

Student Conduct Procedure

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| Approved by: Academic Board | Effective date: 1 August 2023 | Next review: 31 July 2026 |
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Student Conduct Procedure

Who needs to know about the Student Conduct Procedure?

- All staff, students, Students' Union
- Collaborative Partners

Purpose of the Student Conduct Procedure

The Student Conduct Procedure outlines the University's approach to considering alleged breaches of the expectations and principles set out in the Expected Behaviours of Students Statement, incidents that contravene Schedule 3 of this Procedure and reports of Harassment and Sexual Misconduct. This Procedure informs students, staff, and the Students' Union of the stages within the Procedure, the potential outcomes, and the options for students to respond including submitting a complaint to the Office of the Independent Adjudicator (OIA) following the completion of our internal Procedure also known as the Completion of Procedures (CoP).

Contacts

The Directorate of Student Resolution and Student Protection is responsible for the operation and management of the Student Conduct Procedures. The Early Resolution & Case Handling Team can be contacted for procedural advice and guidance by emailing: casehandling@canterbury.ac.uk.

The Reporting Party, Reported Party or witnesses involved in a misconduct case at the University's home campuses can contact Student Wellbeing Services for confidential support, including for example from specialist harassment and sexual misconduct advisers, where appropriate. The Service can provide advice and assistance or signpost to external sources of support. The team can be contacted by emailing: studentsupport@canterbury.ac.uk.

The Students' Union can provide support, advice, and advocacy for students at the University's home campuses involved in misconduct cases. The Students' Union Advice Centre can be contacted by emailing: advice@ccsu.co.uk.

The contacts, support mechanisms and role titles set out describe those in place at the University's home campuses; the names and specific steps of student support and advocacy may differ where the student is registered at a collaborative partner, for more detailed information refer to the Memorandum of Agreement.

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Part 1 – General Provisions

1. Introduction

- 1.1. Students are expected to act in accordance with the expectations and principles set out in the Expected Behaviours of Students and the Student Prevention of Harassment and Sexual Misconduct Policy for incidents or behaviours that constitute harassment and sexual misconduct. The Student Conduct Procedure explains how the University will consider allegations of unacceptable behaviours and allegations of misconduct. This Procedure applies to all breaches of the Expected Behaviours of Students and should be read in conjunction with Schedule 3 Examples of Alleged Misconduct that would constitute unacceptable behaviours and the Student Prevention of Harassment and Sexual Misconduct Policy.
- 1.2. The Procedure sets out the types of behaviour which may result in disciplinary action being initiated under this Procedure. Examples of unacceptable behaviours and potential penalties are provided in Schedule 2 and 3 of this Procedure. The examples of unacceptable behaviours are non-exhaustive and include behaviours that occur physically, verbally, digitally, whether on or off University premises, via social media, electronic messaging, apps, learning platforms, or any other online platform.
- 1.3. Students on a course leading to a professional, accredited, or regulated programme are also expected to abide by the standards of conduct set by professional bodies. When there is unprofessional or inappropriate behaviour that may be in breach of the Student Conduct Procedure, the University may consider the allegation under the [Low Level Concerns and Fitness to Practise Procedures](#) for students in the Faculty of Medicine, Health and Social Care, the [Professional Suitability Procedure](#) and/or [Supporting Student Teachers and Professional Suitability Policy](#) for students in the Faculty of Arts, Humanities and Education, and/or report an outcome of an Investigation of the incident to the relevant professional or regulatory body.
- 1.4. Where the alleged misconduct arises or appears to arise from a physical or mental health condition (including from a failure to take prescribed medication), the allegation may be considered in accordance with the [Fitness to Study Procedure](#). This can be done at any stage of the Procedure.
- 1.5. In cases of alleged harassment and/or sexual misconduct, the University's Student Prevention of Harassment and Sexual Misconduct Policy should be read in conjunction with the Student Conduct Procedure. The stages outlined in this Procedure apply unless superseded by any clauses in the Student Prevention of Harassment and Sexual Misconduct Policy.
- 1.6. In circumstances where there is a clear and immediate risk to the health, safety and wellbeing of any party, the University may share information with external organisations outside of the University to safeguard members of our community and fulfil our duty of care. The University will normally inform the relevant party if information is going to be shared.

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- 1.7. Reasonable adjustments can be made at any stage of the Procedure to take into account the requirements of students with disabilities. Where appropriate, the University may also consult with Student Wellbeing Services to determine what reasonable adjustments may be required.
- 1.8. The Reporting Party and the Responding Party can normally expect a reported allegation of misconduct at Stage 1 to be completed within **35 working days** of the date of receipt of the allegation by the Directorate of Student Resolution and Student Protection. In complex cases, this timeframe may be longer. The Reporting Party and the Reported Party can expect to be informed of any delays.
- 1.9. A Stage 2 Appeal Review, if pursued by the Reported Party, will normally be completed within a further **15 working days** of the date of receipt by the Directorate of Student Resolution and Student Protection. Overall, all Stages of the Procedure should normally be concluded within a total of **60 working days** of the reporting of the alleged misconduct.
- 1.10 Delays may be possible where the case is complex, if the parties involved are not available to attend investigation meetings or a Panel hearing, or if the Procedure is put on hold whilst a criminal investigation and/or legal proceeding is undertaken. If delayed, relevant parties will be informed about the progress of the case and when it may be expected to conclude.

