

## **STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCEDURE**

### **1. INTRODUCTION**

- 1.1 Plymouth University is a large and vibrant community. We must treat each other with respect, honesty, fairness and consideration so that all our stakeholders have a positive and enriching experience in our community.
- 1.2 The Student Code of Conduct and Disciplinary Procedure (this Code) provides a framework for the regulation of students' behaviour and applies to all students of the University, whether full-time or part-time. This Code will apply primarily when students are on campus or in University-managed or University-owned accommodation, or engaged in University activities. However it may also be applicable to behaviour off the University campus if, in the widest sense, such behaviour harms or presents a risk of harm to other members of the University community or members of the public, or the reputation of the University.
- 1.3 The University, as a community, has obligations relating to the care of, and responsibility for, its staff and students.
- 1.4 The University has a duty to protect its reputation.
- 1.5 The University is committed to maintaining the standards set out in its Vision, Mission and Values statement.
- 1.6 The University will share student information in line with its data sharing arrangements with the Police and Plymouth City Council.
- 1.7 Separate procedures exist for the consideration of examination and academic offences.
- 1.8 For the avoidance of doubt, all references in this Code to a Head of School, Director of Student Services, Complaints and Appeals Office Manager, Deputy Vice Chancellor or Pro Vice Chancellor shall include any of their respective nominees duly authorised to act on their behalf and to discharge their functions under this Code.

### **2. AUTHORITY**

- 2.1 This Code is made under the University's Vice Chancellor's Executive, which has been delegated authority by the University to implement University strategies and policies.

### **3. STUDENT CODE OF CONDUCT**

3.1 The major principles that form the basis of acceptable student conduct are:

- 3.1.1 Students are expected to respect and observe the rules and regulations of the University.
- 3.1.2 Students are expected to conduct themselves in an orderly manner in their academic and recreational activities while they are registered with the University. For the avoidance of doubt, this includes students':
  - a) attendance at the University;
  - b) engagement in any University activity;
  - c) occupancy of University owned or managed accommodation; and
  - d) conduct within the wider community.
- 3.1.3 Students are expected to behave in a considerate manner towards staff, fellow students, visitors and members of the public in the wider community. In particular, rights to freedom of expression must be respected and there shall be no harassment on sexual, ethnic, racial, disability or other grounds.
- 3.1.4 Students undertaking programmes leading to a professional qualification are required to conduct themselves in a manner appropriate to that profession. Any breaches of this Code by a student on a professional programme may be referred to a Fitness to Practise Panel for consideration under the relevant Fitness to Practise procedures

#### **3.2 Definition of Misconduct**

- 3.2.1 Under the terms of this Code, 'misconduct' is defined as:
  - a) Improper interference, in the broadest sense, with the proper functioning or activities of the University or with those who work or study at the University; and / or
  - b) Any action which otherwise damages the University, its interests or its reputation.
- 3.2.2 In particular (but without limitation), the following will be deemed to constitute misconduct under the terms of this Code:
  - a) Any conduct which constitutes a criminal offence;
  - b) Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

- c) Obstruction of, or improper interference with, the functions, duties or activities of any student or member of staff of the University or any authorised visitor to the University;
- d) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language (whether expressed verbally or in writing, including blogs, social networking websites or other electronic means);
- e) Bullying or harassment of any student or member of staff of the University, or any visitor to the University, on the grounds of sex, race, disability or other grounds;
- f) Fraud, deceit, deception or dishonesty in relation to the University or its students or staff or in connection with holding any office in the University or in relation to being a student of the University. Such action may (without limitation) include failure to reveal details of an 'unspent' criminal conviction, or failure by a student (who undertakes paid or unpaid activity which brings him or her into frequent contact with children or vulnerable adults whilst in his or her student role) to reveal any conviction or offence, whether committed pre or post-admission;
- g) Action likely to cause injury or impair safety either on University premises, at University organised events or on any other sites associated with the University through its professional or other programmes;
- h) Defacement of, or damage to, any property of the University, or any property of a student or member of the University (whether caused intentionally, recklessly or negligently);
- i) Breach of the provisions of any University code, rule or regulation (including this Code);
- j) Failure to comply with a reasonable instruction relating to discipline, issued with the Vice-Chancellor's authority;
- k) Failure to comply with any sanctions or penalties imposed under this Code;
- l) Unfounded and malicious complaints brought against a member of staff or another student of the University under the Student Complaints Procedure;
- m) Possession or misuse of drugs which also constitutes a criminal offence.

