, this may result in further disciplinary action being taken
- g) The chair, under the advisement of the investigating officer, will have determined the order in which each responding student will be invited back into the hearing; a timeframe will have been provided to each student in advance with the understanding the timings are subject to change on the day.
- h) Each responding student will then be recalled and the agenda order will follow 'e' to 's' as above.
- i) The panel will deliberate in one sitting but will review each responding student's misconduct charge(s) individually.
- j) Each responding student will be informed of the outcome of the hearing individually, without any other student present, if the panel has been able to reach a conclusion
- k) Each responding student is expected to maintain reasonable confidentiality about the outcome of their particular case, see section 10.

Appendix 4 Covid-19 Addendum

The University takes the health, safety and wellbeing of all its students, staff and visitors seriously. In light of Covid19, we are expecting all members of the University community to follow social distancing and safety recommendations and Government legal requirements.

We recognise that it is not part of normal University life to be socially distant from each other, but everyone should do this to ensure the health and safety of not just our University community but also our wider community.

The Student Code of Conduct¹² has been revised for the Academic Year 20/21, and this addendum reflects the University's approach in light of Covid-19. It provides information on how the University may respond when a student does not follow the University's local social distancing and Covid safety recommendations or Government legal requirements.

We expect students will respect and follow what is being asked of them and any instances where this is not happening is likely to be an oversight on an individual's behalf. In most instances, a simple reminder of expectations should be all that is necessary.

However, a breach of the Code of Conduct could result where a student (not an exhaustive list):

- is verbally aggressive or abusive when they are reminded about what is expected
- refuses to follow Government legal requirements
- intentionally gathers in large groups against guidance
- deliberately arranges a large social gathering against guidance
- undermines University social distancing and safety guidelines on social media.

Then the matter will be dealt with formally as a matter of misconduct as per section 18 of the Student Code of Conduct.

Your role in making this a safe and healthy university community

As a university community we are not expected to 'police' this, but we are expecting our staff and students to be responsible for their own wellbeing, as well as others within our University community. If you witness any instances of expectations not being met, you should respectfully remind the relevant individual of social distancing and safety recommendations and/or Government legal requirements.

If you feel that the request is not being acted on then you can choose to report the incident via the University's 'Speak Up' online reporting tool¹³, providing the name of the student you wish to report.

The formal conduct process

More formal action under Section 18 of the Code of Conduct may be required where a student:

- is verbally aggressive or abusive when they are reminded about what is expected
- refuses to follow Government legal requirements
- undermines University social distancing guidelines on social media
- deliberately arranges a large social gathering against guidance
- or any other instance that could be classed as misconduct in relation to Covid-19.

¹²

https://www.plymouth.ac.uk/uploads/production/document/path/17/17595/Code_of_Conduct_Aug_2020.pdf

¹³ <https://www.plymouth.ac.uk/student-life/services/student-services/speak-up>

Acts such these could be classified as acts of misconduct under section 16, namely:

- a) Violent, indecent, disorderly, threatening or offensive behaviour or language; through any medium, including group chat and social media
- e) Failure to respond to requests to moderate behaviour
- f) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University
- h) Action likely to cause injury or impair safety on University premises (including University managed halls of residence)
- k) Behaviour which brings the University into disrepute
- l) Antisocial or disorderly conduct which causes distress to others; regardless of where this takes place
- m) Failure to comply with a previously imposed penalty or precautionary action(s)
- n) A breach of any University code, rule or regulation that may be considered as misconduct
- p) Actions that might be treated as a criminal offence
- q) Any other action that could reasonably be classed as misconduct.

If an allegation of misconduct is upheld under the University's code of then this could resort in one or more of the following penalties being imposed:

- A written warning
- A fine of £50 (to be authorised by the Student Conduct Office)
- Suspension of study
- Withdrawal of credits (maximum 50 credits)
- Exclusion from study
- Permanent expulsion
- Any other proportionate penalty for a major offence.

Who to contact

Please contact the Student Conduct Office for any enquiries relating Covid-19 misconduct or any other conduct matters studentconduct@plymouth.ac.uk