2. Scope of the Procedure

- 2.1. This Procedure applies to all registered students (undergraduate and postgraduate) of the University. This Procedure does not apply to applicants, offer holders, graduates of the University or a student that withdraws or interrupts from their course. Where a Reported Party withdraws or interrupts from the University during a Stage 1 Investigation, the investigation will be paused. If they subsequently re-apply following a withdrawal or return to their studies after an interruption to their studies, the investigation will recommence upon their return to study.
- 2.2. Where a student has a penalty of a suspension applied following a previous conduct case and a subsequent misconduct is alleged during the period of suspension, the University may consider the subsequent misconduct during their suspension and continue with the investigation required to determine an outcome of the allegation made.
- 2.3. Where an alleged incident is reported anonymously, or a Reporting Party does not wish to disclose their identity, there will be limited action the University can take in response as the University will need to disclose the identity of the Reporting Party or Witness. The University may use the information gathered to inform prevention work across the University, including monitoring trends, indirect interventions, and training. To make an anonymous report relating to bullying, harassment, sexual misconduct or hate crime, the University's [Report + Support](#) tool can be used.
- 2.4. The University will only be able to undertake Investigations of allegations under this Procedure where the Reported Student is a registered student at the University.
- 2.5. This Procedure will be applied when considering allegations of Harassment and/or Sexual Misconduct of students studying at a Collaborative Partner. For allegations relating to other types of misconduct

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that do not include harassment and/or sexual misconduct, students should refer to the relevant procedure of the Collaborative Partner.

- 2.6. Alleged misconduct by an apprentice may be considered by the University or by the apprentice's employer, depending on the context of the behaviour and agreement between the University and the employer.
- 2.7. This Procedure applies to alleged breaches of the expectation and principles set out in the Expected Behaviours of Students, Schedule 3 of this Procedure and harassment and sexual misconduct principles set out in the [Student Prevention of Harassment and Sexual Misconduct Policy](#).
- 2.8. This Procedure may apply alongside investigations of breaches of the Accommodation Licence Agreement such as alleged breaches of the terms and conditions of the Accommodation Licence Agreement.
- 2.9. This Procedure does not include Academic Misconduct (e.g., contract cheating, plagiarism etc). Allegations of Academic Misconduct will be considered under the University's [Academic Misconduct Procedure](#).
- 2.10. Where a student makes an allegation about a staff member, this will be considered under the [Staff Disciplinary Procedure](#). This process is managed by the University's Human Resources and Organisational Development.
- 2.11. Christ Church Students' Union's (CCSU) disciplinary procedures are set out in its byelaws. These relate to allegations of misconduct on Union premises, the immediate vicinity of the Union, attendance at a Union event, or conduct whilst representing the Union or one of its clubs or societies. Where appropriate, the University may act under the Student Conduct Procedure alongside the Students' Union procedure. Christ Church Students' Union (CCSU) may ask the University to investigate alleged breaches of the principles set out in the Student Prevention of Harassment and Sexual Misconduct and Harassment Policy.
- 2.12. The burden of proof under this Procedure rests principally with the University. The standard of proof to be adopted during the application of this Procedure will be on the balance of probabilities, that is, if it is found that it is more likely than not that the misconduct occurred based on the evidence available.
- 2.13. There are occasions when the Reported Party may need to prove they have or have not conducted the behaviour, or that the alleged incident(s) did or did not occur. For example, if two Reported Parties are accused of misconduct, and one of the Reported Parties provides compelling evidence that the other Reported Party breached the expectations and principles set out in the Expected Behaviours of Students, the other Reported Party will need to disprove that evidence.
- 2.14. Decisions must be supported by evidence with reasons given for decisions reached including penalties applied.

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3. Criminal Offences and Legal Proceedings

- 3.1. The University's Student Conduct Procedure is not a criminal or legal process and cannot determine whether a criminal offence has been committed, this is a matter for the criminal courts. The University however recognises that some behaviours may constitute a criminal offence. A behaviour which may constitute a criminal offence may be reported to the police with consent from the Reporting party. This does not affect the right of the Reporting Party or witnesses of the alleged incident to report to the police on their own behalf.
- 3.2. The University will normally pause its internal Procedure until the criminal and legal proceedings have concluded to avoid jeopardising or prejudicing such proceedings. Subject to the circumstances of the case, the University may continue with action under this Procedure. The University may take Precautionary Action under this Procedure where an incident has been reported to the police. If this occurs, the criminal investigation or legal proceedings will take precedent. Where appropriate, Precautionary Action will normally remain in place until criminal and legal proceedings have concluded.
- 3.3. If a Reporting Party does not wish to report the allegation or incident to the police, and the University initiates a Stage 1 Formal Investigation, the University will ensure that all parties and witnesses are aware that any information, evidence, or statements provided as part of the internal investigation may be called upon to inform any future criminal investigation or legal proceedings.
- 3.4. Where the Police or Crown Prosecution Service (or other law enforcement agency) decide to take No Further Action in relation to a criminal matter or an acquittal at a trial, this does not prevent the University from initiating a Stage 1 Formal Investigation under this Procedure.
- 3.5. Where a Reported Party has been convicted of a criminal offence or accepts a police caution in relation to the allegation that falls within the scope of the Procedure, the University can rely on a criminal conviction and acceptance of a caution when reviewing the case and considering the appropriate penalty(s).
- 3.6. The University does not have the legal investigatory powers of the Police and cannot make a determination on criminal responsibility. The Student Conduct Procedure is focused solely on whether, on the balance of probabilities, the alleged behaviour breached the Student Prevention of Harassment and Sexual Misconduct Policy and/or the unacceptable behaviours contained in Schedule 3. This Procedure is not to be regarded as an alternative for a Police investigation or criminal prosecution.