- n) Causing a nuisance (including causing excessive levels of noise) or engaging in anti-social behaviour in the University, in University owned or managed accommodation or private accommodation or in the wider community.

3.2.3 The above list is for illustrative purposes only and is not exhaustive.

#### 4. FITNESS TO STUDY

- 4.1 Where a student is deemed to be in a state of mind or health which is perceived to pose a threat to, or affect the welfare of staff and/or students of the University, or is disruptive of the learning and teaching process, the University reserves the right to refer the student under the Fitness to Study Procedure.

#### 5. INITIATION OF THE STUDENT DISCIPLINARY PROCEDURE

- 5.1 An allegation may be brought by a member of staff, another student or a member of the public.
- 5.2 An alleged incident of misconduct by a student which cannot be resolved satisfactorily between the parties themselves should be reported either to the student's Head of School (if known) or to the Complaints and Appeals Office.
- 5.3 If the Complaints and Appeals Office receives a complaint, it will pass it to the appropriate Head of School (or nominee). If a complaint relates to University accommodation, it will be referred to the Head of Accommodation (or nominee). If a complaint refers to alleged student misconduct in the wider community, this will be referred to the Director of Student Services (or nominee).
- 5.4 Any misconduct as defined in this Code will be considered under one of the following three levels of disciplinary action in the first instance:
  - 5.4.1 In cases of minor infringements, the University will seek to resolve disciplinary matters **informally** under Stage 1 of the procedure (see section 6 below). The Stage 1 procedure is operated by the Head of School, Head of Accommodation or Director of Student Services (or their respective nominees) as appropriate.
  - 5.4.2 If the matter cannot be resolved informally, the Head of School, Head of Accommodation or Director of Student Services (or their respective nominees), will conduct a formal **investigation** under the Stage 2 procedure (see section 7 below).

5.4.3 Where a Head of School, the Head of Accommodation or the

Director of Student Services (or their respective nominees) determines that matters are sufficiently serious, they may refer the matter to the Stage 3 procedure (see section 9 below). Where a student has already been dealt with under the Stage 2 procedure for a previous matter during his or her time as a student of the University, any repeat disciplinary offences should be referred to the Stage 3 procedure. This will be done via the Complaints Appeals Office.

- 5.5 Students will have the right to appeal against decisions at each stage of this Code.

## **6 STAGE 1 - MISCONDUCT OF A MINOR NATURE**

- 6.1 In cases where an act of misconduct is of a minor nature, the student will be cautioned by the Head of School, the Head of Accommodation or the Director of Student Services (or their respective nominee) as appropriate. This will be recorded on the student's file but will be removable after the completion of the student's studies provided that there are no further instances of misconduct. If the student is found guilty of misconduct on a subsequent occasion, a previous caution (and any other previous penalty) can be taken into account when deciding on the level of penalty on that subsequent occasion.
- 6.2 Where the Head of Accommodation or Director of Student Services (or their respective nominee) cautions a student, the matter will also be reported to the relevant Faculty.
- 6.3 The Head of School, Head of Accommodation or Director of Student Services (or respective nominee) who is dealing with the matter will submit a report to the Complaints and Appeals office, a copy of which will be held in the Complaints and Appeals office for audit purposes.
- 6.4 If the student is not satisfied with the outcome of the Stage 1 procedure s/he may submit an appeal to the Complaints and Appeals Office to be considered by a Pro-Vice Chancellor (or nominee) as set out in section 7 below.