4. Precautionary Action and Interim Measures

- 4.1. There are occasions when the University will take action to exercise its duty of care in protecting students, staff, or members of the University community from the risk of harm while the Student Conduct Procedure is being undertaken. In these circumstances, the University may impose temporary restrictions or action upon the Reported Party, called Precautionary Action.

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- 4.2. Where a student is suspected of misconduct, the Head of Early Resolution & Case Handling (or nominee) may take Precautionary Action for a period of time whilst the Investigation is ongoing. Precautionary Action is intended to protect the investigation, the Reporting Party and/or members of the University community from harm. Precautionary Action under this Procedure does not mean that any determination has been made. It is a neutral measure put into place to manage risk whilst the Student Conduct Procedure is undertaken.
- 4.3. Precautionary Action will be taken after a risk assessment has been conducted by the Head of Early Resolution & Case Handling (or nominee) to ensure that any measures taken are proportionate, reasonable and mitigate identifiable risk. Where relevant, the Head of Early Resolution & Case Handling (or nominee) may consult relevant areas in the University to inform the risk assessment. Precautionary Action may be taken:
 - 4.3.1 To ensure that an investigation, either by the Police or University can be carried out without interference, collusion, or obstruction.
 - 4.3.2 To ensure that an Investigation is not impeded.
 - 4.3.3 Where the alleged behaviour may be a risk of harm to the safety of the Reporting Party or other members of the University community while the allegation is being investigated via the Police or the Student Conduct Procedure.
- 4.4. Examples of Precautionary Action may include:
 - 4.4.1 Barring entry into specified University accommodation.
 - 4.4.2 No direct contact with specified students or staff.
 - 4.4.3 Relocation from one University accommodation site to another.
 - 4.4.4 A period of precautionary suspension. This will usually include continued access to assessment and/or University campus premises.
- 4.5. Precautionary Suspension as a Precautionary Action will be a last resort. A decision to require Precautionary Suspension (a period of temporary suspension) will require authorisation of a member of the Senior Management Team (SMT).
- 4.6. The Head of Safeguarding (or nominee) may convene an Interim Measures Panel (IMP) to ascertain the risk and inform the Precautionary Action that may need to be taken. In complex cases, including allegations of harassment and sexual misconduct, the Head of Safeguarding (or nominee) may also consider actions and measures arising from an Interim Measures Panel (IMP) which can take into consideration academic, wellbeing and support needs as well as how to protect the interests of all parties. An Interim Measures Panel (IMP) may include staff that are relevant to each case such as relevant academic staff, Security, Accommodation and Wellbeing.

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- 4.7. Any agreed next steps following an Interim Measures Panel (IMP) will be reviewed by the Head of Safeguarding (or nominee) every **15 working days** or where there has been a material change of circumstances.
- 4.8. The Precautionary Action will be reviewed every **10 working days** during a Stage 1 Formal Investigation to identify any changes to the risk assessment and if any changes are needed to the Precautionary Actions. A breach of any precautionary action set will result in a review of the original conditions set and may result in more substantial measures being put in place.
- 4.9. Precautionary Action will normally remain in place until:
 - 4.9.1 Criminal or legal proceedings have been completed and, following an assessment of whether the Reporting party still wishes to proceed with the allegation and the University has determined that it will not take action.
 - 4.9.2 The Conduct Procedure has concluded, and the Reported Party has received an outcome.
 - 4.9.3 A new risk assessment has been undertaken and it has been determined that the Precautionary Action is no longer required.
- 4.10. The Reported Party may request a review of the Precautionary Action by writing to the Directorate of Student Resolution and Student Protection within **10 working days** of the notification of the initial Precautionary Action. The Reported Party should set out clearly and succinctly the reasons for their request and include any relevant supporting evidence. Any such request must be in writing and may be made no more than **10 working days** or where there has been a material change of circumstances.
- 4.11. Relevant areas determined by the Interim Measures Panel (IMP), will be informed of any Precautionary Action by the Early Resolution & Case Handling Team. The University will inform the Reported Party and any relevant areas of the University when the Precautionary Action has been lifted or is considered no longer required. Where relevant, the Reporting Party may also be updated on any Precautionary Action.

Part 2 - Procedures

5. Initial Interventions and Early Resolution

- 5.1. Initial Interventions are a whole institutional approach to managing behaviours and contained incidents. An Initial Intervention will normally involve an intervention by a School, Faculty or Professional Service Staff, including Security and Accommodation where an alleged incident occurs or arises, which would constitute a breach of the Student Prevention of Harassment and Sexual Misconduct Policy, the Student Conduct Procedures - Schedule 3: Examples of Alleged Misconduct that would constitute Unacceptable Behaviours, Schedule 4: Definition of Misconduct and/or the Expected Behaviours of Students.

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- 5.2. An Initial Intervention may include managing an incident, requesting a meeting with a student about a potential and/or actual misconduct, or requesting a student to leave a particular area of the University premises for a short period of time to de-escalate an incident.
- 5.3. An Initial Intervention, with an intention to de-escalate the incident and resolve the matter as Early Resolution, may be undertaken if the Reported student is made aware of the potential or actual misconduct, the Initial Intervention does not exacerbate the incident; or the Initial Intervention can be considered to resolve the incident without the need to initiate the Student Conduct Procedure.
- 5.4. Where a member of staff has put in place an Initial Intervention, they should inform the Early Resolution & Case Handling Team of the incident and the applied early resolution.

6. Initiating of Disciplinary Proceedings

- 6.1. Any case of alleged breaches of this Procedure and/or behaviours considered to constitute sexual misconduct and/or harassment under the Student Prevention of Harassment and Sexual Misconduct Policy can be referred by any staff member or student to the Directorate of Student Resolution and Student Protection using the Misconduct Incident Report Form.
- 6.2. Students can report incidents of other students, either by reporting this to a member of staff or using [Report + Support](#) for incidents of harassment and/or sexual misconduct.
- 6.3. Members of the public wishing to disclose or make a report about a student's behaviour can do so through the online form or via [Report + Support](#) (for alleged incidents of bullying, harassment, sexual misconduct and hate incidents).

7. Stage 1: Formal Investigation

- 7.1. Disciplinary proceedings can only be initiated by the Directorate of Student Resolution and Student Protection. The Head of Early Resolution & Case Handling (or nominee), as part of a Preliminary Assessment will consider allegations of incidents that may breach the expectation and principles set out in the Expected Behaviours of Students, misconduct that would constitute an unacceptable behaviour under the Schedules contained in this Procedure or alleged incidents in related Procedures or Accommodation License Agreements.
- 7.2. As Part of the Preliminary Assessment, the Head of Early Resolution & Case Handling (or nominee) will also determine whether Precautionary Action is required following an assessment of risk.
- 7.3. Where an allegation is referred to Stage 1, an Investigator will consider the allegation at this Stage. The Investigator may include a member of the Student Investigations Team, a Formal Investigator from a Faculty, School, Professional Service, or an external specialist Investigator.
- 7.4. The Investigator will not have been involved in making the allegation or connected with the event that gave rise to the allegation, nor had previous involvement in the alleged matter involving the Reported

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- Party or, where relevant the Reporting Party to avoid bias or the perception of bias. The Investigator will consider the allegation and the evidence that has been made available by the Reporting Party and collated during the investigation.
- 7.5. The Reported Party will be notified of the allegation(s) that has been made by the Reporting Party. They will be notified in writing about the allegation(s) and how the alleged behaviour has potentially breached the Student Prevention of Harassment and Sexual Misconduct Policy, the Expected Behaviours of Students and/or the Schedules contained in this Procedure. Any relevant evidence should be provided to the Reported Party. They will also be advised about how to access advice and support from the University's Student Wellbeing Services and from the Students' Union Advice Centre. The Reported Party will be provided with a copy of the Student Conduct Procedure, and the Student Prevention of Harassment and Sexual Misconduct Policy where relevant.
 - 7.6. The Reported Party will be invited to an interview to allow them to respond to the allegation(s) and any evidence that is being considered as part of the Stage 1 Investigation.
 - 7.7. The Reported Party shall receive **5 working days'** notice of the interview. Where the Reported Party does not wish to attend the interview, they have the right to submit written representations for consideration as part of the Stage 1 Formal Investigation.
 - 7.8. The Reported Party can decline to be interviewed and/or may give a written response. Where the Reported Party refuses or fails to attend two interviews, it shall be deemed that they have declined the opportunity to be interviewed and the Investigator shall proceed with the Investigation and reach a determination and potential penalty.
 - 7.9. The Reported Party can be accompanied by a "Friend" who shall normally be a member of staff, student at the University or Students' Union advisor by way of support. The "Friend's" capacity at the interview is one of a silent observer. The Investigator may permit the "Friend" to speak on behalf of the Reported Party if it would assist the Investigation. The Reported Party is responsible for arranging the "Friend's" attendance at the interview. It is not usually permitted to be represented by a legally qualified solicitor or barrister, but the University may allow legal representation at a Conduct Panel in exceptional circumstances, such as where the conduct may result in suspension or expulsion.
 - 7.10 Meetings and interviews held as part of the Stage 1 Formal Investigation will have a written record taken by a nominee within the Directorate of Student Resolution and Student Protection and the relevant parties will be asked to confirm that it is an accurate summary of the discussion.
 - 7.11 Upon completion of the Formal Investigation, the Investigator can:
 - 7.11.1 Unsubstantiate the allegation and provide the Reported Party with the outcome of the Investigation. For the purposes of this Procedure, the term unsubstantiate means that the allegation is not proven on the balance of probabilities based on the evidence available.
 - 7.11.2 Issue an outcome to the Reported Party notifying them of the Stage 1 Formal Investigation Outcome and any penalty that is to be applied.