## **7 STAGE 2 - DISCIPLINARY CASES INVOLVING MISCONDUCT**

- 7.1 In the case of a more serious breach of this Code, or of reoffending after a previous caution, the Head of School, Head of Accommodation or Director of Student Services (or their respective nominee, e.g. Dean or Senior Faculty member) as appropriate will:
- 7.1.1 Undertake an investigation into the allegation.
- 7.1.2 Inform the student of the nature of the alleged misconduct and, having given reasonable notice, permit the student an

opportunity to be interviewed. A student attending such an interview may be accompanied by a representative who may speak on the student's behalf; and

- 7.1.3 Determine, in light of the evidence, whether a breach of this Code has been committed;
- 7.2 The Head of School, Head of Accommodation or Director of Student Services (or their respective nominee), having considered matters, may take one or more of the following courses of action:
  - 7.2.1 Resolve that no action be taken;
  - 7.2.2 Issue a written warning to the student indicating the consequences of future misconduct, to be entered into the student's file, removable after the completion of the student's studies
  - 7.2.3 Require the student to compensate for or make good any damage caused to University property;
  - 7.2.4 Require the student to make appropriate recompense or apology for any offence or harm caused, or any damage done, to the University's relations with its members or the outside community;
  - 7.2.5 Impose a fine payable to the University;
  - 7.2.6 Require the student to perform unpaid services for the University community to a maximum of 40 hours
  - 7.2.7 Recommend to the Deputy Vice Chancellor that the student is suspended with immediate effect from University premises and/or services for a set period of time, as set out in section 13, below.
  - 7.2.8 Refer the matter to a Stage 3 Disciplinary Panel.
- 7.3 On completion of the disciplinary investigation under the Stage 2 procedure, the student will be sent, within 10 working days if practicable, a notice in writing stating the outcome of the investigation, the reasons for that outcome, a summary of the alleged facts on which the disciplinary action is based and any penalty imposed. The notice will include a statement on to the procedure for an appeal against the decision (see section 8 below). A further copy of the notice will be sent to the Complaints and Appeals Office to be held for audit purposes.
- 7.4 Where a Head of School, the Head of Accommodation or the Director of Student Services (or their respective nominee) determines that the matters are sufficiently serious that the student may be permanently

excluded from the University, the matter should be referred to the Complaints and Appeals Office so that a Stage 3 Disciplinary Panel can be convened in accordance with section 9 below.

## **8. APPEALS AGAINST STAGE 1 AND 2 DISCIPLINARY DECISIONS**

- 8.1 Any appeal against a decision or penalty imposed by the Head of School or Head of Accommodation (or their respective nominee) under the Stage 1 or 2 procedures should be submitted in writing to the Complaints and Appeals Office within 10 working days of any decision or penalty being notified to the student concerned.
- 8.2 Appeals should be submitted in line with the University's Appeals Procedure which can be found at <https://documents.plymouth.ac.uk/uop/documents/registry/appeal%20against%20the%20decision%20of%20an%20assessment%20board.doc>
- 8.3 A student may submit an appeal on the following grounds;
- a) Procedural irregularity or other administrative error;
  - b) Where there is new evidence of extenuating circumstances which, for good reason, was not available at the time that the Head of School / Head of Accommodation / Director of Student Services (or their respective nominee) made its decision;
  - c) Where the Head of School, Head of Accommodation or Director of Student Services (or their respective nominee) has acted unfairly or imposed an unfair penalty.
- 8.4 Appeals will be reviewed by the Pro-Vice Chancellor (Teaching and Learning) (or his or her nominee).
- 8.5 The Complaints and Appeals Office on behalf of the Pro-Vice Chancellor (or his or her nominee), will request the Head of School, Head of Accommodation or Director of Student Services (or their respective nominee) to supply a written summary outlining the facts of the case and the reasons for their decision. The Complaints and Appeals Office will send a copy of this summary to the student concerned with an invitation to comment.
- 8.6 When the documentation referred to in section 8.5 has been received, the information will be passed to the Pro-Vice Chancellor (or his/her nominee) to either reject or uphold the appeal. The decision of the Pro-Vice Chancellor (or nominee) is final and a decision letter and a 'Completion of Procedures' letter will be issued unless the matter has been referred to Stage 3, as set out in paragraph 7.2.8 above.
- 8.7 Following completion of the University's internal appeals procedure, a student may make a complaint to the Office of the Independent

Adjudicator for Higher Education (OIA) (see section 14).