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- 7.12. In complex cases, refer the case to a Conduct Panel Hearing. Where the Investigator determines that a Conduct Panel Hearing should take place, the Investigator shall refer the Investigation to the Early Resolution & Case Handling team to administer a Conduct Panel Hearing and notify the students of the next steps.

Stage 1: Conduct Panel Hearing

- 7.13. The Conduct Panel will convene for complex cases where it is determined necessary by the Investigator. The Conduct Panel can determine the outcome of the case including substantiating the allegation and applying any of the penalties contained in Schedule 2. The Conduct Panel may also determine that there is insufficient evidence to substantiate the allegation on the balance of probabilities.
- 7.14. The Early Resolution & Case Handling Team shall notify the Reported Party with an invitation letter to attend a Conduct Panel Hearing in person or via Microsoft (MS) Teams. The Reported Party should be given the proposed date of the Conduct Panel Hearing, the names and job titles of the Panel members, any witnesses the Investigator intends to call to the Panel and be provided with at least **5 working days'** notice. The Reported Party will be provided with the evidence gathered during the Formal Investigation.
- 7.15. The Reported Party will have the opportunity to submit written representations, confirm their attendance at the scheduled Conduct Panel Hearing or decline to attend. Where the Reported Party submits written representations instead of attending the Conduct Panel Hearing, they should do so by submitting their representations to the Early Resolution & Case Handling Team no later than **3 working days** before the scheduled hearing date.
- 7.16. Where the Reported Party wishes to call witnesses to attend the Hearing, it is their responsibility to arrange for these witnesses to attend the Hearing and inform the Early Resolution & Case Handling Team no later than **3 working days** before the scheduled Hearing date of the witnesses that they are calling to attend the Panel Hearing.
- 7.17. The Reported Party has the right to be accompanied by a "Friend" who shall normally be a member of staff, student at the University or Students' Union advisor by way of support. The Chair may permit the "Friend" to speak on behalf of the Reported Party if it would assist the Conduct Hearing. The Reported Party is responsible for arranging the "Friend's" attendance at the hearing. It is not usually permitted to be represented by a legally qualified solicitor or barrister, however the University may allow legal representation at a Conduct Panel in exceptional circumstances, such as where the conduct may result in suspension or expulsion.
- 7.18. The Panel will comprise of the following:

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- 7.18.1 Two members of the Senior Leadership Group (SLG) other than that in which the student's course is located or service with no prior involvement in the matter. One of the members of the Senior Leadership Group (SLG) shall act as Chair of the Panel.
- 7.18.2 A nominee from the Student's Union.
- 7.19. The Panel will be conducted in accordance with the directions of the Chair of the Panel, who may also determine the order of proceedings. Such directions may include:
 - 7.19.1 hearing of related allegations relating to two or more students at the same hearing.
 - 7.19.2 imposing time limits on submissions.
 - 7.19.3 postponing the Hearing to another time or date.
- 7.20. The Investigator will present the case to the Panel. The Reported Party will also have the opportunity to present their case to the Panel if in attendance, or the Panel will consider any written representations or mitigation that was submitted ahead of the Conduct Panel Hearing.
- 7.21. The authorised Panel members will deliberate in private and reach its decision by majority vote. The Chair of the Panel shall have the casting vote if there is no majority decision.
- 7.22. Once the Hearing is concluded and all evidence has been considered, the Panel will determine either:
 - 7.22.1 that the allegation is unsubstantiated, in which case, the case will be dismissed and the student will be notified of the final outcome by the Early Resolution & Case Handling Team.
 - 7.22.2 that the misconduct is substantiated, that is, it is more likely than not that the student has committed the misconduct. In which case, the Panel can apply one or more of the penalties set out in the Schedule.
- 7.23. A written record of the Panel Hearing will be taken, the Panel's decision shall be kept and shall be agreed by the Chair of the Panel and will be shared with the Reported Party.
- 7.24. The assigned Student Case Handling Officer shall notify the Reported Party and the Investigator of the Panel's decision in writing, normally within **10 working days** of the Hearing.
- 7.25. It is expected that all steps in Stage 1 of this Procedure will usually take place within **35 working days** of receipt of the allegation of misconduct.

8. Stage 2: Appeal Stage

- 8.1. The Reported Party, who has received a penalty under this Procedure, may appeal the outcome and/or the penalty applied.

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- 8.2. The Appeal must be submitted on the prescribed Appeal Form no more than **10 working days** after the Reported Party was notified of the decision.
- 8.3. An Appeal may only be made on the grounds that:
 - 8.3.1 the Procedure was not followed correctly; and/or
 - 8.3.2 there is new material evidence that the Reported Party was unable to provide earlier in the process for good reason; and or
 - 8.3.3 the penalty imposed was disproportionate to the misconduct.
- 8.4. The ground(s) for Appeal must be made clear in the prescribed Student Conduct Appeal Form. The Appeal will be considered by the Director of Student Resolution and Student Protection (or nominee).
- 8.5. The Director of Student Resolution and Student Protection (or nominee) may reject an Appeal that:
 - 8.5.1 is received late and there is no explanation supported by accompanying evidence why it could not be submitted within the **10 working days** timeframe; and/or
 - 8.5.2 does not clearly state the grounds on which the Appeal is being made; and/or
 - 8.5.3 is entirely without merit.
- 8.6. The Director of Student Resolution and Student Protection (or nominee) shall consider the Appeal based on the written Appeal papers and the information provided by the Reported Party.
- 8.7. After reviewing the decision and the Appeal, the Director Student Resolution and Student Protection (or nominee) may:
 - 8.7.1 reject the Appeal and uphold the original decision and penalty; or
 - 8.7.2 uphold or partially uphold the appeal; and
 - 8.7.3 refer the case to a new Conduct Panel Hearing where it has been determined that the Procedures were not correctly followed and/or the penalty imposed was disproportionate to the misconduct that has been proven.
- 8.8. The Reported Party can expect to receive an Appeal outcome within **15 working days** of submitting their Stage 2 Appeal.

9. Office of the Independent Adjudicator of Higher Education (OIA)

- 9.1 The Stage 2 Appeal outcome represents the final decision of the University. At this point, students have completed the University's internal procedures, following which, the University will issue a Completion of Procedures letter. Details on next steps and submitting a Complaint to the Office of the Independent Adjudicator (OIA) will be provided. Students who remain dissatisfied with the outcome

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have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the date of the Stage 2 Appeal outcome.

10. Records, Monitoring and Confidentiality

- 10.1 The Directorate of Student Resolution and Student Protection monitors Disciplinary cases (on an anonymised basis) to identify trends, undertake preventative work and improvements that may be required.
- 10.2 The University will process all information in accordance with the Data Protection Act and UK General Data Protection Regulations (GDPR) 2018. You can find more information about how the University collects, processes and stores personal data in our [Privacy Policy](#). The Directorate will retain information related to any Disciplinary matter in accordance with the Retention Schedule.
- 10.3 Student Conduct cases and outcomes will be handled with an appropriate level of confidentiality with information only released to those who need to know for the purposes of adhering to precautionary action, investigating the allegation, responding to the appeal or the panel hearing. No third party will be told any more than is necessary regarding the circumstances of the allegation and outcome.
- 10.4 The Senior Management Team and relevant committees such as Academic Board are provided with anonymised data and reports concerning Conduct cases considered under this Procedure.

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Schedules

Schedule 1: Types of Misconduct

Types of Misconduct may include, but not limited to, the following:

1. Any conduct that has resulted in a conviction by a criminal court or for which a caution has been accepted during the student's registration at the University.
2. Bringing the University into actual or potential disrepute.
3. Obstruction or improper interference with the functions, duties or activities of any student, member of staff or visitor to the University.
4. Damage to, or defacement of, University property or the property of other members of the University community, students, staff, or visitors, whether caused intentionally or through negligence.
5. Misappropriation or misuse of University property or the property of a member of the University community.
6. Agreeing or attempting to persuade another member of the University to participate in actions that would breach this Procedure.
7. Assisting, encouraging, or advising another member of the University to participate in actions that would breach this Procedure.
8. Abusive or threatening behaviour towards a member of the University community.
9. Behaviour likely to cause injury or to impair safety on University premises or as part of University activities.
10. Breach of the provisions of any University code, policy, rule, or regulation including (but not limited to) Augustine House Library Code of Conduct, Student Email Policy, or Premises rules.
11. Bullying using force, coercion, harmful teasing, threats, or abuse to aggressively dominate or intimidate, either as a sole perpetrator or part of a group directed at an individual or group.
12. Conduct which could constitute a criminal offence, where that conduct took place on University premises, affected other members of the University community, or damages the reputation of the University.
13. Possession of illegal substances on University premises.
14. Exchange of illegal substances for monetary or non-monetary gain on University premises.
15. Falsifying or altering documents or evidence with the intention to mislead or gain advantage.
16. Failure to comply with an instruction issued by a security officer or by a member of staff.
17. Deception, dishonesty or lying either overtly or by omission in relation to the University or its staff, students, or visitors.

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18. Harassment of any student, member of staff or visitor, including but not limited to harassment related to one or more of the following: race, ethnicity, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership, gender, age and/or socio-economic status.
19. Interfering with fire equipment or purposefully activating fire alarms or equipment alarms.
20. Malicious or fabricated allegations against staff or fellow students.
21. Non-compliance with a precautionary action or an outcome already issued.
22. Non-compliance with an outcome issued under the Accommodation Licence (e.g., NTQ).
23. Sexual violence or misconduct, indecent, disorderly, threatening, or intimidating behaviour or language, including physical misconduct.
24. Use of, or threat to use a weapon.
25. Victimising any student, member of staff or visitor because of anything done or not done in connection with this Procedure (including making a complaint or giving evidence).