## 9. STAGE 3 DISCIPLINARY PROCEDURES

- 9.1 In a case where the Head of School, Faculty Dean, Head of Accommodation or Director of Student Services (or their respective nominee) has decided to proceed to the Stage 3 procedure, a panel convened in accordance with this section 9 (the 'Disciplinary Panel') shall normally aim to hear such a case within 20 working days of notification.
- 9.2 In the event of a decision to proceed to the Stage 3 procedure, the Complaints and Appeals Office, will collect evidence, call for papers, identify and summon witnesses and conduct such other enquiries as it may think fit. The Complaints and Appeals Office will also provide the student with a letter setting out the allegations and a copy of this Code. If the allegation relates to a student on a programme leading to professional registration, the case will be referred directly to the Fitness to Practise procedures, which will supersede the Stage 3 procedure.
- 9.3 The Disciplinary Panel will be chaired by either the Pro –Vice Chancellor, (Student Experience) or the Director of Student Services, each of whom will sit with two senior members of the University's academic staff nominated by the Pro-Vice Chancellor for Teaching and Learning and confirmed by the Vice Chancellor. The student body will be represented by two sabbatical officers or their nominees. The Disciplinary Panel will otherwise be constituted in accordance with Appendix 1. The Complaints and Appeals Office manager (or his or her nominee) will also be in attendance as observer and to provide advice.
- 9.4 No person who has previously had any involvement with the case will sit on the relevant Disciplinary Panel. Therefore, if the Director of Student Services has been involved in the consideration of a case under the Stage 1 or Stage 2 procedures, any arising Stage 3 Panel shall be chaired by the Pro-Vice Chancellor (or nominee).
- 9.5 **The student may bring a person of their choosing (friend, member of the Student Union Advice Centre etc) to the meeting for support. A student will not be permitted to bring a legal representative to a formal hearing unless the decision of the Panel is likely to exclude the student from professional registration permanently, without right to appeal, thereby preventing the student from following his or her intended career.**
- 9.6 The procedure for a hearing before the Disciplinary Panel is as follows:
- 9.5.1 Written statements will be submitted to the Complaints and Appeals Office by the student and any other relevant parties. These papers together with any additional information will be

circulated to the Disciplinary Panel, the relevant Faculty (and the Head of Accommodation, if appropriate) and the student no later than 5 working days before the Disciplinary Panel hearing.

- 9.5.2 The Faculty representative (Faculty Dean, or his or her nominee, usually Head of School) ('the 'Dean') or Head of Accommodation (or his or her nominee) ('the Head') as appropriate shall put the case in the presence of the student and may call witnesses;
- 9.5.3 The student shall have the opportunity to ask questions (on the evidence given) of the Dean or Head and any witnesses who the Dean or Head may call;
- 9.5.4 The Disciplinary Panel may ask questions of the Dean or Head and any such witnesses. The witnesses will then withdraw.
- 9.5.5 The student (or his or her) representative will present his or her case in the presence of the Dean or Head and call witnesses; The student's representative may also speak on his or her behalf;
- 9.5.6 The Dean or Head will have the opportunity to ask questions of the student, his or her representative and his or her witnesses;
- 9.5.7 The Disciplinary Panel may ask questions of the student and his or her representative and witnesses. The witnesses shall then withdraw;
- 9.5.8 The Dean or Head and the student shall have an opportunity to sum up their respective cases if they so wish, the student's statement being heard last;
- 9.5.9 The Dean or Head and the student and representative shall withdraw;
- 9.5.10 The Disciplinary Panel, with the Complaints and Appeals Office manager (or his or her nominee) in attendance, will deliberate in private. They may choose to recall the Dean or Head or student (or his or her representative) if the Disciplinary Panel requires further clarification; and
- 9.5.11 When the Disciplinary Panel has reached a decision it will recall both the Dean or Head and the student (and his or her representative) and confirm the decision verbally. The Complaints and Appeals Office will then confirm the decision in writing within 10 working days of the Disciplinary Panel hearing.