Schedule 2: Misconduct Penalties

Provides an indication of the penalties likely to apply. An Investigator or a Conduct Panel may impose one or more of the following penalties:

1. A requirement for the student not to have any form of contact with other named students or members of staff for a specific period up to a maximum of the duration of student's studies.
2. A requirement to provide a written apology.
3. A requirement to provide a written reflective piece that demonstrates understanding of the learning and reflections of the conduct that took place.
4. Formal written warning.
5. Formal conditional warning.
6. Payment or replacement costs to the value of the damage or misappropriation of University or student property.
7. Suspension for a specified period of time up to the maximum of the remainder of the academic year.
8. Exclusion from specific facilities for a specified period up to a maximum of the duration of a student's studies.
9. Expulsion from the University. The student ceases to be a member of the University and loses all rights and privileges of membership. The student remains liable for any tuition fees due before expulsion and the University reserves the right to take action to recover the debt.

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Schedule 3 Examples of Alleged Misconduct that would constitute Unacceptable Behaviour

Examples of misconduct are set out below. It outlines behaviours and/or actions of students that can be considered within the Student Prevention of Harassment and Sexual Misconduct Policy. These examples are non-exhaustive and illustrative only to make all students aware of behaviours and/or actions that may constitute misconduct.

| Type of Misconduct | Example behaviour in relation to people |
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| Physical harassment, misconduct, and violence | <ul style="list-style-type: none"> • Pushing and/or shoving. • Intimidating, bullying, or threatening behaviour. • The use or threatened use of weapons or dangerous items to cause physical harm. • Assault or causing physical harm. |
| Sexual misconduct | <ul style="list-style-type: none"> • Making a single one-off remark of a sexual nature (in person or online), which is unwanted. • Contravening the University's IT policies in relation to the use of University IT systems, watching pornography or looking at sexualised imagery on University IT equipment beyond that required by legitimate, academically required activity. • Participating in any sexualised commentary about others online or in person. • Engaging or trying to engage in a sexual act without consent. • Kissing another person without consent. • Touching another person inappropriately. • Recording or sharing intimate pictures or recordings of another person without their consent. • Failure of a Reported party (in a sexual misconduct case) to comply with disciplinary decisions, including Precautionary Action and/or penalties. |

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| | <ul style="list-style-type: none"> • Any humiliation (online or in person) or participation in the humiliation of anyone who has reported sexual misconduct. |
| <p>Abusive and antisocial behaviour.</p> | <ul style="list-style-type: none"> • Anti-social behaviour which causes distress to others, such as excessive and unacceptable levels of noise in University premises. • Making a single one-off remark of a discriminatory, abusive, or bullying nature (in person or online). • Contacting another person against the wishes of that person, through any means, in person or through use of technology and/or social media channels. • Acting and/or speaking in a hostile manner. • Persistent acts of bullying, harassment, or intimidation. • Stalking, whether in person or online. • Threats and threatening behaviour against another person, in person and online. • Abusive comments and/or discriminatory language. • Hate crimes. • Other behaviour which may constitute a criminal offence. • Acts of disturbance which threaten the rights and privacy of any member of the University, including the exercise of the right of Freedom of Speech within the law, while on University or Students' Union (SU) premises or engaged in University or SU activity, or resident in University owned or managed accommodation. • Failure of a Reported Student to comply with disciplinary decisions, including Precautionary Action and/or penalties. |

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| Category | Example behaviour in relation to property or environment |
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| Damage to property or facilities. | <ul style="list-style-type: none"> • Any abuse of University facilities • Causing damage to University property or to the property of other students, staff, or visitors. |
| Unauthorised taking or use of property. | <ul style="list-style-type: none"> • Borrowing without permission even if the item has been returned without damage. • Misappropriation. • Unauthorised entry or unauthorised use of University premises, including entering another student's accommodation without permission. • Fraud, deception, misappropriation, or dishonesty in relation to the University, its staff, students, or visitors. |
| Compromising the health, safety or wellbeing of students, staff, or visitors, or causing a health and safety concern. | <ul style="list-style-type: none"> • Smoking/vaping in non-designated areas. • Infringement of the University's Health and Safety rules; for example, failure to vacate during fire alarms, covering smoke alarms, unauthorised use of fire extinguishers. • Significant or persistent health and safety offences. |
| IT-related misuse. This includes any type of misuse relating to the University's digital systems, website, network, Wi-Fi, or IT hardware. | <ul style="list-style-type: none"> • Borrowing another person's IT credentials. • Misuse of email from a University account or an account access via the University network. • Deliberate abuse or attempted abuse of University IT systems through downloading/uploading inappropriate content or the use of/spreading of malware. • Unauthorised sharing of material which infringes the copyright of another person or the University. |

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| Category | Example behaviour in relation to the University |
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| Disruption to the work of the University and its community. | <ul style="list-style-type: none"> • Interference with the activities of the University. • Obstruction of access to buildings or rooms. • Deliberate or malicious acts intended to disrupt the activities of the University other than through lawfully organised protest. • Deliberate or malicious abuses of University functions and processes including making vexatious complaints against staff members or other students. • Fraudulent activity designed to obtain an advantage financially or academically, such as falsifying evidence in support of an obtaining an extension to an assessment deadline. <p>Academic Misconduct (e.g., contract cheating, plagiarism), is dealt with under the University's Academic Misconduct Procedures.</p> <ul style="list-style-type: none"> • Actions, omissions, or statements intended to deceive the University. |
| Drugs and all related activities. | <ul style="list-style-type: none"> • Possession, intent to supply, or use of illegal substances. |
| Reputational damage, including behaviour in the community likely to bring the University or Students' Union into disrepute. | <ul style="list-style-type: none"> • Behaviour that has caused serious damage to the reputation of the University, including disruptive behaviour in the community. |
| Initiation ceremonies | <ul style="list-style-type: none"> • Organisation of and/or participation in any form of initiation ceremony (however named) involving the coercion or attempted coercion of any of the participants, wherever the event is held. |