## **10. DECISION OF THE DISCIPLINARY PANEL UNDER STAGE 3.**

- 10.1 The decision of the Disciplinary Panel shall be one of the following, namely to:
  - 10.1.1 Dismiss the case unconditionally;
  - 10.1.2 Dismiss the case conditionally (in which case, no further action will be taken against the student concerned, provided that the student fulfils certain specified conditions);
  - 10.1.3 Issue a written reprimand and warning (in which case the student is warned that, if he or she were to commit further acts of misconduct of any nature in the future, his or her present offence would be taken into account in the course of any further hearings convened to consider such further misconduct);
  - 10.1.4 Impose a fine, the amount to be determined by the Disciplinary Panel;
  - 10.1.5 Require the student to undertake voluntary work for the University (the nature, timing and duration of the work to be determined by the Disciplinary Panel).
  - 10.1.6 Suspend the student from all or part of the University for a specified period;
  - 10.1.7 Exclude the student from the award of a degree or other qualification, either permanently or for a specified period, and either absolutely or conditionally pending compliance with certain specified conditions;
  - 10.1.8 Permanently expel the student from the University; or
  - 10.1.9 Impose such other sanctions as may be considered appropriate by the Disciplinary Panel.
- 10.2 If a student has been found guilty of having caused injury, damage or loss to any person or property, he or she may, in addition to any one of the sanctions referred to in section 10.1 above, be required to pay such compensation as the Disciplinary Panel may consider appropriate.
- 10.3 Details of the offence and penalties imposed shall be entered on the student's record. A copy of the decision will be held in Complaints and Appeals Office for audit purposes.
- 10.4 The record of a student's case which has been dismissed unconditionally shall be destroyed

10.5 Where the actions of a student or students contravene the Health & Safety at Work etc Act 1974 and are so considered by a Health and Safety Executive Inspector, the student(s) may face prosecution under the Health and Safety at Work Act etc 1974 or other safety regulations in addition to any action taken by the University.

## **11. APPEALS AGAINST STAGE 3 DISCIPLINARY PANEL DECISIONS**

11.1 A student may appeal against a decision or penalty imposed by the Disciplinary Panel under the Stage 3 procedures. Any such appeal must be submitted in writing to the Complaints and Appeals Office within 10 working days of any decision or penalty being notified to the student concerned.

11.2 A student may submit an appeal on the following grounds;

- a) Procedural irregularity or other administrative error;
- b) Where there is new evidence of extenuating circumstances which, for good reason, was not available at the time that the Disciplinary Panel made its decision; and / or
- c) Where the Disciplinary Panel acted unfairly or imposed an unfair penalty.

11.3 Appeals will be reviewed by the Deputy Vice Chancellor (or his or her nominee), provided that he or she will not have been involved previously in the particular disciplinary procedure against the student

11.4 The Complaints and Appeals Office will submit notice of the student's appeal and a summary of the case and such other documentation as it shall consider relevant to the Deputy Vice Chancellor (or his or her nominee) for review.

11.5 When all of the documentation referred to in section 11.4 has been received and considered, the Deputy Vice Chancellor (or his or her nominee) shall decide in his or her discretion whether to reject or uphold the appeal. The decision of the Deputy Vice Chancellor (or such nominee) is final and a decision letter and 'Completion of Procedure' letter will be issued.

11.6 Following completion of the University's internal appeals procedure, a student may make a complaint to the OIA (see section 14).

## **12. CRIMINAL ALLEGATIONS, POLICE and CRIMINAL COURTS**

12.1 Where a student is the subject of an investigation by the Police or other agency in relation to an alleged criminal offence, he or she must report this to the Complaints and Appeals Manager at the earliest opportunity. The Complaints and Appeals Manager will report any such disclosure to the Deputy Vice Chancellor.

- 12.2 The University may report an allegation of misconduct by a student to the Police or any other agency as appropriate, although it shall be entitled (but not obliged) to take into account the wishes of a victim of the alleged misconduct if he or she does not want the Police or other agency to be involved).
- 12.3 A 'serious criminal offence' for the purposes of this Code is one which:
- a) Is triable only in a Crown Court;
  - b) Is punishable by a custodial sentence; and
  - c) If proven, is likely to result in expulsion or suspension of the student concerned from the University
- 12.4 If the Deputy Vice Chancellor considers that the alleged misconduct is not a serious criminal offence within section 12.3 above), he or she will normally refer the matter to the appropriate Head of School or Director of Students (or their respective nominee) to deal with under this Code .
- 12.5 If the Deputy Vice Chancellor considers that the alleged misconduct is, or may be, a serious criminal offence within section 12.3 above) no internal disciplinary action will normally be taken (other than suspension from or restricted access to the University for a specified period in accordance with section 13 below), until the matter has been reported to the Police or other agency as appropriate and either a prosecution has been completed or a decision not to prosecute has been taken.