Schedule 4: Definitions of Misconduct

| Expression | Definition |
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| Bullying | Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. |

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| Coercion | When someone tries to or successfully persuades another to do something by using force, threats, or psychological tactics, such as establishing control, or imposing limitations on an individual's social support. |
| Deception | An act or a statement which misleads, conceals the truth, promotes a belief or concept that is not true. |
| Disruption | Behaviour that interferes with the normal functioning of the University, including its digital platforms. Examples include but are not limited to using the Chat function in online class for discussion that is irrelevant to the subject being taught; or interrupting staff or other students in-class and posting inappropriate content on social media sites. |
| Falsification/Altered | In the context of this procedure relates to the changing or the creation of documentation or correspondence, be it images or written material with the intention that it is perceived by others as genuine. |
| Hate | Hate refers to bias or prejudice motivated incidents or offensive behaviour that targets an individual or community because of a protected characteristic, such as race or religion. Hate crimes can also target intersections of one's identity, such as Islamophobia which is targeted hate at Muslims both in terms of racialisation and religious belief. Hate can be verbal abuse, intimidation, threats, harassment, violence, and bullying, as well as damage to property (such as graffiti). |
| Harassment and Sexual Harassment | <p>A course of conduct taken place on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress, under the Protection from Harassment Act 1997.</p> <p>Harassment including sexual harassment, includes unwanted behaviour or conduct [of a sexual nature] which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex and sexual orientation under the Equality Act 2010.</p> |
| Misappropriation | The unauthorised use of property belonging to any member of the University community. This can include removing property and/or resources from University premises. Misappropriation can also include using another name or identity without the person's permission resulting in harm to that person or others. |
| Mediation | A way to mend relationships when there is a disagreement. It is held by a neutral person (a 'mediator'). They are impartial as their role is to help everyone involved find a solution, they can all agree to. It is non-judgemental and focus is on working together in the future. |

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| Misuse | Refers to the use of something in the wrong way or in a way other than it was intended to be used. For example, this may include using a University service outside of the remit for which it exists and when the function of the service has been explained. This may be, for example, when a person demands financial advice from a staff member whose role is not linked to giving this advice. Misuse can also include accessing inappropriate materials on University systems. |
| Obstruction | Refers to any activity that limits or prevents other students or staff access to resources, services or procedures from functioning as intended. For example, demanding support beyond what is reasonable, outside of service level agreements resulting in less availability for others to access that service. |
| Sexual Misconduct | Any unwanted or attempted unwanted conduct of a sexual nature, including but is not limited to: Sexual harassment as defined by section 26(2) of the Equality Act 2010 ; Assault as defined by the Sexual Offences Act 2003 ; Rape as defined by the Sexual Offences Act 2003 . |
| Victimisation | Occurs when a person is treated less favourably because they have made a complaint, have supported someone who has made a complaint, or are believed to have done either of the above; it also applies when the relationship between the student and the University has ended. |

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| Document Information | Description of Document Information |
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| Document Title | Student Conduct Procedure |
| Department Owner | Directorate of Student Resolution and Student Protection |
| Document Category | <p>Academic - Documents directly affecting research, assessment or teaching within the University.</p> <p>Administrative Practice - Documents of an administrative or operational nature</p> <p>Equality and Diversity - Documents relating to the promotion of equality and diversity.</p> <p>Ethics and Compliance - Documents concerning appropriate conduct or compliance with legal or regulatory requirements.</p> <p>Information Technology - Documents relating to IT systems, data, and related issues.</p> <p>Students - Documents directly affecting student life at the University,</p> |
| Document Owner | Deputy Vice Chancellor |
| Document Manager | Head of Early Resolution & Case Handling |
| Related University Policies | <p>Accommodation Licence Agreement</p> <p>Code of Student Professional Conduct</p> <p>Core Regulations on the Use of IT</p> <p>Digital Code of Conduct</p> <p>Fitness to Practise Policy</p> <p>General Regulations for the Conferment of Awards</p> <p>Library Code of Conduct</p> <p>Professional Suitability Policy</p> <p>Regulations and Credit Framework</p> <p>Research and Enterprise Integrity Framework, which includes the Research and Enterprise Misconduct Policy.</p> <p>Safeguarding Statement Policy</p> <p>Student Prevention of Harassment and Sexual Misconduct Policy</p> |
| Related University Procedures | <p>Social Media Guidelines for Students</p> <p>Student Complaints Procedure</p> |

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| Document Information | Description of Document Information |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approved by | Academic Board and the Senior Management Team |
| Date Approved | 19 June 2023 |
| Date of Commencement | 1 August 2023 |
| Review Date | 31 July 2026 |
| Version | 1.0 |
| History of revisions of the Document | Version 1, approved by Academic Board June 2023 |
| Web Address | https://www.canterbury.ac.uk/asset-library/policy-zone/Student-disciplinary-procedure-student.pdf |