### **13. SUSPENSION AND RESTRICTED ACCESS TO UNIVERSITY PENDING CONCLUSION OF INVESTIGATION**

- 13.1 The Deputy Vice Chancellor at his or her discretion may suspend a student from the University or restrict the student's access to the University if:
- (a) The Deputy Vice Chancellor considers that the misconduct which the student concerned is alleged to have committed is serious and is satisfied that such suspension or restriction is necessary to protect the students or staff of the University or their (or the University's) property; or
  - (b) The student's presence at the University (or part of the University) may inhibit a proper investigation of the misconduct alleged against him or her.
- 13.2 Written reasons for the decision shall be recorded and made available to the student. The document containing the written reasons shall also set out the terms of any suspension or restriction(s) (which may include a requirement that the student shall have no contact with a named person or persons) and the procedures by which the student may request the decision to be reviewed.

- 13.3 Unless the matter is deemed to be urgent by the Deputy Vice-Chancellor, no student shall be suspended or subject to an access restriction unless he or she has been given an opportunity to make representations to the Deputy Vice-Chancellor. The representations may be made in person (at a time and venue to be agreed between the student and the Deputy Vice Chancellor) or in writing (as the student chooses), and may be put forward by the student or by a representative on the student's behalf. In cases deemed to be urgent by the Deputy Vice-Chancellor, a student may be suspended or have their access to specified facilities or persons restricted with immediate effect. An opportunity will be given to the student to make representations (in the manner mentioned above) as soon as reasonably practicable thereafter.
- 13.4 A decision to suspend a student, or to restrict his or her access, shall be subject to review by the Deputy Vice-Chancellor, at the request of the student, after a period of 4 weeks following the original decision. Such a review will not involve a hearing, but the student, either personally or through his or her representative, will be entitled to make written representations.
- 13.5 In addition to the initial review, the Deputy Vice-Chancellor shall review the suspension or access restriction on receipt of fresh evidence or any change in circumstances which might affect the original decision.

#### **14. OFFICE OF THE INDEPENDENT ADJUDICATOR**

- 14.1 Where a student is dissatisfied with the outcome of the University's disciplinary procedure, he or she may refer the outcome of the case, as a complaint, to the Office of the Independent Adjudicator for Higher Education (OIA)
- 14.2 Further details about the OIA can be obtained from the Complaints and Appeals Office, or from the following website: <http://www.oiahe.org.uk/> or by contacting the OIA at the following address:

The Office of the Independent Adjudicator for Higher Education  
Third Floor  
Kings Reach  
38-50 Kings Road  
Reading  
RG1 3AA  
Telephone: 0118 959 9813

## **APPENDIX 1 – STAGE 3 DISCIPLINARY PANEL MEMBERSHIP**

- 1 The Disciplinary Panel comprises UPSU representatives and academics selected to provide a balance of discipline, gender and ethnicity. The Disciplinary Panel will be chaired by the Pro Vice-Chancellor (Student Experience) or (if unavailable for any reason) by another Pro Vice-Chancellor. Members of the Disciplinary Panel will be experienced academics nominated by the Pro Vice-Chancellor for Teaching and Learning and approved by the Vice-Chancellor. Student representative members are nominated by UPSU. A member of the Disciplinary Panel may not consider the case of a student from their own School, a student they know, or a case in which they have been previously involved in any capacity at an earlier stage.
  - 1) Normally a meeting of the Disciplinary Panel will involve the Chair, two University academics drawn from a pool of 12 members and two UPSU members. The Disciplinary Panel will be timetabled to meet monthly (except in August) to consider disciplinary matters relating to all aspects of student behaviour on and off campus.
  - 2) Dates of meetings of the Disciplinary Panels will be available up to 18 months in advance. The Disciplinary Panel shall be supported by the Complaints and Appeals Office.
  - 3) With the exception of the then current Pro Vice-Chancellor (Student Experience) who shall sit as the permanent Chair (subject to his or her replacement from time to time by another Pro Vice-Chancellor as mentioned in paragraph 1 above), all members of the Disciplinary Panel will sit for a minimum term of three years.